



WESTERN AUSTRALIA

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(HANSARD)

THIRTY-FIFTH PARLIAMENT
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LEGISLATIVE ASSEMBLY

Wednesday, 11 November 1998

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 11.00 am, and read prayers.

REMEMBRANCE DAY

THE SPEAKER (Mr Strickland): Order! I invite members to join me in standing for a minute's silence for Remembrance Day.

[Members stood in their places.]

BILLS - INTRODUCTION AND FIRST READING

1. Trust Removal (Mount Claremont Land) Bill.

2. Hospitals and Health Services Amendment Bill.

Bills introduced, on motions by Mr Barnett (Leader of the House), and read a first time.

3. Court Security and Custodial Services Bill.

4. Court Security and Custodial Services (Consequential Provisions) Bill.

Bills introduced, on motions by Mr Prince (Minister for Police), and read a first time.

SELECT COMMITTEE ON THE HUMAN REPRODUCTIVE TECHNOLOGY ACT 1991

Leave to Sit while House is Sitting

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

That leave be given for the Select Committee on the Human Reproductive Technology Act 1991 to meet when the House is sitting on Thursday, 12 November.

STATE FORESTS - REVOCATION OF DEDICATION

State Forests Nos 22, 38, 65 and 70

On motion by Mrs Edwardes (Minister for the Environment), resolved -

That the proposal for the revocation of state forest No 70 and partial revocation of state forests Nos 22, 38 and 65 laid upon the Table of the Legislative Assembly on 29 October 1998 by command of His Excellency the Governor, be carried out, and that the Legislative Council be requested to agree to a similar resolution.

DANGEROUS GOODS (TRANSPORT) BILL

Second Reading

MR BARNETT (Cottesloe - Minister for Resources Development) [11.08 am]: I move -

That the Bill be now read a second time.

This Bill will enable implementation of the latest thinking on public safety for the transport of dangerous goods as endorsed by the Ministerial Council on Road Transport. In addition, the Bill will implement compatible requirements for rail operation.

The transport industry, in its widest application, plays a central part in the efficiency of our industries and our national and international competitiveness. For these reasons, agreements were reached between State Governments and the Federal Government regarding micro-economic reform for the transport industry. The National Road Transport Commission has been developing nationally uniform road transport law since 1992 under the Heavy Vehicle Agreement signed by heads of government. In Western Australia, the Minister for Transport has supervised these developments through the Australian Transport Advisory Council and the Ministerial Council on Road Transport. Large amounts of chemicals are now being transported within Western Australia, and this will grow with the ongoing and significant expansion of the chemical industry. Our State must have transport legislation of the highest standard to ensure public safety is maintained at the optimum level in order to satisfy the broader community needs as far as safety standards and the cost-effectiveness of the administration are concerned.

The requirements of this Bill are the result of extensive consultations with industry and other States. As drafted, it will provide Western Australia with a nationally consistent scheme that will support dangerous goods transport regulations and

the Australian Dangerous Goods Code, which is the industry code of practice. It will ensure that the Western Australian Parliament will control Western Australian legislation, and the provisions of the commonwealth model legislation have been applied in this Bill in a manner best suited to Western Australia. For example, the scope of the Bill is much broader than the commonwealth Act as it includes rail transport. Rail transport rules and a national code have also been reviewed - by industry and States - and the enabling provisions are included in the Bill to ensure that road and rail regulations involving dangerous goods remain in harmony.

The Bill extends responsibility for compliance to all parties in the transport chain, thereby creating a comprehensive regulatory framework for the safe transport of dangerous goods.

Clause 20 of the Bill obliges a person to answer the questions of an authorised officer even if the answer may incriminate that person. However, this clause also provides that such evidence cannot be used in criminal proceedings against the person. The purpose of clause 20 is to facilitate the investigation of dangerous goods accidents so that preventive measures can be put in place to safeguard the public from further accidents.

Regulations under the Bill will implement in this State the provisions of the commonwealth Road Transport (Dangerous Goods) Regulations and the Australian Code for the Transport of Dangerous Goods, as applicable to both road and rail transport. The regulations will cover matters such as the classification of dangerous goods, the packaging of dangerous goods for transport, the management of bulk containers of dangerous goods, the marking of containers and vehicles, the procedures to be adopted in the course of land transport, and the procedures to be adopted in emergencies.

Key features of the dangerous goods transport reform include -

- a nationally consistent licensing scheme for drivers and vehicles;
- clear duties and responsibilities for all parties;
- legal liability on prime contractors and consignors;
- compulsory training for all dangerous goods tasks;
- rights for industry to appeal decisions; and
- national coordination of exemptions, approvals and other administrative decisions.

The measures in the Bill have no impact on state revenue or expenditure.

In conclusion, this Bill gives effect to uniform requirements for the transport of dangerous goods by road and rail. These requirements are supported by intergovernmental agreements, and extensive national and state consultations were undertaken during their development.

This Bill will ensure that safety issues in dangerous goods transport continue to be addressed in a manner consistent with international developments. It will establish legislation in a manner best suited to Western Australia, but it will apply the national perspective in a manner which will allow the transport industry to operate safely, efficiently and effectively within Western Australia, across Australia and internationally. I commend the Bill to the House. For the information of members, I table clause notes for the Bill.

[See paper No 376.]

Debate adjourned, on motion by Mr Cunningham.

DANGEROUS GOODS (TRANSPORT) (CONSEQUENTIAL PROVISIONS) BILL

Second Reading

MR BARNETT (Cottesloe - Minister for Resources Development) [11.13 am]: I move -

That the Bill be now read a second time.

This Bill amends the Explosives and Dangerous Goods Act 1961 as a consequence of the enactment of the Dangerous Goods (Transport) Bill 1998, which was the subject of the previous second reading speech. This Bill is intended to come into operation on the day on which the Dangerous Goods (Transport) Bill 1998 comes into operation.

Currently all matters to do with explosives and dangerous goods such as storage, handling and transport are dealt with by the Explosives and Dangerous Goods Act 1961. This Bill will repeal all outdated provisions on the transport of dangerous goods from the Explosives and Dangerous Goods Act 1961. For the information of members, I table clause notes for the Bill.

[See paper No 377.]

Debate adjourned, on motion by Mr Cunningham.

GOVERNMENT RAILWAYS (ACCESS) BILL*Second Reading*

MR BARNETT (Cottesloe - Minister for Resources Development) [11.14 am]: I move -

That the Bill be now read a second time.

Members will be aware that one element of the competition policy reform package adopted by the Council of Australian Governments is a national "access" regime for essential infrastructure such as gas pipelines, electricity transmission grids and railway lines.

The national access regime is contained in Part IIIA of the Trade Practices Act and sets out the conditions under which businesses have a right of access to certain infrastructure services that cannot be economically duplicated. Two central features of the regime are -

It allows for infrastructure meeting certain criteria to be "declared". This can lead to the Australian Competition and Consumer Commission setting terms and conditions of access.

It allows the National Competition Council to assess whether a state or territory access regime is "effective". If a regime is certified by the Commonwealth Treasurer as effective, it cannot be declared, thereby removing the possibility of intervention by the Australian Competition and Consumer Commission.

From the State's perspective, by ensuring that access to government-owned infrastructure is determined within Western Australia, rather than by the Australian Competition and Consumer Commission, the Government has the greatest opportunity to influence the nature of the regime. For this reason, it is highly desirable that an effective access regime be developed for at least those parts of the rail network which potentially fall within the ambit of the national access regime.

Western Australia has led the way in Australia in opening up its rail network to competition from road transport, and the benefits of this are widely recognised. The competition has brought about great improvements in rail efficiency. The benefits for Western Australia have been lower freight rates and a profitable Westrail ceasing to be a burden on the taxpayer. Grain freight rates, for example, have more than halved since grain transport was deregulated.

The Government's transport policy recognises the need to take rail transport competition to the next level by opening up the rail system to new service providers. Third party access promotes competition, which in turn will encourage the rail operators to provide best practice services to customers.

Already the Government Railways Amendment Act of 1996 has enabled Westrail, with the approval of the Minister for Transport, to enter into access agreements under section 61 of the Government Railways Act. As a result of the 1996 amendment to the Government Railways Act, and the National Rail Corporation Agreement Act, there are currently four interstate operators - National Rail Corporation, Toll Rail, Specialised Container Transport and Great Southern Railway - using the interstate track under individual access arrangements with Westrail. However, this has not prevented applications for declaration of parts of the Westrail network, nor have the current arrangements provided a framework where the rail operators can negotiate access with the infrastructure owner on a transparently equal basis.

As the owner of rail tracks which cannot be readily duplicated, Westrail has considerable market power in access negotiations. Increasingly, there is a need for the State to establish an access regime to govern the negotiation of access to the rail network and a regulator to oversee this process.

The regime being proposed consists of a code to provide a right of access through this process and legislation giving legal force to the code. To be considered effective, the regime will need to incorporate a legally enforceable right to negotiate access and an independent dispute resolution process. It is also necessary to establish a regulator to ensure the regime operates effectively.

Because there is no overarching regulatory authority for such matters in Western Australia, as there is in some other States, the Director General of Transport is to act as regulator of the rail access regime. The director general will not be subject to the direction of the Minister for Transport in fulfilling this role.

The Government Railways (Access) Bill is based on Westrail continuing as an integrated rail services provider. The legislation will -

provide for the establishment of a rail access code to govern the use of government railways for rail operations by persons other than Westrail;

designate a regulator with monitoring and enforcing functions relating to the implementation of the code;

specify the kind of administrative arrangements that Westrail is to have in place for the purposes of that implementation;

amend the National Rail Corporation Agreement Act 1992 to enable National Rail to compete for intrastate services on equal footing with other operators; and

consequently amend the WA Government Railways Act 1904 to remove existing barriers to competition.

The code, which will be subsidiary legislation to the Act and disallowable by Parliament, will -

- establish the parts of the railway network and associated infrastructure opened to access;
- outline the process and procedures to negotiate access, including avenues for dispute resolution;
- specify the matters to be considered in access agreements;
- identify the information requirements of the regulator; and
- outline the pricing principles to be applied in determining prices to be paid for access.

It will be a matter of state policy as to which parts of the network the regime applies. However, the application of the code to the railways network and associated railway infrastructure is currently proposed to be -

- the standard gauge line between Kalgoorlie and Kwinana;
- the standard gauge line between Kalgoorlie and Leonora;
- the standard gauge line between Kalgoorlie and Esperance;
- the narrow gauge line between Kwinana and Bunbury, including the spur lines serving the alumina industry; and
- the railway lines between Cockburn and North Fremantle.

To add new or to delete existing routes under the code, the Minister for Transport will have to consider all of the following and be satisfied that each is answered in the affirmative -

- access will promote competition in at least one market, other than the market for railway services;
- it would be uneconomical to establish another railway on the route;
- the route is of significance - length, importance to trade, commerce or the economy;
- access can be provided without undue risk to human health or safety;
- there is not already effective access to the route; and
- access would not be contrary to the public interest.

Members will be able to obtain a copy of the draft code from my office for reference and information.

Under the regime, Westrail, as the owner of the railway infrastructure, is obliged to undertake the following actions -

- segregate access-related functions from its other functions;
- provide preliminary information to interested parties;
- inform interested parties as to when a draft access agreement will be ready for consideration;
- negotiate access subject to interested parties meeting certain requirements;
- jointly fix a negotiation period; and
- refer disputes to mediation and/or arbitration.

Westrail must provide a copy of an access agreement to the regulator as soon as practicable after an agreement is entered into.

The Director General of Transport, as the regulator, is to record the following information pertaining to access agreements and determinations resulting from an arbitration process in a register: Whether it is an agreement or a determination; the names of the parties involved; the railway and railway infrastructure to which it relates; the day on which it was entered into or made; and the period for which it will be in force. This register will be available for public inspection during office hours. Key features of the regime's arbitration process are that -

- the regulator will establish a panel of arbitrators on the recommendation of the Chairman of the WA Chapter of the Institute of Arbitrators Australia;
- the regulator cannot be an arbitrator;
- arbitration of disputes will be under the Commercial Arbitration Act;

the arbitrator will give effect to the Act and code, relevant sections of the competition principles agreement and any other matter that is considered relevant;

determination cannot be inconsistent with the Rail Safety Act; and

determination will be binding, subject to part V of the Commercial Arbitration Act.

The benefits to Western Australia from on-rail competition will be maximised by quality operators seeking access. It is also unlikely that any regime would be considered "effective" if discriminatory barriers existed to any particular operator seeking access.

The National Rail Corporation is the largest carrier of freight into and out of Western Australia, and it carried some 2 million tonnes in total in 1996-97. The company has signalled its intention to seek access to intrastate operations in Western Australia, but currently has barriers to entry posed by both the Constitution and its memorandum of association.

The constitutional problem arises by way of the Commonwealth's partial ownership of the National Rail Corporation. This is overcome by a simple amendment to the State's National Rail Corporation Agreement Act to refer to the Commonwealth the power to hold shares in a company engaging in intrastate rail services. This has already been done in New South Wales and Victoria. There is no loss of power to Western Australia in making this referral.

It is the intention of the Premier to seek an effectiveness certification of this state rail access regime under section 44M of the Trade Practices Act 1974. The National Competition Council will seek public comments as part of its review. If discussions and negotiations are successful, the National Competition Council will recommend certification of the state regime to the Commonwealth Treasurer. However, the Government Railways (Access) Bill must have completed passage through Parliament before the National Competition Council will recommend certification.

To allow for any legislative changes by the National Competition Council, the draft Bill provides for the amendments to the National Rail Corporation Act to come into operation on the day the Bill receives royal assent, and the rest of the Bill will come into operation on a day to be fixed by proclamation.

The Bill, in its present form, includes three amendments resulting from the Legislative Council's deliberations. These are changes to clause 9, to enable Parliament to disallow the code, part of the code or changes to the code; to clause 12, to extend the period between reviews from three years to five years after the first review; and to clause 43, to tidy up the consequential amendment provisions as a result of the passage of the Rail Safety Bill. Should there be any future changes to the ownership of Westrail, it is envisaged this will require changes to the Act and the code.

In signing the intergovernmental competition policy agreements in 1995, the Government endorsed the view that improvements in the competitiveness of the State's economy will improve economic efficiency and enhance overall community welfare for Western Australia. The competition principles agreement establishes the principles agreed by the States in relation to review of anticompetitive legislation and regulation, third party access to essential infrastructure facilities and the elimination of any net competitive advantage possessed by government businesses. The Government Railways (Access) Bill has comprehensively addressed the Government's commitment towards these principles with regard to the operation of Westrail. While the focus has been on increased competition on the government railway network, consideration has also been given to competition that might be inconsistent with the weighting placed by the community on particular social objectives.

The Government believes the Government Railways (Access) Bill, together with the code, will deliver an effective access regime for the Western Australian government rail network. I commend this Bill to the House and table an explanatory memorandum.

[See paper No 378.]

Debate adjourned, on motion by Mr Cunningham.

TITLES VALIDATION AMENDMENT BILL

Committee

Resumed from 10 November. The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Prince (Minister for Police) in charge of the Bill.

Clause 7: Parts 2A, 2B and 2C inserted -

Progress was reported after the clause had been partly considered.

Mr RIPPER: I will continue to pursue the minister on the question of the titles issued in seven instances without recourse to the provisions of the commonwealth Native Title Act. The minister has indicated in this debate that 2 000 or 3 000 section 29 notices were issued for other future acts during the period in which these titles were issued without recourse to

the commonwealth Act. It appears that some companies were given favoured treatment; some companies had titles issued for their projects without having to go through procedures of the commonwealth Act while other companies were forced to issue section 29 notices and go through all the hoops.

On what basis did the Government select these seven projects for special treatment and reject others? Did other companies make submissions seeking a similar benefit? Were those companies' submissions rejected? What process was followed by the Government in considering these submissions? Who in the end was responsible for the decision to grant the titles without going through the provisions of the commonwealth Act?

I raise these questions because they highlight the issue of favouritism and the propriety of a relationship between the Government and these companies. If some companies must obey a commonwealth law they regard as cumbersome, unwieldy and difficult while other companies do not, one must ask how the Government came to give these seven project proponents favourable treatment. Presumably other companies would have liked that treatment but were not able to get it. Is the Government's behaviour not improper in treating some companies more favourably than others?

Mr PRINCE: The answer to the last question is no. The proponents of the respective projects all asked what they could do and indicated that if leases were not acquired the projects would not proceed.

Mr Ripper: Was that not the general argument of the industry? Didn't many other companies make the same approach to the Government?

Mr PRINCE: My adviser indicates that no others argued that at the time. We are talking about the period to December 1996. I think others have asked since.

Mr Ripper: No other companies in this period asked the Government for similar treatment?

Mr PRINCE: That is correct. The seven concerned are exceptions ranging from the DRI plant to a lease on top of a lease and so on.

Mr Ripper: What criteria did you apply?

Mr PRINCE: We considered each on its merits case by case, the underlying tenure, and indemnity and, as I explained yesterday and 10 days ago, whether there was any probability of native title, to which the answer was that it is highly unlikely. It is not a matter of favouritism or any want of propriety. Others decided to proceed through the native title process. I think three have come out. The process does not work.

Mr Ripper: That is "the end justifies the means" argument. It is not an argument about the propriety of your actions.

Mr BROWN: How did the minister or his officers arrive at the conclusion that a native title claim or at least native title was highly unlikely in the area? What investigations were made? Who made them? Did any of those investigations relate to consultation with Aboriginal people? If not, was it a deliberate decision? If so, why was it made?

Mr PRINCE: The member was not here last night.

Mr Brown: I was listening closely to the debate.

Mr PRINCE: Many of the questions were answered. I will not reiterate them; that would be wasting time. All the companies consulted at great length with Aboriginal people.

Mr Brown: Although I did not participate in this debate last night because I was out of the Chamber, I was listening. I cannot recall that question being asked.

Mr PRINCE: That part of it was not asked. The rest of the question was asked and answered last night many times. Part of the member's question relates to consultation with Aboriginal people to which, as I have verified with my advisers, the answer is that all the companies involved consulted with the Aboriginal people on whichever area was concerned.

Mr BROWN: If there was consultation, what was the upshot of it? These acts were not done under native title because apparently there was no agreement. If there is agreement under native title, it can be registered and the matter can proceed. However, there was no agreement on this.

Mr PRINCE: Simply because it did not go through the Native Title Act process does not mean agreement has not been reached.

Mr Brown: I take it, therefore, that agreement was reached on these projects?

Mr PRINCE: My adviser says agreement was reached between the companies and the Aboriginal people of the local area in a number of cases, but not in all. I am not sure which ones they were.

Mr Ripper: If there were agreements, why was the section 29 notice not issued? There would have been no objections.

Mr PRINCE: Agreements were not reached under the Native Title Act process.

Mr Ripper: If the local Aboriginal people agreed, they would not have objected to section 29 notices when they were issued.

Mr PRINCE: Agreements were reached with companies that usually dealt with these people, as they have been for years, but not in relation to all these matters.

Mr Ripper: If it were all kosher with the Aboriginal people, you would have confidently issued the section 29 notices. You should not mislead us over this.

Mr PRINCE: What would be the point? That could involve a process that might take no less than two years.

Mr Ripper: If they make no objection, the process does not continue, does it? The minister is saying they would have made an objection. Therefore, I do not think I believe him when he says agreements were made with the local Aboriginal people and they had no objection.

Mr PRINCE: Has the member for Belmont seen a map of the goldfields area showing the claims that have been made?

Mr Ripper: Are you saying there are agreements with some Aboriginal people, but not all?

Mr PRINCE: Some of the claims cause one to doubt whether the claimants have bona fides.

Mr Ripper: Are you saying all the Aboriginal people with an interest in these projects were consulted and reached agreement?

Mr PRINCE: I did not say that at all.

Mr Ripper: You did not say it, but you tried to imply it.

Mr PRINCE: I am not trying to imply that. In relation to some of the issues, agreements were reached with some of the Aboriginal people in relation to those pieces of land, not in relation to all the projects and they were not within the Native Title Act process. That does not mean they are not valid agreements; it means they are not agreements under the Native Title Act.

Mr CARPENTER: Last night a couple of times I asked the minister to explain to us the steps taken to verify his assertion made in Parliament on 29 October that, "We carefully researched whether there could be any form of adverse effect on any native title and concluded that there was not . . ." The minister has had 12 hours to come up with the answers. Will he now tell us what research the Government undertook that will make that statement true?

Mr PRINCE: Research was obviously done by the companies.

Mr Ripper interjected.

Mr PRINCE: In areas of Aboriginal heritage, native title has always been done by the proponents with the people concerned. The member for Belmont should know that.

Mr Carpenter: Do you work for the companies?

Mr PRINCE: The member for Willagee would not know because he was not there in a previous life. However, the member for Belmont knows that is how it works.

Mr CARPENTER: The Minister keeps saying "You would not know." I will stack up my knowledge on this subject against his at any time. He is continually demonstrating that he does not know what he is talking about. He should answer the question. What research did the Government do?

Mr PRINCE: The Government did research with respect to underlying tenure and native title and concluded it was highly unlikely there would be native title on any of these pieces of land.

Mr CARPENTER: I have played people like the minister off a break during interviews. He is clearly refusing to answer the question. He should tell us what research the Government did.

Mr Prince: I just did.

Mr CARPENTER: The minister did not. He said, "We did some research". What research did the Government do which will make his statement to this Parliament on 29 October true? The Minister has had 12 hours since last night, when I first asked him the question, to provide some details of the research. He should now tell us why this is not a deliberate misleading of Parliament.

Mr PRINCE: It is not misleading. The advice I have is that research was done in relation to tenure and a number of other things and conclusions were drawn.

Mr Carpenter: By whom?

Mr PRINCE: By government officers. Conclusions were drawn that there was not any likelihood of native title being found in relation to any of these seven project areas. Does the member for Willagee not want the DRI plant or the laterals on the gas pipeline? That is what it is all about. Members opposite are tearing themselves apart over this; we know they are.

Mr CARPENTER: Yes, we want the DRI plant; yes, we want the Government to behave in a lawful and accountable way; and yes, we want the minister responsible for the legislation to be able to come into the Parliament and answer a simple question truthfully. Give us the detail: Who did the research, and where was the research done? A bit of that detail would make true the minister's statement in the Parliament that the Government carefully researched these projects; however, he has not done that.

Mr RIPPER: The information which the Government has given to the Opposition about the underlying land tenure for that project is that BHP undertook extensive land tenure historical searches and advised it was confident that no native title existed over the land in question. There is no indication in that information given to the Opposition that the Government investigated this issue or did anything other than take the advice of BHP. Will the Minister for Resources Development indicate what sort of research the Government undertook on this issue, because nothing in these documents indicates that the Government took any independent research on this question.

Mr RIEBELING: The minister has said that in none of these projects was the Government of the view that there would be no native title claims over those properties.

Mr Prince: No, that is not what I said.

Mr RIEBELING: Or no proven -

Mr Prince: There was no native title found.

Mr RIEBELING: How does the minister explain the statement that companies have come to agreements with Aboriginal people about that land in a number of instances? Does that make sense to the minister? It does not make sense to me.

Mr Prince: Yes. Companies come to arrangements with Aboriginal people about a variety of things.

Mr RIEBELING: They have come to an agreement with the groups on some sort of compensation package when they did not have to. There is no necessity for them to do so because no valid claim exists over that land, in the minister's opinion.

Mr Prince: That was what many companies did long prior to native title; however, not all.

Mr RIEBELING: It is an amazing statement that companies are giving awards of compensation to people who are not entitled to receive them.

Mr Prince: I have never said anything about compensation. The member is the one who is now putting it in that context.

Mr RIEBELING: What are those agreements that the minister referred to earlier if they are not anything to do with compensation?

Mr Prince: Heritage is the one in which there has been the longest history of agreements of different natures. They have varied enormously. Hamersley's training program, for example, is not directly related to heritage, but it does that and that is by way of agreement. Argyle had agreements.

Mr RIEBELING: Is that in relation to compensation?

Mr Prince: I would not have called that compensation.

Mr RIEBELING: Is the minister saying that Hamersley's agreement in relation to Yandicoogina and so forth is not a form of compensation?

Mr Prince: I suppose some of it could be characterised that way, but I would not characterise all of it that way.

Mr RIEBELING: I think the minister lives in cuckoo land if -

Mr Prince: As my adviser just pointed out, one small part of Yandicoogina relates to compensation, but the rest of it does not. It is the company in that area being a good corporate citizen, particularly with the training program at Hamersley since it first started.

Mr RIEBELING: It is the first I have ever heard about the concept that the agreements with the Aboriginal corporations to Hamersley's development does not relate to compensation of native title. Hamersley deals with the native title claims of Aboriginal groups in a positive way. Hamersley should be congratulated. However, the minister should not come into this place saying it has done it through some altruistic reasoning for the good of Aboriginal people other than through its obligation through native title.

Mr Prince: No, before native title.

Mr RIEBELING: The minister must remember the problems that were experienced with Marandoo. At the end of the day Hamersley came to some agreement, but it did not say, "Let us do many things for this group of Aboriginal people." It was, as a part of negotiations, forced into negotiation about compensation in relation to Marandoo.

Mr Prince: I do not think that is the right way to characterise it.

Mr RIEBELING: I was involved in it; I know what it was like.

Mr Prince: No compensation arrangements exist in relation to Marandoo. It preceded native title.

Mr RIEBELING: There were agreements concerning what Hamersley would do to obtain clearance on that site. What does the minister call that?

Mr Prince: It is an agreement, not a compensation.

Mr RIEBELING: It is an agreement for clearance.

Mr Prince: Yes.

Mr RIEBELING: Perhaps my definition of compensation differs from that of the minister's. I would have thought that if an agreement exists to do something by a company in return for clearance, that is a form of compensation.

Mr Prince: We are talking about it in the context of the Native Title Act because that is what is before us.

Mr RIEBELING: The minister's Government has chosen to ignore the rules for these sites and it is the minister's Government that says if one has a big project, it is okay to remove the rights of Aboriginal people and break the rules. That is what the Government is basically saying. The minister then asks us about the DRI plant in Port Hedland and whether we want that. It is an insult to say to people in this State that we do not want a development. The DRI plant took more than two years to put together, and if the rules had been complied with, that project would not have been held up at all.

Mr BROWN: The Bill we are dealing with validates past acts that were done. Therefore, it is important for this Parliament to have a very clear understanding of the nature of those acts and the circumstances in which they were done. That is what we are seeking to elicit from the minister. The minister has told us two things in this debate: He has told us that there are unlikely to be native title claims over these areas in the Government's opinion. He has also told us that in some areas, negotiations were held with Aboriginal people. If no native title claims existed over the areas, on what basis did the negotiations with the Aboriginal people take place?

Mr Prince: There were some claims over the areas. The member need only look through the indemnity documents to see that it is recorded there.

Mr BROWN: The minister is saying that, notwithstanding that claims had been lodged, it was the Government's view, contrary to the Aboriginal people's view, that native title rights did not exist.

Mr Prince: That native title would not be found.

Mr BROWN: In going ahead, the Government elected to ignore the procedure set down in the Native Title Act and simply decided that those claims had no basis.

Mr Prince: In that sense, yes, the claims would not be found. Ultimately there would be no finding of native title.

Mr BROWN: That was a government determination to overrule or not even consider those claims by that process set down in the Native Title Act.

Mr Prince: The claims will take and are taking years before any conclusion will be reached.

Mr BROWN: That is not the question I asked. The question is, did the Government make the determination in its wisdom to say, notwithstanding that claims had been lodged, in its view there were not valid claims, and decide to overrule them?

Mr Prince: No, the Government concluded there was no probability of native title being found.

Mr BROWN: Therefore, the Government did not go through the process. The Government decided for itself in the interests of the State or whatever else. Let us be honest and at least get the honesty on the record. The honesty on the record is that native title claims had been lodged; the Government wanted the projects to go ahead; the Government decided that it was important in the State's interests for the projects to go ahead, and therefore decided to overrule and disregard those native title claims.

Mr Barnett: That is simply not true. With respect to BHP's DRI plant, which is to be part of the Boodarie industrial estate, which the State is developing as a major item of infrastructure, BHP and the Department of Resources Development, with the support of the native title unit, undertook an enormous amount of work over many months before action was taken.

Mr BROWN: Was there agreement?

Mr Barnett: No. I will need to check the facts. I am simply listening to this debate. I assure the member that that work went on for months.

Mr BROWN: I accept that the Minister for Resources Development is a man of his word. Ultimately, the Government made a decision - I will not debate its merits, although some will argue it was right and others that it was wrong - on whether native title could be established. The Government went ahead and overruled whatever might or might not be the case.

Mr Barnett interjected.

The DEPUTY CHAIRMAN (Ms McHale): Order! The member for Bassendean will direct his remarks to the Chair, and the minister will have a chance to respond.

Mr BROWN: It is important that some modicum of honesty be placed on the public record. I understand why the Government will try to justify its actions by saying that the projects are important and should go ahead in the public interest; that may well be the case. When in government, one should at least have the courage of one's convictions, and at least state that the project was in the State's interest and that these claims were interrupting the projects; therefore, they were overridden. The Government did not want native title found, so it overrode any title which may exist. Some honesty should apply in this debate.

Mr PRINCE: The member is only partly right. The companies put forward a proposition that this is how they wanted to go. A good deal of evidence was available.

Mr Ripper: Were these the only companies which put that proposal to the Government?

Mr PRINCE: They were the only companies to do so within that intermediate period - I am assured of that. The companies obviously had evidence as they were in the area dealing with people. Members heard from the Minister for Resources Development in relation to the DRI plant. Many people were involved. People from Lands, Mines and other government departments, with the native title unit performing a coordinating role, considered the matter. Tenure history and heritage were considered. The sum total of the government information base was considered. A conclusion was reached. Companies made requests, and the Government decided that it was highly unlikely that native title would be found in the area. That is not acting unlawfully under the Native Title Act. Members might have heard me last night refer to the High Court case.

Mr Brown: I have heard that argument.

Mr PRINCE: It is not unlawful to issue the title, particularly a title with an endorsement on it, and so on. That is what happened in New South Wales and Queensland, and to some extent in Victoria.

Mr Brown: I have read the decision and understand the way the process works.

Mr PRINCE: I am delighted someone has! The Native Title Act, as the High Court said in the Fejo case, "deals with the consequences of the conduct, and some conduct will affect native title, some will not". In the seven projects in the seven instances during that time, the Government came to the conclusion, after research and advice, that it was not likely to be conduct in issuing the leases which would affect native title. It came to the conclusion that no native title was likely to be found there, notwithstanding whether claims are made. At the request of the companies, the forms of tenure, be they mining leases, general purposes leases or others, were issued. To create certainty for the State, indemnities were sought and granted.

Mr Brown: You could be wrong in your assessment.

Mr PRINCE: Of course, but that is why we sought the indemnity. That must inherently wait upon a claim being made, if one is not already in the system, and adjudicated upon to determine whether native title exists. The evidence available - the company's information and information within government - was that it was highly unlikely that it would ever happen.

Mr Brown: I can ask many more questions in that regard. I understand there were certainly implicit or explicit instructions in the way DOLA was to behave in relation to native title claims.

Mr PRINCE: I suppose a stack of instructions and procedures over a period -

Mr Brown: It was a political directive.

Mr PRINCE: Not to my knowledge. I am advised that, of course, government policy directives were issued on how future acts were to be handled.

Mr Brown: They were not to agree - they were to obstruct. Be very careful how you answer this question.

Mr Ripper: Documents can be requested by an upper House committee, for example.

Mr PRINCE: My adviser reminds me that the policy dealt with how to deal with the future acts. It involved determining

which ones went through the process, and which ones did not. However, it did not deal with the mediation process or anything like that.

Mr Brown: There was an implicit or explicit instruction to DOLA not to agree to native title claims. The Government had a political agenda which was very clear within DOLA. I am happy for the minister to deny that on the record.

Mr PRINCE: Both of the advisers with me, one from DOLA and one from the native title unit, say it is not correct.

Mr RIPPER: The Government has referred on a number of occasions to the indemnity's providing some protection to the State's legal position. I am not a lawyer, but I have considered the indemnity. I would like the minister to explain the effect of the indemnity. The inference many people might have drawn from the many references to the indemnity is that it protects the Government from actions by the native title claimants.

Mr Prince: No.

Mr RIPPER: That is why an explanation is needed. People may have drawn the wrong conclusion from remarks to date. Reading through the indemnity, it seems that the Government is protected from actions by project proponents should the projects fall over for native title reasons. The State may be protected from action by non-native title third parties should the projects fall over for native title reasons; for example, if a contractor to a mining company loses work in the contract because the mining company loses the right to mine because its title is found to be invalid as a result of a native title action. The State purports to be protected under the indemnity from those actions. However, my understanding is that the State is not protected should native title claimants seek to take action against the State because they say that native title exists. I wonder also whether the State is even protected against the action to the extent the indemnity purports to provide. If it can be argued that the Government has deliberately flouted the provisions of the commonwealth Native Title Act, I am advised it is arguable that the indemnity may be invalid. Therefore, I wonder whether the State is as protected as the Government alleges it to be. It is not protected from native title claims by the indemnity. Also, the indemnity may be invalid because of the Government's action in breaking the Native Title Act.

Mr PRINCE: We did not break the commonwealth Native Title Act. That is a slogan the member for Belmont keeps shouting. It is not true and it will not come true by repeating it. The indemnity does not prevent a claim being made and native title being found.

Mr Ripper: The issue is the consequences, and who will bear those consequences.

Mr PRINCE: The indemnity says that in those circumstances the State is indemnified by the lessee.

Mr Ripper: If something bad happens to the lessee because the title falls over, the State does not have to pay the lessee. However, if a native title claimant takes action against the State because of the existence of native title, the State is not indemnified by the lessee for that.

Mr PRINCE: The Bill validates titles issued in the intermediate period and specifically provides for compensation to native title holders.

Mr Ripper: So the State is not indemnified for the payment of that compensation?

Mr PRINCE: No. However, where a title is validated by this Bill - whichever of the 5 434 mining titles, the 10 944 transactions through the Department of Land Administration, or the seven special cases - and native title is found to have been affected so that compensation may flow under the Native Title Act, under the Titles Validation Amendment Bill compensation must be paid. I am using that term in the sense that it exists in the Native Title Act.

Mr Ripper: The minister is confirming my interpretation of the indemnity arrangements.

Mr PRINCE: The indemnity is between the State and a company. The State is indemnified from any claim if there is a claim or a determination that native title exists.

Mr Ripper: The State is indemnified against action by the company but not by native title claimants.

Mr PRINCE: That is right, and nor should it be. However, the Titles Validation Amendment Bill validates all those titles, as has been done in Queensland, the Northern Territory, New South Wales, Victoria and South Australia. The result is that if there is then an effect, compensation is paid.

Mr Ripper: Why should the taxpayer pay the compensation in these cases and not the company?

Mr PRINCE: That is the position that the Commonwealth came to in the Native Title Act. Basically, it is the Government - whether it be the Crown in right of the Commonwealth or the State - and hence the public generally who should bear these things. That is the position under the Native Title Act. We could debate whether the member thinks that is right, but it is the commonwealth law.

Mr RIPPER: The minister has indicated that the Bill will validate all of the titles that we have been talking about. I draw the attention of the Chamber to a letter to the Leader of the Opposition from the Premier which contains an attachment of answers to questions asked by the Opposition when we debated the matter on 29 October. In that debate I asked whether the minister in other cases during this period had granted interest in land which was vacant crown land and those titles could not be validated by this Bill, and would the minister therefore be required to find some other way of validating those potentially invalid titles. I am concerned that during the intermediate period titles were granted by the Government over vacant crown land and that those titles cannot be validated by the Bill. The Bill can only validate titles granted where the act concerned was an intermediate act, and there is a precise definition of an intermediate act which refers to the underlying tenure on the land - that is, if it was vacant crown land those titles are not capable of being validated by this legislation. It is a matter of some concern that the Government says that it is important that all the titles issued during this intermediate period be validated, and that the legislation must be rushed through the Parliament because there will be uncertainty in the community if we cannot validate all these titles, yet we find that some of the titles the Government issued during the intermediate period will not be capable of validation by the legislation. The Government has admitted as much. It has said in the attachment to the Premier's letter to the Leader of the Opposition -

In respect of those titles on land which is not automatically covered by the Bill, it would have to be established that native title existed, it was affected by the grant and the grant was invalid.

Part 2C of the Bill provides a mechanism whereby any such acts can be validated by an Indigenous Land Use Agreement.

The Government says that it is important, for all of those titles, to put this legislation through in a hurry to validate titles on a wholesale basis. However, those titles that were issued on vacant crown land which cannot be validated by this legislation must be validated by agreement with indigenous interests.

Mr Bradshaw: What is wrong with that?

Mr RIPPER: That is a contradiction in the Government's approach. The Government says, on the one hand, that it is necessary to validate titles by wholesale legislation; on the other hand, in some cases in which it has got it wrong, and titles are invalid, it says that they must be validated by agreement with indigenous people. I will refer to some of the titles that were issued for these major resources projects; perhaps some of those titles will not be validated. The Government says that it was okay to issue the titles because there were historic tenures on the land in question. The Government relies on the existence of these historic tenures as the basis for proceeding in violation of the commonwealth Native Title Act of 1993. However, land with historic tenures was, for the purposes of 1993 Act, vacant crown land. The Government issued titles over vacant crown land and it is now relying on a retrospective defence, a retrospective redefinition of vacant crown land, and a retrospective application of this historic tenures principle to try to make its actions legal, when they were not legal at the time.

Mr PRINCE: The member for Belmont answered his own questions when he made reference to the notes that were provided, which clearly set out the situation. We are referring to the period when the office of traditional land use functioned, from early 1994 to March 1995. I am assured that we are not talking about land titles, but mining titles. Land titles were issued only where there had been an historic underlying tenure. We are talking about mining, prospecting and exploration only. If there is a finding of native title on any of the land covered by those titles, validation can be sought under the indigenous land use agreement provisions.

Mr Ripper: By agreement with indigenous interests.

Mr PRINCE: If native title is found.

Mr Ripper: When that "if" applies to all the other titles you say legislation must be rushed through this Parliament validating them to give certainty, but you are also admitting that some titles cannot be validated in that way and you cannot give certainty.

Mr PRINCE: That is right.

Mr Ripper: We will come in a minute to the seven instances and perhaps you cannot validate all the titles you need to validate there.

Mr PRINCE: I do not think so. These refer to prospecting and exploration during the specified period. We are not talking about any other form of tenure. The question of validity or invalidity will arise only if at some future date there is a finding of native title. A problem will arise only if, firstly, native title is found in relation to the land that was the subject of any of those exploration or prospecting leases and licences and, secondly, those particular forms of tenure, which are not necessarily intrusive with regard to land use compared with other forms of land use, are seen to affect, and have affected, the native title. Then there may be a problem with validity, and it may be possible to validate that under an indigenous land use agreement.

Mr Ripper: You have potentially invalid titles which you cannot validate.

Mr PRINCE: A prospecting licence runs for four years and an exploration licence for five years, although sometimes the periods are extended. While exploration interferes with the surface of the ground, sometimes relatively significantly, it is nothing like the impact of a mine. If anything further happens in relation to the area, it will flow on to become a mining lease and that is a future act.

Mr Ripper: Why is it okay to validate some titles by agreement with indigenous interests, and subject others to this wholesale legislative validation?

Mr PRINCE: Because that is the only way it can be done under the Native Title Act.

Mr Ripper: The Howard-Harradine Act.

Mr PRINCE: The Native Title Act as amended requires that that is the way it is to be done. Is that clear?

Mr RIPPER: It is clear that the Government issued titles over vacant crown land for the purpose of the then applicable commonwealth Native Title Act of 1993. The Government is now saying it was not vacant crown land because of the redefinition of "vacant crown land" in the Howard-Harradine Act, the Titles Validation Amendment Bill and the Native Title (State Provisions) Bill. The Government did the wrong thing then to issue titles over vacant crown land without going through the procedures of the commonwealth Native Title Act. The Government is now saying that because they are historic tenures under the new legislation, that validates what was done then. Leaving aside that dubious legal tactic, there are problems with regard to some of these projects. Yesterday when we talked about the issue of titles for the seven projects, the minister kept referring to mining leases on mining leases and he implied it was the case in every circumstance. I refer, for example, to the AGL pipeline project where titles were issued and part of the underlying road tenure was road reserve. That must be vacant crown land. Also, part of the goldfields gas pipeline laterals were on road reserves on the Mt Charlotte water pipeline corridor, and there were rail reserves and nature reserves. Are these not forms of vacant crown land and would that not mean that the titles issued over them cannot be validated by this legislation? Under the commonwealth Native Title Act, this legislation can validate only intermediate acts and they have a particular qualifying definition under section 232A(2)(e) of the commonwealth Native Title Act, which provides that an intermediate act must be on land where at any time before the act was done, either a grant of a freehold estate or lease, other than a mining lease, was made covering any of the land or waters affected by the act. If it is on vacant crown land, it cannot be validated by this legislation. Perhaps the minister has an argument about whether it was vacant crown land and he may need to explain that. The minister has already admitted that the Government is not able to validate by this legislation titles issued on vacant crown land.

Mr PRINCE: A road reserve extinguishes native title.

Mr Ripper: Is a road reserve vacant crown land?

Mr PRINCE: No, it is not; it is a dedicated reserve. All road reserves are dedicated reserves. The AGL Dongara lateral agreement includes a map, and it relates to a piece of land to the east that is the only subject of the indemnity because most of it is certainly a road reserve. Part of that has a constructed road that is used, but I am not certain whether there was ever a road reserve for that area.

Mr Ripper: What are you saying about the area to the east?

Mr PRINCE: The indemnity refers to that part of the block. It is on a known gazetted road reserve. At the time, the department was not sure whether a road reserve was in existence for that portion shown on the plan which is part of the indemnity, although there is certainly a road.

Mr Ripper: If there is no road reserve, does that make it vacant crown land?

Mr PRINCE: We were not sure.

Mr Ripper: You think you might have issued titles on vacant crown land?

Mr PRINCE: No title has been issued.

Mr Ripper: You have issued a licence.

Mr PRINCE: That is right.

Mr Ripper: You may not be able to validate that.

Mr PRINCE: This is outside the validation period because it happened in 1997.

Mr Ripper: You gave us this information as applying to acts in the intermediate period.

Mr PRINCE: No, the Opposition asked for the special cases.

Mr Ripper: We asked for special acts in the intermediate period. You have given us that information and you are telling us that the Government issued titles in the intermediate period on vacant crown land.

Mr PRINCE: This is outside the intermediate period. This happened last year. The Government has provided information on the special cases. This is the only one outside the intermediate period. The cabinet standing committee endorsed it on 20 January 1997 and Cabinet endorsed it on 10 February 1997, so it is post-December 1996. It relates to a portion of the pipeline on a road reserve because we were not sure that the road reserve existed, although it does now. The validation Bill does not have any effect on the Dongara pipeline. The member asked for the special cases and he was given them all.

Progress

Mr PRINCE: I move -

That the Chairman do now report progress and ask leave to sit again.

Mr RIPPER: One of my concerns is that I have been asked by the Government to give an undertaking that the legislation will go through by a certain time, yet the Government goes on to other business, which makes it difficult for the Opposition to honour that undertaking.

Mr Barnett: I assure you that you will have the opportunity later this evening to complete the legislation, at whatever time that may be.

Mr RIPPER: Will we go back to it after question time?

Mr Barnett: We will go back to it later this evening.

Mr RIPPER: Will the House rise at 11.00 pm?

Mr Barnett: I am not Nostradamus.

Mr RIPPER: The Government says the Bill needs to be rushed through, and the Government demands that the Opposition give an assurance that the Bill will go through by a certain time, yet the Government then keeps taking the Bill off the business of the House.

Mr Barnett: This is the third week we have been debating it.

Mr RIPPER: The third week? We had two-and-a-half hours when the Government could not provide any information, and the Government finally took the Bill off the guillotine and adjourned the Chamber an hour early so that we could not debate the Bill for that hour. We had two hours of debate last night, because the Bill did not come on for debate until after 9.00 pm. We have had about an hour this morning, and the Government now wants to take it off the agenda. In the meantime, the Premier is making a hue and cry in the community about the Opposition allegedly delaying the Titles Validation Amendment Bill. If this Bill is so urgent, why are we not continuing to debate it?

Mr Barnett: We will continue it later today.

Mr PRINCE: The Leader of the Opposition has quite clearly laid out the Opposition's tactic, which is to delay; he said so today in *The West Australian*.

Question put and passed.

[Continued on page 3254.]

LOCAL GOVERNMENT AMENDMENT BILL (No 2)

Report

Report of Committee adopted.

Third Reading

MR OMODEI (Warren-Blackwood - Minister for Local Government) [12.23 pm]: I move -

That the Bill be now read a third time.

MR McGOWAN (Rockingham) [12.23 pm]: Yesterday, I said a great deal of what the Opposition has to say about this Bill. In summary, the Opposition supports the majority of this Bill, which is a local government housekeeping Bill and will make some improvements to the Local Government Act, and as a result will be welcomed in a range of respects. However, the Opposition will remain firm on a number of the amendments that I proposed yesterday. Those amendments will, I am sure, be debated again in the upper House when this Bill gets to that forum. I have not as yet discussed those amendments with the other parties in the upper House. However, I am fairly confident that they will support some of the amendments proposed by the Opposition, in particular with regard to enrolment to vote, and also the amount of time for which commissioners can be put into local government authorities. With regard to that latter matter, I am yet to be convinced that the increase from one year to two years is required. The community consultation that I have had on this issue shows that

most people are very reticent to give up their elected councillors for any substantial time. Yesterday, I asked how we would feel if the Commonwealth decided to abolish our positions, even though that would be a constitutional impossibility. I am still of the view that local councillors would also regard the abolition of their positions as an extreme step and one that should be in place for only a relatively short time. The amendment that the Government moved is not in the interests of local communities and of people who want to have an input into local areas. Therefore, the Opposition will continue to oppose that amendment.

The second primary issue that I raised yesterday was with regard to the Government's amendment to the Local Government Act to change the enrolment requirements for non-resident ratepayers. The Government has proposed that people who have a rateable property in a certain local government authority but live elsewhere will retain permanent enrolment, while at the same time tenants will need to re-enrol every four years and six months. The Opposition believes that the dichotomy between those two groups should not be put in place and that the current system should be retained so that both parties are treated in a similar fashion and there is not one rule for landlords and another rule for tenants. The only substantive example that the minister could provide yesterday was with regard to the City of Perth. I suspect the minister has been lobbied fairly heavily about this issue by some of the elected officials at the City of Perth. We are still of the view that the current enrolment system should remain in place, because in the case of most local authorities, it is a very fair system.

Mr Bloffwitch: I have owned my property for 20 years. Are you now suggesting that I should have to re-enrol to vote every four years?

Mr McGOWAN: Why should a tenant be in a different position?

Mr Bloffwitch: Because a tenant is not a permanent resident. I am a permanent resident.

Mr McGOWAN: Are tenants a lower class of person?

Mr Bloffwitch: I am a permanent resident. That is the difference.

Mr McGOWAN: The member for Geraldton is permanent about some things and impermanent about others. We certainly do not resile from that position. I suspect that the minister will have some difficulties.

Mr Bloffwitch interjected.

Mr McGOWAN: The member can tell them all to blame me. Can he tell me what proportion vote in elections?

Mr Bloffwitch: We get 15 to 20 per cent.

Mr McGOWAN: The member is missing my point.

Mr Bloffwitch: Of them, probably two-thirds are property owners. I own only four properties in Geraldton, but I find that my name is not listed because I did not fill in the form to have a say in how my rates are spent. My rates are probably 20 times the normal domestic rates. Do you think that I should not have a say in that?

Mr McGOWAN: Does the member live in the City of Geraldton?

Mr Bloffwitch: I live in the Shire of Greenough.

The DEPUTY SPEAKER (Mr Baker): I remind the member for Rockingham to direct his comments to the Chair and we might not have such extensive interjections.

Mr McGOWAN: Sometimes the member for Geraldton gets a little hot under the collar, especially since my remark about his tie yesterday.

We will retain our current position. When the matter reaches the other place, the Government might negotiate on it and come up with a different solution from that in the amendment Bill. Now that the Government no longer controls the other place, it should do a little more negotiating and consider more the Opposition's views in this place, particularly on issues which do not cause a huge divide between us. Perhaps if that happened more often, situations such as this would not arise.

Ms MacTiernan: I was disappointed, because the Minister for Local Government has shown some flexibility in other areas.

Mr McGOWAN: What areas would they be?

Ms MacTiernan: When dealing with transport Bills, for example, now that Eric's gone.

Mr McGOWAN: Yes, very flexible. I was pleased that the minister negotiated a solution with the member for Pilbara in relation to his concerns about the potential impact of cyclones in his community and about people leaving potentially dangerous items lying around.

Mr Omodei: We were cooperating with the member for Pilbara, but the Government always intended to amend the legislation anyway. It was not necessarily because they were the member for Pilbara's concerns; it was because they were important to the State.

Mr McGOWAN: That is good; I am pleased to hear it. The Opposition will pursue those matters in the other place, and we will see what happens there.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [12.33 pm]: I thank the Opposition for its general support for the legislation. As the member for Rockingham rightly said, it is mainly a housekeeping exercise or a tidying of the local government legislation. As for occupiers having to re-register and owners not having to re-register, I wonder what the Labor Party did in its 10 years in government. It could have amended the Act so that people had to re-enrol. As I made clear in committee and in the second reading speech, under the old legislation people whose names were on rate notices were automatically re-enrolled. Now the member for Rockingham suddenly wants to take them off. It is not for me to advise a political party how to operate, but the Opposition must consider the ramifications of what it proposes; that is, to cause owners to re-enrol, when we propose that they will automatically be enrolled because they are owners. We are causing occupiers to re-enrol because of the turnover involved.

As for appointing commissioners to an inaugural council for two years rather than one year, that has been brought about because we recognised the lack of consistency. Currently, we can put commissioners into suspended or dismissed councils for up to two years. That legislation was agreed to by the Opposition. There was bipartisan support for the 1995 legislation. After experiencing the one-year term for commissioners in an inaugural council, we find that the system is not working and we need flexibility to go to two years. The Labor Party can choose to oppose what the Government proposes in extending commissioners' terms. Yes, it relates to the City of Wanneroo split. We are creating the City of Joondalup and the Shire of Wanneroo. If the Labor Party wants to cause a local election before independent commissioners resolve issues concerning the transfer of assets, liabilities and staff, that is up to it - it can do that. However, I will make absolutely sure that the communities of Wanneroo and Joondalup are aware of any ramifications that cause elected councillors to have difficulty in arranging the transfer of assets. In other words, as minister I will use Governor's orders to effect those transfers rather than independent commissioners -

Mr Riebeling: Is democracy a little difficult to handle?

Mr OMODEI: The member for Ashburton, is it?

Mr Riebeling: No, that's gone, too; it's Burrup.

Mr OMODEI: The member for Burrup was not present during the debate last night. There is to be a split of the assets of the City of Wanneroo - the member is not listening again - which has a budget of \$130m and 1 000 employees. I notice that the member for Burrup has disappeared. I wonder whether that means that I am winning the debate.

We must bear in mind that all the assets of the City of Wanneroo have been transferred to the City of Joondalup. It is up to the commissioners to distribute those assets equitably between the two councils. That will be done more easily by independent commissioners, and that is what the legislation is about. It gives flexibility for commissioners to be in any local government, let alone Wanneroo, for up to two years. I will make sure that the community of Wanneroo is aware of where the proposal came from.

Mr McGowan: They are frightened - in fact, terrified!

Mr OMODEI: I am sure that the member for Rockingham is frightened. It is an important issue and he must look past the politics and consider what is the right thing to do by the State. With those few words, although we might disagree on a couple of points, I thank the Opposition for its general support of the legislation.

Question put and passed.

Bill read a third time and transmitted to the Council.

BAIL AMENDMENT BILL

Second Reading

Resumed from 27 October.

MR McGINTY (Fremantle) [12.38 pm]: I am pleased to indicate the Opposition's support for the legislation, which has already passed through the other place. It represents a series of minor but commonsense changes to the bail arrangements that operate in Western Australia. There has been concern among the general public that bail has been seen to be too readily available. I believe that the measures, which were designed to be limited in their effect, because we have been put on notice that there will a more significant Bail Amendment Bill before Parliament in the new year -

Mr Prince: Is the member for Fremantle aware of the amendments on the Notice Paper?

Mr McGINTY: No.

Mr Prince: I understood you were to have been advised that, as well as vehicle theft, apparently it is intended that serious drug offences be included.

Mr McGINTY: I am particularly pleased to hear that. In Fremantle on a number of occasions there have been serious drug-dealing instances which have caused alarm and concern in the local community. I have raised them with the police, who have indicated that the dealers had been raided, arrested and charged on a number of occasions in successive months, only to be released on bail and to go back to dealing on the streets. Particularly when dealing with heroin, it is a serious matter and a cause of enormous frustration to the police, the community, and their local member to see those people released and immediately going back to what is regarded as committing a very serious offence, and doing so quite overtly as well. I am pleased to see that provision as part of this amendment to the Bail Act.

This Bill deals with a number of changes, and I will briefly comment on them. Firstly, there is the removal of the presumption of the right to bail. Everyone will be of the view that a presumption of innocence should apply and that a person should not be detained unless there is a threat to the community, or a likely threat of continued offending, or a likelihood that the person will not appear on the date fixed for the trial. It is a balancing act between the right of an individual not to be detained - in today's society no right is more precious than that to move about freely - and the duty of the State to detain somebody who is seen to be seriously breaching the laws of the State. Of course, bail tries to deal with that balance. The removal of the presumption of the right to bail, as it is called in this legislation, as best as I understand the effect of this legislation, will be done for certain serious offences.

We have just had a discussion about the addition of serious drug offences to the list. It is done in two ways: Firstly, by extending those areas of release from custody which will attract the abolition of the presumption of the right to bail. Currently the second schedule to the Act lists a number of serious offences for which that presumption will be rebutted if an offence is committed or if someone is arrested while on bail. That is extended to other forms of release from custody; that is, parole, work release and home detention, although we are about to see an end to work release and home detention under the sentencing Bill before the House at the moment. It relates in a practical sense to parole. Nonetheless, if people commit a serious offence when they are on release from custody, whether it be by bail or parole, in certain circumstances there should not be a presumption that they should not be granted bail. Those circumstances are left in the legislation, but it will still be for the relevant judicial officer in the metropolitan area or the appropriate officer in the country to determine whether bail should be granted in those circumstances.

In a number of cases the denial of bail has aroused some controversy. In the second reading speech, the minister referred to the three American sailors who were arrested and then detained in custody for many months. If my memory serves me correctly, it was nine months.

Mr Prince: Nine or 10.

Mr McGINTY: They were then found not guilty. Nine or 10 months out of the life of a 20-year-old is a horrendous imposition on the liberty of that person, particularly when subsequently found to be not guilty. That probably highlights the need to proceed with some caution in denying people their right to liberty, by denying them bail before they are tried for the offence. If they are subsequently found not guilty, what mechanism is there for the State to compensate those people adequately? Putting myself in the shoes of those American sailors, for the rest of my life I would feel considerably aggrieved that the State had done a grave injustice to me by denying me my liberty in those circumstances.

In another case, the minister made a ministerial statement in this place about the improper release on parole of a young man who, by the unlawful use of a motor vehicle, robbed another citizen of his life.

Mr Prince: He was on parole. The fact that he was on parole was not known to the police. The police apprehended him for a minor matter and released him on bail.

Mr McGINTY: The consequences of the release on bail of this person - in a sense it does not matter whether it was properly or improperly, because he was released on bail - were enormous, with great tragedy and the loss of a human life. Those two examples illustrate the difficulty, the principles and the balancing that is required in dealing with this matter. We support the removal of the presumption to the right to bail being extended to the circumstances of parole.

The second extension contained in the legislation relates to when the offence committed by a person on bail is a breach of the bail conditions. Under this Bill additional conditions can be imposed as part of bail, and a breach of these conditions is made an offence in its own right. In essence, only the failure to turn up to court constitutes a serious offence, and it is dealt with quite seriously by the courts; however, a breach of bail conditions is not dealt with in that serious way. Here an offence is created by the failure to comply with bail conditions. They will become far more important in this scheme of things. All of those things are unobjectable.

The next matter I want to touch on relates to the restrictions on the granting of bail in urban areas. This Bill removes the right of police officers and justices of the peace to grant bail to people charged with serious offences which are listed in schedule 2 to the Act and include things, as the minister has just indicated, such as serious drug offences. In the metropolitan area a police officer will not be able to grant bail, nor will a justice of the peace. In those cases, it is appropriate that it be done by a judicial officer. I wonder whether at the times these people are arrested - often it is at night or on weekends -

magistrates will be available to consider bail properly. I would hate to see the right to bail removed because a judicial officer or a magistrate was not available to consider the issue properly. I would appreciate the minister's comments on how he would set up a system in the metropolitan area to ensure a magistrate was available to deal with bail applications at night and on weekends, in particular on Sundays.

We have available a mechanism which came about as a result of the domestic violence restraining orders matter that we debated in this place last year, as I recollect, for a telephone restraining order to be obtained from a duty magistrate. That might be something we can consider. Later today we will be dealing with the video and audio links to facilitate court proceedings being recorded by electronic means. I would appreciate hearing from the minister how people who are arrested on a schedule 2 offence will be dealt with and whether there will be a judicial officer available in the metropolitan area to deal with them. I have no objection to a measure of positive discrimination in favour of my country cousins because of the distances, the nature of the offences and the scattered population, particularly in the mining areas in the north and east of the State which have small populations, often scattered very widely. Magistrates are not available in those areas, and it might involve the police travelling thousands of kilometres to obtain a magistrate simply to deal with the question of bail. Therefore, although it is undesirable in principle to have the police granting bail because it is not appropriately a police function, that principle must give way to the practicalities of the situation which confront us in the remote parts of the State.

The major urban towns and cities, such as Bunbury, Geraldton, Kalgoorlie and Albany, are well served by both the police and the judiciary. Those areas should be added to the metropolitan area in having bail considered in those serious cases only by a magistrate. However, when one considers the remote Aboriginal communities in the desert, in the Kimberley, it is simply not practical. It would represent too much of an incursion into the rights of those individuals to their freedom, when they have not been convicted of an offence, if we were to take away their right to bail and have it dealt with only by a judicial officer. That would be totally inappropriate. However, there is no excuse in the metropolitan area, provided the judicial officers or the magistrates are readily available to deal with those matters.

The law to be applied will remain the same throughout the State. The criteria to be looked at in deciding whether to grant bail will be the same. In the non-metropolitan regions, a policeman or a justice of the peace will be able to grant bail in those serious offence cases, whereas in the city they will not. I do not see that is objectionable in principle. However, I will wait for the minister's response on the practicalities of a magistrate being available in the metropolitan area.

A number of other matters require brief comment. The first of those is in relation to protective conditions which are prescribed as a bail condition. One important aspect of this Bill is that it introduces the concept of classifying certain bail conditions as protective conditions for bail undertakings. These are intended to protect persons who may fear for their safety or property, and they also extend to conditions in a violence restraining order. Therefore, I am pleased to see that specific provisions will be contained in the bail legislation to deal with situations of domestic violence, particularly where the perpetrator of that violence lives with the woman or children of the relationship, in which case a conventional restraining order not to approach, deal with or go near the victim of violence, or the children of that violent relationship, may not be practical. There may be other ways this can be dealt with as a bail condition or as a protective condition in the granting of bail. This Bill includes the capacity to specify protective conditions in favour of people who may not be named in the complaint relating to the alleged offence; for example, the children who are living with the complainant or the victim.

This Bill also provides for police to charge when there has been a breach of protective bail conditions. At present all they can do is ask for further conditions to be imposed or request that bail be revoked. That is again a step forward which will enable greater discretion to be exercised when dealing with people who are released on bail following being charged with an offence.

Mr Riebeling: In relation to the evidence a judicial officer can accept, my reading of the Bill is that there do not have to be any convictions. He can take information in relation to any breach of those protective orders from any source. There does not have to be any hint of a conviction. The suggestion that a person might breach is enough.

Mr McGINTY: I would appreciate the reaction of the minister on whether hearsay evidence would be acceptable in dealing with applications for bail.

Mr Riebeling: Proposed clause 3B(2)(b) says that hearsay evidence is to be used.

Mr McGINTY: We will deal in detail with some issues in this Bill. I appreciate that the member for Burrup has some concerns about the reversal of the presumption of innocence and also doing away with certain judicial standards, such as the standard of evidence that can be introduced, the acceptance of hearsay and those types of things, which I think we should pursue. There might be a practical justification for that. However, we also should consider the way in which the law will operate in that respect.

The other matter I briefly refer to is the creation of new offences to deal with persons who breach conditions of bail. As I have already indicated, the Bail Act currently provides that offenders who breach their bail undertaking by failure to attend court on the appointed day commit an offence. This Bill makes breaches of other conditions or undertakings in respect of

bail an offence which will attract a penalty of \$10 000 or three years' imprisonment for any breaches, including breaches of protective conditions. We have a problem at the moment with bail conditions often being regarded with a measure of contempt. That has tended to bring the law of bail into contempt. To treat it seriously in this way, although it can be seen as being punitive, is a step in the right direction and has the support of the Opposition.

The next matter I refer to are the amendments to the Act which expand the range of serious offences which will be caught by schedule 2 of the Act. In addition to the amendments relating to serious drug offences that will be moved by the minister, we will also have all burglary and car theft offences in future deemed to be serious offences for the purpose of schedule 2; in other words, that is the reversal of the onus of the presumption of the right to bail. An increased capacity to refuse bail on the grounds of the seriousness of the offence now exists. We also have a provision here which is a practical way of dealing with particular situations of violence in the household. For instance, when a husband has been arrested by the police and charged with an act of violence against his wife, in the granting of bail or the consideration of bail the magistrate can consider, and indeed issue, a violence restraining order or an apprehended violence restraining order as part of the bail granting process. That is simply a mechanical thing or an administrative arrangement which makes a lot of sense.

The Bill also provides for a broadening of the range of bail conditions. Among other things - this is something with which all members would agree - a person can be given bail conditions to attend counselling. Whether they be sex offenders or perpetrators of violence who might wish to undergo counselling or a preventive training course, bail conditions can be attached.

They are the matters which this Bill refers to, each of them being subject to a range of matters that I know my friend the member for Burrup wishes to raise in respect of the departure from accepted judicial standards in dealing with these matters. There is perhaps an irony in increasing the role of the judiciary or the magistracy in the granting of bail, and in the metropolitan area the exclusion in respect of serious offences of the police and justices of the peace from that function, while at the same time there appears on the surface, at least, to be a reduction in the judicial standards that are to be applied. They are matters we might be able to pursue as we give further consideration to this legislation.

MR RIEBELING (Burrup) [1.00 pm]: I seek leave to continue my remarks at a later stage of the sitting.

Leave granted.

Debate thus adjourned.

[Continued below.]

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

POLICE AMENDMENT BILL

Returned

Bill returned from the Council with an amendment.

BAIL AMENDMENT BILL

Second Reading

Resumed from an earlier stage of the sitting.

MR RIEBELING (Burrup) [2.37 pm]: This Bill was designed as a gut reaction by the Government in response to a tragic incident which occurred some months ago, when someone was killed. The crux of the matter is that the offender involved in the incident was on parole. Because this person had recently been released on bail, the Government decided that the simplest and quickest way to respond to the problem was to attack the bail system and not to look at why a person who was likely to take someone else's life was released on parole and why, when in the custody of our prison system, he was not rehabilitated to such an extent as not to be a danger to the public when released from prison. This person was on parole. He was released from the prison system because, presumably, he had gone through the available rehabilitation processes. Upon release, he committed an offence and was released to bail. The offence was such that he should have been released to bail, but because of a communication problem, the person determining the validity of the bail was not aware of his being on parole and released him. While out on parole he was involved in another offence which resulted in the death of a person, and that is tragic.

I ask members whether the removal of a person's right to bail is the correct response to that, or whether we should be looking at what should happen in prisons and the sorts of resources we should be putting into the prison system to make sure the people who are released are not likely to commit more offences. We have in excess of 70 per cent -

Mr Prince: Somewhere around 65 per cent of people actually complete parole successfully.

Mr RIEBELING: We have a recidivist rate of about 70 per cent in Western Australia. About 70 per cent of people released from prison will go back. The minister knows that, and every member in this House who has bothered to look it up knows that. That is an indictment of the efforts that have been expended. What we have is a gut reaction to a problem involving parole; we see a reaction to it in these bail changes. Members on this side of the House are supporting the legislation. However, I have some serious concerns about this legislation which I hope the minister will address.

As the minister knows, being a former practising lawyer in a small town, bail is a right or a protection given to Western Australian citizens when being charged. The process is that a person is not guilty until such time as a court finds him guilty. That is our system. Bail is set up to make sure that people who are charged with an offence, before they are found guilty, are allowed to go back into the community on certain conditions. This piece of legislation removes big slabs of rights of Western Australian citizens, to a point where it takes away some basic rights that Western Australian people enjoy. They will not know they enjoy these rights until such time as they are taken away and a family member has to try to convince a court that bail should be granted.

Proposed clause 3B(2)(b) is interesting. It basically brings hearsay evidence into the ambit of evidence. That is something which courts throughout the world have avoided. This proposed clause specifically asks the courts to allow hearsay evidence and to use that in determining whether a person should be released on bail. For the benefit of members of the House who have not read this legislation, it will be worthwhile to read it out so that they will be a little shocked, I hope, as to the breadth of changes in this Bill. Proposed clause 3B(2)(b) says -

any alleged breach by the defendant of the protective condition or order that has not been so proved, including an allegation that has not been the subject of a complaint . . .

Therefore, this amendment is saying that even if no complaint that a defendant has breached some condition has been laid, the court should take that into account. That is the most amazing clause I have ever read in any legislation that purports to be a protection of any type. This proposed clause then goes on to say -

. . . or any other communication to any relevant official;

Basically, any information that someone wants to raise about someone they dislike, such as a de facto perhaps, can be considered as evidence. This amendment, which does everything possible to look tough on crime and to lock people up for longer periods, has gone overboard and will remove people's rights in massive chunks, to say the least. Basically, anything that someone wants to mention to a court can be mentioned. This does not provide any explanation of how the defendant gets to know about the allegations. No mechanism within this amendment Bill says that the evidence which is collected should be given in open court. I presume it must be. I hope the minister can point out to me that the protection to have courts open and accountable is still contained in this Bill.

The schedule to the Act dealing with what should happen if a person is charged with an offence basically means that if a person is on bail and the police happen to think he has committed another offence, that is bad luck for that person because he will not get bail. That is basically what this legislation says. I hope the minister has gone back to the department and asked what effect this amendment will have on the number of people who are in prison. This piece of legislation will increase quite dramatically the number of people who are on remand in custody. That is what it is designed to do. This prison system that we are going to put more people into is currently bursting at the seams, to the extent where the minister himself in April this year announced that we would be getting an extra 750-bed prison as a matter of urgency. As an interim measure, another 350 beds would be provided. That was to happen as a matter of extreme urgency. However, we ended up with approximately 100 to 150 beds budgeted for in the last budget, not 350 beds as promised. What we see in this legislation is probably an increase of about another 100 to 150 people on remand, not in prison. We are not talking about people who have been convicted; these are people who have been charged with an offence and there has been some sort of breach - some hint of a breach, according to this legislation. One needs only a subtle hint of a breach of any type of condition to constitute a refusal of bail, and the person goes back into prison.

An interesting clause, which I hope the minister can explain to me, is proposed clause 3B(4)(c) on page 13. It reads -

in the case of a condition imposed for a purpose mentioned in clause 2(2)(c) or (d) of Part D, treat any alleged breach of the condition as a serious matter even if the conduct alleged to amount to the breach in itself appears to be trivial;

This proposed clause says that even if it is a trivial breach of a condition, the courts should consider that as a serious breach. Is that the minister's reading of the proposed clause?

Mr Prince: Yes, and that is the plain meaning of the language.

Mr RIEBELING: I am interested to ascertain why that is required. If it is a trivial breach, why treat it as being serious? Why is there this great need to treat trivial matters as being serious? That is gobbledygook for saying any breach at all will mean that there is no possibility of the grant of bail. The basic problem I have is that under this Bill a person does not have

to be charged with an offence; there need only be some type of allegation. That comes under clause 12(2b) which gives the judicial officers the power to order a defendant to undergo a program or to receive counselling and so forth. This is a person who is on bail and who has presumably pleaded not guilty to the alleged offence.

Mr Prince: He may not have entered a plea.

Mr RIEBELING: However, the judicial officers will have the power to treat that person as if he were a guilty person.

Mr Prince: Not necessarily. The justices are empowered to say that a behavioural problem appears to exist.

Mr RIEBELING: What does that infer?

Mr Prince: It might appear that the person has an addiction problem, whether it be alcohol or some other substance, and has a difficulty in controlling anger. Is it appropriate to intervene at this early stage for the benefit of that individual? It has nothing to do with guilt or innocence. It could be sensibly argued that any justice or magistrate who so orders should not be the one who hears the trial.

Mr RIEBELING: That was leading to my next question.

Mr Prince: Information might come to the attention of the court that leads a magistrate to say that the defendant should go to Cyrenian House. However, it could then be argued by counsel representing the defendant when the matter comes on for trial that that magistrate should not hear the case because he has already heard that information about the individual which may prejudice the defendant.

Mr RIEBELING: I understand why the minister is saying that. I disagree that this is the correct position for those types of reports to be sought by a judicial officer. For what reason would a judicial officer, who is of the view that a defendant should undertake certain courses, order a person to go to counselling, for instance? Conditions of bail have two primary focuses; the primary function is to make the defendant turn up for the next hearing if he is being released on bail. A judicial officer should be considering what conditions to put in place to ensure that the person will turn up. Does the minister agree with that?

Mr Prince: Yes.

Mr RIEBELING: The second would be if there were some risk of assault against a witness. A condition may be imposed which states the defendant is to refrain from something or to report to police on a daily basis or whatever to ensure that no violence occurs, if it is a violence offence. Clause 12(2b) seems to contemplate treatment or preparation for guilt.

Mr Prince: No. I understand why the member says that, but I do not agree with him.

Mr RIEBELING: Does the minister understand what I am saying?

Mr Prince: Yes.

Mr RIEBELING: Does the minister understand why I would think that?

Mr Prince: Yes.

Mr RIEBELING: In an effort to combat crime in this place, a worldwide trend is emerging in Bills whereby people's rights to remain innocent until they are proven guilty are being removed incrementally.

Mr Prince: I disagree with that in this instance because the judicial officer will have the power to intervene at the earliest possible stage to benefit this individual.

Mr RIEBELING: Does the minister think it is in the interests of justice to allow for hearsay evidence to be given to a judicial officer concerning complaints that have never been lodged?

Mr Prince: I will come to that when we get to the committee stage.

Mr RIEBELING: I hope in his response, the minister will be able to touch on it briefly. All the way through this amendment there is a desire of the draftsman to look tough regarding this piece of legislation. Looking tough does not necessarily produce a result which is good for this community. The removal of someone's ability to have bail may look tough, but the impact on that is far worse on the person if he is found to be not guilty. I am sure the minister would acknowledge that. We have bail provisions so that if the person is not likely to go to prison, or if there is a likelihood that a person's behaviour indicates he is not likely to go to prison, he should not be remanded in custody. The Bail Act which was originally proclaimed in 1989 was a response to too many people being denied bail. One of the primary focuses of the Bail Act was to remove people from custody who should not be in custody. It set in place a process to ensure that if a decision to deprive someone of his liberty was made, a series of matters had to be considered to reach that conclusion. This amendment in my view starts to reverse the trend that was started in the Bail Act. It does it in a way that removes people's rights and removes a degree of fairness from our system that I thought was in place in the courts.

Mr Prince: It does it in relation to serious offences, and it does it in relation to people -

Mr RIEBELING: Serious allegations.

Mr Prince: Yes, allegations of serious offences. It does it to people who are already on bail. It does it to people who are on parole. That is all.

Mr RIEBELING: If the police charge me for two offences and I am not guilty of either, does that make it any less or more serious?

Mr Prince: If the member is charged contemporaneously, there is only one bail exercise. However, if the member is apprehended and is charged with possession of drugs with the intent to sell or supply on the streets of Fremantle, the member would be bailed at the present time because it is a presumption in favour of bail. In that sort of example, a dealer would be back on the streets. By the time that charge gets to be heard - it is a District Court exercise - it might be at least six to nine months or possibly longer for a plea of guilty to be entered and that is simply the ordinary administrative process to get the person there. In the meantime, he is continuing to deal, and possibly continuing to be apprehended. Each time, he is bailed again. Therein lies part of the problem with bail when a person is on bail. If it is a serious offence such as motor vehicle theft, burglary or drug dealing, and if the person who is on bail is already on bail and commits another offence, that would be the end of the bail under this amendment.

Mr RIEBELING: I would appreciate that more if a conviction occurred. If the police charged a person with a series of offences over a month and he was found to be not guilty on all offences, how does -

Mr Bradshaw: That happens all the time.

Mr Prince: That may happen.

Mr RIEBELING: More people will be locked up, according to the member for Murray-Wellington.

Mr Bradshaw: A person was in gaol for about 15 months before he was cleared and that was not very good.

Mr RIEBELING: That is outrageous.

Mr Prince: Not necessarily outrageous. That is an example, as the member for Fremantle said, of one part of the conundrum that this legislation attempts to address.

Mr RIEBELING: And one that I am trying to stress; a person is not guilty in our system merely because the police have charged him. He may well be guilty. However, the fact that police might charge a person once or twice, according to the minister's emphasis, means that the second charge or allegation is more sinister than the first.

Offences in the metropolitan area will be treated differently from those in the country. The member for Fremantle said that he did not mind the change relating to the country. Presumably this amendment is proposed to protect the public. If one accepts the minister's argument in relation to the rest of the Bill - I do not necessarily agree - the provisions which relate to the metropolitan area, and not to the country, offer more protection to people in the metropolitan area than for those in the country. The Government states that the metropolitan system should not apply in country areas as it would be a little difficult to apply. My understanding is that officers such as justices in certain circumstances in the country will be able to release a person on bail, but in the metropolitan area, in exactly the same circumstances, it will be inappropriate for a justice to take the same action. How can that be justifiable in Western Australia's judicial system?

I understand that the definition will extend to certain country areas. I am often criticised by members opposite for toeing the line. If I say something different from a colleague, members opposite can state their piece. I am concerned about people's rights in Western Australia.

Mr Bradshaw: I am concerned about the innocent public.

Mr RIEBELING: So am I.

Mr Bloffwitch: You would never know it.

Mr RIEBELING: Is that right? Bail should have nothing to do with whether the system which puts a person into that position is right or wrong.

Mr Prince: It is not the system, but the individual.

Mr RIEBELING: I am dealing with another interjection at the moment, minister. I presume that the member for Geraldton agrees with our system of law.

Mr Bloffwitch: I do not. People are repeatedly let out on bail who should not be let out in the first place.

Mr RIEBELING: The member thinks that if the police lay a charge, a person is guilty.

Mr Bloffwitch: If a person is arrested and held for any reasonable crime - bashing people or whatever - why let him loose to perpetrate another crime?

Ms Anwyl: They might be innocent.

Mr Bloffwitch: They might be, but they have been arrested - that is the point.

Mr RIEBELING: There must be something in the charge because coppers have laid it!

Mr Bloffwitch: If everyone has a chance of being innocent, let murderers out!

Mr RIEBELING: We have a slim chance of that with the mob opposite running the place. The member for Geraldton says some crazy things in this place. Does he really think that murderers will be released on bail under the current system?

Mr Bloffwitch: The example given by the member for Kalgoorlie was that nobody is guilty until convicted. You would let anyone out.

Mr RIEBELING: The member for Geraldton said we should let murderers out. The problem is that people like the member for Geraldton believe that charged people should be locked up. That reinforces my concern.

The Minister for Police, as a practising lawyer from Albany, would be very concerned about the serious problem of removing a person's liberty and the opportunity of a fair trial. We can continue to remove those rights and ultimately do away with the judicial system. We have the sentencing matrix proposal to be considered shortly which will further reduce what judges can do, and tie them into more confined areas. More instruction will come from politicians. Why not have an infringement notice system? Someone is caught, and bang - he goes inside for six months' incarceration!

Mr Prince: When we reach the sentencing matrix, we will talk about tariffs. That has been around for years.

Mr RIEBELING: We might want to talk about whether it works elsewhere in the world. The minister might want to bring in information about whether it has operated for years in the United States of America and failed. The member for Geraldton would not want to see that information, but I have a slim hope that the minister will want to know whether the system to be imposed on the State has any chance of being effective. It might achieve a good headline, which in politics is said to be better than 10 bad ones. However, it is time to look seriously at whether the proposition will benefit the State in the long run. The matrix system, and the removal of discretion from courts, is a seriously bad move. It is flawed and has not worked in other places. The Attorney General in his travels around the world stopped in the wrong State. He saw the sentencing matrix system, and has decided to run with it. It is not a new idea. It is adopted from the United States, where it has failed. Maybe the next Attorney General, the current Minister for Police, might be interested in looking at that aspect.

MR BROWN (Bassendean) [3.07 pm]: I have taken considerable interest in the various amendment Bills introduced by the Government relating to bail. The second reading speech outlined -

Members would be aware that a number of recent incidents have raised important questions concerning the operation of the system of bail. These include the capacity for offenders to be released on bail on a number of successive occasions - often referred to as the "revolving door" phenomenon.

Hansard of 1993, when the Bail Act amendments and the Young Offenders Act were brought before Parliament, reports the former Attorney General assuring the House and the people of Western Australia that the Bills would stop the revolving door syndrome. Many Ministry of Justice publications claimed great success, and said that those Bills had stopped the revolving door phenomenon. However, statistics provided by the Attorney General and the Ministry of Justice indicated otherwise, despite glossy pamphlets and statements supporting the claims. I am pleased that, at least implicitly, the minister's speech today indicated that those Bills did not have that effect.

Mr Prince: They did in large part, but not completely.

Mr BROWN: The Government's claim was that the legislation was a complete success. It stated that its clever provisions had stopped this phenomenon. It has not done so, as we all know from complaints from our constituents. I am pleased to see at least in this second reading speech some acknowledgment that the previous claims inside this Parliament and outside by the then Attorney General and the Ministry of Justice are recognised to have been false.

The second matter I wish to raise concerns the language in the Bills. The Young Offenders Act contains language through which the Government proclaimed in headlines and glossy brochures that the problem of bail for juveniles had been overcome because of a mechanism by which a juvenile could be released only into the hands of a responsible adult. Questions were raised at the time as to whether that would mean that juveniles who were arrested but eligible to be released on bail would be detained in custody for longer periods. The Government advised that would not be the case because if a responsible adult was not available to bail the person - because the person had come from a dysfunctional family, or did not

have a family member or close friend who would stand as a responsible adult for him - mentors would be available to be used by the Ministry of Justice who would take on that role and properly supervise the young people who had been charged with offences.

A number of incidents involving juveniles have occurred recently in my electorate. I have referred to one incident today, and if I get the opportunity I will refer to more. My electorate is at crisis point with people being abused and assaulted and not receiving any assistance. I intend to pursue that matter. I have no criticism of the local police officers, who do an admirable job; there are just not enough of them. I have attended probably half a dozen meetings with the local senior sergeant and his superior officers over the escalating crime rate in my electorate, and the way that people are being intimidated. At one of those meetings one of my constituents raised the fact that her house had been broken into and because she was able to give a good description to the police officers, they managed to arrest and charge the offenders. They were released on bail that night, and decided to engage in some payback. The response of the police officers was that they would like to do more but they were constrained by the legislation, and felt it was a matter for the Parliament not for the police.

Mr Prince: Constrained by which legislation?

Mr BROWN: They did not mention any specific legislation, although the problem was with young offenders. I asked them what they meant. When the Young Offenders Bill was debated in the Parliament I was the opposition justice spokesperson, so I was aware of the details of the bail provisions for juveniles. I put it to the officers that their obligation was to release a juvenile into the care of a responsible adult. I was advised that, although that is what the legislation provides, it is not up to the police to determine who constitutes a responsible adult.

Mr Bloffwitch: That is the greatest cop-out of the lot.

Mr BROWN: I can assure the member for Geraldton that the officers told me that if a young person had an elder brother or sister who was prepared to take responsibility and to sign the document, the police would release that young person. I asked how that worked, and we had an interesting discussion. The bottom line was that the police cannot hold a young person without its having a major impact on their resources. The officers said that if they arrest a young person and there is a fair chance of that person reoffending, they must make a decision. If they do not allow bail, they must provide a car to take him to Rangeview. That area might have only two cars, and that decision will take one car out of operation for two hours. If the same situation arises one hour later, the other car will also be out of operation. The Act must be examined, bearing in mind those resource constraints.

I have become cynical in my old age when ministers tell us in this place that some form of words or a glossy brochure will fix a problem. We have heard yet another speech containing more promises that another piece of legislation will fix what is wrong. These issues will not be fixed by legislation alone. These issues will be fixed by putting resources on the ground. My annual report to my electorate in 1994 set out a crime prevention strategy. That four-year-old report was similar to the latest report put out by the Police Department on its Delta reforms. It is not that I was particularly bright or had done a lot of intellectual research on this issue; it was because the Government had convened a major conference in the city of about 200 or 300 people at a cost of thousands of dollars, and they said exactly the same things. Professor Richard Harding, who convened this conference, referred to the consensus at that conference on how to deal with these issues; that is, we must take a whole-of-government approach. The old adage of "lock 'em up and flog 'em" does not work. We must intervene at an earlier time.

It is appalling that some people in my electorate are afraid to come out of their front doors. I attend meetings every week at which people berate me, and ask what the hell I am doing about reducing the crime rate in my electorate. I say that I have raised and I will continue to raise this matter with the police and with the Education Department. I have raised it at that low level. I tried to raise it with Family and Children's Services. I wrote to the minister and asked the minister to send senior officers from Family and Children's Services to a meeting in my electorate with the police, Homeswest, and Education. Family and Children's Services should be intervening at the hard end to deal with these issues. I had a long wait before I received a reply from the minister. However, I finally got a commitment that these officers would attend the meeting. I convened the meeting. Senior officers from Police, Education and Homeswest came, but where were the officers from Family and Children's Services? They were not there. Were they too busy at the Midland office? The parenting centre at Midland is beautiful. It provides glossy brochures and films. The only problem is that not too many dysfunctional families walk in there and say, "We're a dysfunctional family, please give us a brochure to go home with, so we can get our act together." It is a disgrace. My area has young kids who do not go to school and who are offending. Where are the intervention programs? We had an index program. The guy who ran the index program was paid a pittance, but he was committed to kids. He dealt with school refusers and worked with the business community. He put kids into a program, and after a time negotiated with the business community and got them jobs. He got approval from Employment and Training for them to work when they were under age. He went through the whole system. That guy was highly committed and he received the huge salary of about \$22 000 a year! I will tell members about the successful results of that program. The program dealt with school refusers, and after the kids went through the program they were placed in jobs. Six months later a survey was carried out to determine whether the kids were still employed or were in full time education. The survey found

that between 70 and 75 per cent were either in a job or had gone back to school. That is the hard end of the problem, not the soft end. What happened to that program? It has gone. Why has it gone? The Ministry of Justice said it was not a crime prevention program because not all the kids had been in trouble, and therefore it would not fund it. The Education Department said it was not an education program because these kids had left school, so it would not fund the program. Employment said it was not an employment program because these kids were too young to work. No-one would fund the program which cost about \$35 000 a year, and that is half the cost of keeping one juvenile in prison or a detention centre for one year.

The Government can pass this legislation, amend it and do what it likes with it. My constituents have lost faith. When I tell them that more legislation is being passed, they say it is great but they ask whether it will stop them being abused by people high on glue and other substances. The Minister for Family and Children's Services said today that the Government would set out a drug aware business scheme. I would not bother telling my constituents that. They would probably laugh at me, after they had strung me up! They want to know what will happen on the ground. They are sick to death of this, and so am I. As each week goes by, I attend more and more meetings. These are held not by people reading about a problem in the newspaper, but by those copping the abuse each time they leave their homes. They tell their kids not to get off the train at the Success Hill railway station because they will be hassled or beaten up. They tell them to get off at another station and they drive to pick them up. What the hell is the Government doing about it? It should not tell me that more legislation will be passed to fix the problem. That will not fix the problem.

Mr Baker: Are you going to give us a tip?

Mr BROWN: I have not told the Government what will fix it but I have indicated what would make it better; that is, an active crime prevention program. The Government should put the money at the ground level, and use youth workers to work with the kids and the dysfunctional families. It must set up alternative programs and work with the families. It must use counsellors and homemakers. If the Government wants to do something, it should do it properly. It should get the departments and the agencies working together. It should examine the information protocols that are necessary between departments. It should look into the Canadian system. I should not have to tell the Government how to suck eggs, but I have looked into the Canadian system and it has many good features. This problem will not be fixed by the Premier setting up a council.

Dr Hames: You guys stopped the homemaker program. Before I ever got into Parliament, those same glue-sniffers were about and we had to move them to allow Brian Burke to open up the park next door.

Mr BROWN: Whatever the minister says. The minister can make excuses, but his Government has been in office for six years.

Dr Hames: And yours was in office for 10 years.

Mr BROWN: We can keep going back in time, because before that the Liberal Government was there for nine years, and we were there three years, and so on. It is a lame excuse. This Government has been in office for six years and its budget has increased. Its income has increased by more than 50 per cent; taxes and charges have gone through the roof. People are paying an arm and a leg, and how is the Government spending the money? If the people in my electorate were asked whether they wanted underground power or to feel safe in their own homes, I feel sure they would all say immediately that they would rather be safe in their homes. It is not necessary to carry out a survey to know that. Underground power is a luxury that they are prepared to wait for. This Government has had six years but it has done nothing. It did nothing in the first and second years. It then passed legislation and the then Attorney General said the Government would fix the problem with the legislation. The Ministry of Justice produced all the glossy brochures, and said it was all fixed. It is not fixed; in fact it is getting worse every day of the week. I am sorry to be so emotional about this, but I am trying to properly reflect the feelings of the people in my electorate. People who would not normally be angry are very angry indeed, and these are the people one does not hear from in ordinary circumstances. I am hearing more and more from those who would not normally complain and who, in most instances, are self-motivated and go about their business. The Government can make bail tougher if it thinks it will solve the problem. It can put people into the already overcrowded institutions. When I was opposition spokesperson for Justice I told the Government in 1994 that it would have this problem. The Government did not listen. Recently the Casuarina Prison held 540 prisoners, when it is designed to hold 360. The Government will be lucky to get through this summer without problems if it is a long hot summer.

Dr Hames: I would rather they were in there than on the street committing crime.

Mr BROWN: We shall see. If the Government thinks that it can overcome the problem by making the provisions in the Bail Act tougher, it should look at the United States' experience. It will not overcome the problem.

Dr Hames interjected.

Mr BROWN: I agree with the minister; we are on the same wavelength. His department, Homeswest, understands this problem. Homeswest officers are often put in a very difficult position, unfairly, because they must shoulder the

responsibilities that other departments shirk. They are not sitting in a shop with glossy brochures; that would be easy. It is the tough end. It is tough, hard and grinding work, and no-one wants to do it. However, unless it is done our society will breed more problems for the next year and following years. Some of the programs in place today have a nice tinsel effect, but I would reorganise some of the resources if I were in a position to do so, because they are not focused at the hard end. The Minister for Police should ask his senior officers and the local police sergeants for their honest opinions. They know what is going on with resources and cooperation. They know what is happening. They will tell the minister what is needed, and that is greater cooperation, more resources to deal with these issues and more programs. More police are needed but, as we all know, they are important after the event.

I may raise that matter in the committee stage of this Bill. I am pleased that there is some recognition that the claims made by the Government about the previous legislation are not true. I am also pleased to have the opportunity to push this issue again at this time. I intend to take every opportunity to push this issue in this Parliament, because I have had enough of these types of complaints being raised with me, and something needs to happen on the ground. This legislation may improve the situation a bit, but it will not improve it totally until resources are made available to provide the services that we need in the community to overcome these problems.

MR MCGOWAN (Rockingham) [3.30 pm]: I support the remarks on this issue made by my colleague the member for Bassendean. The member for Bassendean was quite emotional a moment ago about solvent abuse in his electorate. He was also quite emotional during question time about solvent and glue abuse when he asked a question of the Minister for Family and Children's Services, who gave what could only be described as a pretty pitiful answer. Today, everyone is focusing on and talking about the member for Bassendean's electorate, because of the awful incident that took place there a few days ago with some young people. A year ago, it was my electorate that was being talked about, because the front page of *The West Australian* had carried a photograph of a young woman in Rockingham inhaling glue out of a plastic bag. At that time, everyone was telling me that something was wrong with that area because that sort of thing was taking place. I was very distressed about what was taking place and was very defensive of my area. However, that is occurring everywhere, not just in my electorate and in the member for Bassendean's electorate. It is about time something was done about the solvent and glue abuse by very young people in our community. The Minister for Family and Children's Services answered the question at question time by saying simply, in her usual style, "We are encouraging hardware stores to be a bit responsible."

The DEPUTY SPEAKER (Mr Bloffwitch): I remind the member that we are dealing with the Bail Amendment Bill.

Mr MCGOWAN: Thank you, Mr Deputy Speaker. I will relate my remarks to that Bill. The minister said, "We are doing the hard yards and are talking to the hardware stores." Big deal! Talk to the hardware stores! It will not achieve anything. In my view, a positive step needs to be taken with regard to solvents and other harmful substances that young people inhale. A year ago, after that incident in my electorate had been on the front page of *The West Australian*, I wrote to the Minister for Police and suggested that a regime should be put in place for the sale of solvents similar to that in place for the sale of cigarettes, alcohol and R and X rated movies, whereby we try to prevent young people from getting hold of these products. That would be the sensible thing to do - not encourage hardware stores to be a bit responsible, as the Minister for Family and Children's Services has suggested, but put in place some positive measures. That is trying to solve the world's problems by enacting laws, but it may make a difference.

Mr Baker: Prohibition works!

Mr MCGOWAN: The member for Joondalup is the great prohibitionist with regard to other drugs. Something can be done to try to protect these kids from themselves, and we should at least try to do that. The minister's response was that we cannot do it. After a year, the situation has not changed.

Mr Bloffwitch: Are you saying that no child should be allowed to buy a small pot of glue?

Mr MCGOWAN: Yes. The member for Geraldton has got it in one! He is a bright fellow!

Mr Bloffwitch: You would make the two million kids who would never sniff glue suffer because of a handful of kids who do sniff glue. That is typical of your mentality.

Mr MCGOWAN: I am sure that young people in the member for Geraldton's electorate die as a result of doing these things. I am very interested in the member's response, because I am trying to save a few lives.

Mr Bloffwitch: Do you want to ban petrol too? There is a lot more petrol-sniffing than glue-sniffing.

Mr MCGOWAN: Good question. Why do kids want to buy petrol?

Mr Baker: Do you want to ban heroin?

Mr MCGOWAN: Of course heroin is banned. Does the member for Joondalup have his head in the sand? Is he stupid? I am saying that we should take steps to protect these kids from themselves. That may not work, and I am not saying it will work, but we should at least give it a go and do something positive. The member for Geraldton does not want to do that.

He thinks that kids should be allowed to buy glue to make a model aeroplane or ship. I loved making models when I was a kid. I never sniffed the glue, but I loved putting those things together. If the price we must pay is that parents will need to buy the glue for their kids, so be it.

Dr Hames: How does this match your party's attitude to marijuana?

Mr McGOWAN: What is the minister's attitude to marijuana?

Dr Hames: I do not agree with your party's policy, which is to free up the provision of marijuana.

Mr McGOWAN: I am talking about kids under 18 years of age and the need to protect them from themselves.

Dr Hames: If you freed up and decriminalised the provision of marijuana, young kids who are not already getting into it would get into it more than they are now.

Mr McGOWAN: Glue is more harmful than marijuana. The Minister for Housing is a doctor and should know that.

Dr Hames: I do not know that. I disagree. You are right in the short term, for the immediate effect, but the long-term consequences of using marijuana are probably greater.

Mr McGOWAN: I am talking about children. The use of marijuana is already outlawed with regard to children -

Dr Hames: Part of your party's policy is to change that.

Mr McGOWAN: It is not. What is our policy? The minister used to vote for us. Tell us!

Dr Hames: I used to vote for you? I voted once for you - the biggest mistake I have ever made in my life!

Mr McGOWAN: Does the minister disagree with what I am saying, or is he just being deliberately obstructionist? Does he want to put forward something constructive?

Dr Hames: I was trying to be difficult, to be honest, because I think your party's policy on marijuana is totally at conflict with what you are saying now. I do not agree with you about glue either, because glue-sniffing is a major problem.

Mr McGOWAN: Kids should not be allowed to buy marijuana, but kids should be allowed to buy glue and petrol? Good position! I disagree with kids having access to any sorts of drugs.

It is time we gave this proposal a try. If we do not do this, kids will continue to die, and kids who are under the influence of these substances will continue to cause harm and mayhem to others, as happened in Bassendean the other day. A number of instances have come before the public of this State in the past month whereby if this Parliament took some simple actions, we could save a few lives. One such instance is pool fences. If we made isolation fencing compulsory, the lives of a few children could be saved each year. Kidsafe WA and pool experts say that isolation fencing could prevent 70 per cent of the deaths of children in pools. The simple step of making isolation fencing compulsory was taken in 1992 by the former Labor Government but was revoked by this Government.

Another instance is the use of mobile phones in cars. I made a 90-second statement on this issue a couple of weeks ago and said mobile phones should not be used in cars. I have seen nothing since to change my mind on that point. The funny thing is that the Government says that people should be able to drive while talking on their mobile phones. I used to be a great perpetrator of that activity. Until I read some studies recently, I did not know that it was dangerous. I realise now that when I dial my mobile phone I divert my concentration from the road. I now turn off my mobile phone and put it in my briefcase. There is no temptation any more. All members would be well advised to do that. There are three ways in which to save lives in the State, but the Government does not have the guts to act - banning the use of mobile phones when driving, erecting pool fencing and outlawing the sale of solvents.

Mr Baker: What about heroin and cannabis?

Mr McGOWAN: I thought they were illegal. The member for Joondalup is supposed to be a lawyer. He cannot read the statutes.

Dr Hames: I will be pleased to see those views promoted in the next election campaign.

Mr McGOWAN: That we outlaw the sale of solvents to children?

Dr Hames: Those three things, yes.

Mr McGOWAN: I am sure the people of Yokine would be interested to know that their member thinks their kids should be able to buy such harmful substances. The member for Yokine wants only to sit in the Chamber and snipe at me. He has nothing constructive to put forward.

Mr Bloffwitch: We are dealing with the Bail Amendment Bill. What does that matter have to do with the Bill?

Mr McGOWAN: I did not think that the member for Geraldton was in the Chair. I have mentioned three simple ways in which lives could be saved by the Government, but it does not have the guts to act.

MR PRINCE (Albany - Minister for Police) [3.41 pm]: I thank members opposite for their support for the legislation. With respect, in some opposition members' speeches their support was not readily apparent because they did not discuss the Bill, in particular the member for Rockingham, but that is beside the point. However, I shall comment on a couple of matters that have been raised. There will be a committee stage because I wish to move some amendments. For the benefit of members who are following the debate, on page 7 of the Notice Paper there is an amendment in my name which is to include serious offences when bail would not be approved. The Bill already mentions burglary and motor vehicle theft. The amendment would bring in serious offences under the Misuse of Drugs Act, which are possession with intent to sell or supply, cultivation with intent to sell or supply, and/or conspiracy, which are matters which have been deemed should be included. The member for Fremantle entirely agreed with that.

The Bill is about exceptions to the general presumption against the grant of bail in relation only to offences which are of particular concern to the community. The Bail Act 1982, which, for reasons unknown to me - I was a practising lawyer at the time - was not proclaimed until 1989, in effect raised a presumption in favour of bail, particularly when it is read in conjunction with the recommendations of the Royal Commission into Aboriginal Deaths in Custody and other pronouncements of the time. It has led to the practice that a police officer bails in almost all cases, with the exception of murder and wilful murder when only the Supreme Court can grant bail. No doubt in most cases that is appropriate, particularly with minor offences on the scale of criminality when there is no reason to suspect that the person will commit a similar offence or another offence, but there is a small group of people who commit more offences while on bail.

Mr Riebeling: How small?

Mr PRINCE: It is significant enough to cause problems. There have been examples this year. Of every 100 people who appear in court the first time, approximately 80 do not reappear. Of the 20 who appear a second time, about 15 or 16 never reappear. We are dealing with about 4 to 5 per cent of those who appear in court once, and reappear over and over again. The member for Burrup in particular knows that with that relatively small group of people we end up with disproportionate mayhem.

Mr Riebeling: Over the year there could be an extra 100 prisoners in the system.

Mr PRINCE: I do not know what the estimate is, if one has been calculated. The member for Burrup might be correct; I am not sure. It is the relative few. The case involving the individual who drove the wrong way up the off ramp and killed the old gentleman is a case in point. It illustrates several factors that I hope will be addressed in the Bill. He was on parole. That means that he had completed a third of his sentence. Under the current parole laws, which I hope will change with the new sentencing structure, someone serves a third, he receives one-third on parole and the other third is wiped, and the amount of parole cannot be more than two years. That person was on parole, so he had done the minimum time that he had to do in jail and was released. As the member for Burrup knows, under the current law it is difficult for parole not to be granted. Again, there is the presumption in favour of it. That person was on parole but he then committed another offence. There was a communication breakdown, as I said on the first opportunity I had to come here and explain what happened. He committed an offence, was taken to the police station, was photographed, fingerprinted and so on, and was bailed by the police officer in charge of the station.

Mr Riebeling: Didn't you announce that in the same statement?

Mr PRINCE: The changes to bail were already in hand. I cannot remember, but I might have done. If the member recalls correctly, I will accept his memory. Because of the breakdown of communication and so on, the police bailed him. Even if they had known that he was on parole, they would not necessarily have had the power to refuse bail. Therein lies the fundamental problem when a person perhaps should not be bailed at all because of his current status as a parolee or as a person on bail for a serious offence.

Mr Riebeling: What was the offence? From memory, it was not serious.

Mr PRINCE: I am subject to correction on that, but it was car stealing or stealing. It might have been a disorderly charge; I cannot recall. Please do not hold me to that because, off the top of my head, I am not sure. In any event, he was on bail. The allegation is that he stole a car and that while being pursued and so forth the death occurred. In that case the bailing authority should have power to say, "You are on parole, which is a licence - a privilege - to be at large in society, because you are still serving a sentence of imprisonment but you are paroled on your good behaviour. You have now allegedly committed an offence; your parole is cancelled." It is then for the parole authorities to reconsider eligibility.

Mr Riebeling: If he is found guilty.

Mr PRINCE: Whether or not he is found guilty. It is a privilege, not a right, to be on parole. I know what the member for Burrup is saying. About 60 per cent of people on parole successfully complete their parole, but about 40 per cent do not.

If they then breach their parole by committing an offence, they should be taken out of society straight away. I appreciate that a charge is not proof of guilt, but we must do something at that point in order to pull them out. I am afraid that because the person is on parole the presumption will be that there is a reason for him no longer to be at large. The public would agree with that. It says to the person on parole that he is required not to break the law and that he is required to be extra careful, as has always been the case.

With respect to who grants bail - this is probably the biggest change - at the moment, the officer in charge of a police station says, "Here is bail, and I have to do that." Then the following day, or whenever the person is bailed, someone, and not necessarily the same police officer, will front up before a magistrate saying that he wants to oppose bail. The magistrate will look over his glasses and ask, not unreasonably, why the offender was bailed in the first place. The answer is because it had to happen, but the police did not want to do it. That is a conundrum police officers should not be required to solve. This is a judicial thought process and the decision to grant bail in these cases should not be made by police officers; it should be made by judicial authorities, namely magistrates. In that way, an application for bail and a resistance to bail can be heard, and the matter can be disposed of as it should be. I think the member for Burrup will agree with that. This Bill is more about that than anything else. I appreciate we will come to the debate on the detail of it in committee. I do not think I should say much more at present.

Mr Riebeling: Can you give a quick comment about 3A? It might be able to solve the problem.

Mr PRINCE: That must be read in the context of the whole of clause 13 which refers to clause 3B in part C of schedule 1. It refers to a breach of the protective condition or order. A breach of protective condition might not be an offence which is grounds for a complaint under the Justices Act; for example, the order might say that a person should not come within 150 metres of a location, perhaps a house or a school or something of that nature.

Mr Riebeling: A complaint can be lodged about that. That would be a breach of a restraining order.

Mr PRINCE: Can the member understand that there could be breaches of conditions which, of themselves, would not be grounds for a complaint under the Justices Act? They may not be that serious but, nonetheless, would trigger this provision.

Mr Riebeling: I was brought up with the belief that if we cannot prove something to a degree in court, that belief or allegation should never be raised in a court of law, especially if it is not proved.

Mr PRINCE: In a whole stack of instances, we bring up matters in courts which are not necessarily admissible evidence; for example, in the Coroner's Court the rules of hearsay do not apply.

Mr Riebeling: We are not talking about a criminal court.

Mr PRINCE: We are talking about the breach of bail which is, in part, administrative and, in part, judicial. It is not a matter of an accusation of a crime, but of the breach of a condition.

Mr Riebeling: It says that it is any alleged breach. It is an allegation.

Mr PRINCE: I think this is better dealt with in committee. I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Prince (Minister for Police) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 6 amended -

Mr BROWN: This clause seeks to insert proposed new subsection (3a) which states -

Where section 16A applies, the police officer or other person who arrests a person for an offence shall as soon as is practicable bring the defendant, or cause the defendant to be brought, before a court or Judge mentioned in subsection (1) of that section for the purpose of having the defendant's case for bail considered by that court or Judge.

Proposed section 16A is set out in the next clause.

Mr Prince: This is dealing with a serious offence.

Mr BROWN: Is that a schedule 2 offence?

Mr Prince: We have added to schedule 2 motor vehicle theft, burglary and serious drug offences.

Mr BROWN: Without going to the offences that have been added to schedule 2, presumably this amendment means what it says, that previously a police officer could deal with these matters.

Mr Prince: Yes.

Mr BROWN: Therefore, under this change, a police officer will not be able to deal with these matters in an urban area, as defined. I seek advice from the minister about what he expects to be the outcome of this change that these matters must now be considered by a court, as opposed to a police officer.

Mr PRINCE: I anticipate that to some extent it will depend on the day of the week and the time of the day or night. This applies only in the metropolitan area where the person must be brought before a magistrate, or before a judge in the case of murder; however, let us leave those cases aside because they are not the most prevalent matters. If a person is arrested in the morning on Monday to Friday, when courts are normally sitting and open, I expect the police will endeavour to have the person up before the magistrate in the afternoon. In most of the metropolitan area that should be possible. It will require some administrative changes in the courts, particularly the Central Law Courts, and in Midland, at which two magistrates sit, to ensure one is available to deal with these things as and when they come up. A person being arrested at night or late in the afternoon will be kept in custody and come before the court the following day, or there will be a roster of magistrates who are available. I do not imagine we will need very many across the whole of the metropolitan area; probably only one or two. The Attorney General has indicated that he is looking at the possibility of establishing a bail court to operate 24 hours a day, seven days a week. Whether it will happen, he has not said.

Mr Riebeling: That is not in Midland at the moment, is it?

Mr PRINCE: No. In the other place the Attorney General said that he is investigating the possibility of establishing a bail court to operate 24 hours, seven days a week. He said that these courts have failed in every other State of Australia in which they have been tried and that, although he is looking at why they have failed, no decision has been made. On Saturday mornings, of course, a magistrate is at East Perth. Therefore, a court is open on Saturday mornings. The only time when a person might remain in custody for any extended period would be an arrest, say, on Saturday night, with the first court being available on Monday. That may be why one would want to have a roster of magistrates available on Sundays, so that a person is not held for what is seen to be an unreasonable period of time before coming before a court that is properly constituted by a magistrate. This can be done in the metropolitan area. The difficulty is that it cannot be done in some of the remoter areas of the State simply because of the size and the fact that magistrates are not located in all the small centres. There is only one magistrate who is peripatetic. It would be a totally unreasonable administrative burden to place on the police, the person who has been accused, and probably the magistrate as well, to try to move people, especially across the Pilbara or the Kimberley.

Mr Riebeling: On that point, why is it so serious that it has to be done in the metropolitan area, but it is not serious enough to be done in Karratha?

Mr PRINCE: One does not change the system in somewhere like Karratha. It is purely for logistical reasons. The member's colleague in the other place, Hon Nick Griffiths, mentioned, but unfortunately did not follow-up, the question of video and audio facilities, which I know the Attorney General is considering; that is, being able to make a bail application by telephone or by video link.

Mr Riebeling: That is in the video and audio links legislation.

Mr PRINCE: I think that deals with it slightly differently. However, it is a question of whether we proceed further with court appearances being able to take place over significant distances by way of video and audio links, and I refer to all types of court appearances, not just those from jails.

Mr Brown: It is now being done in relation to persons in custody, is it not?

Mr PRINCE: It is being done in the case of remands in custody, yes, and done well. It is good to do this, because obviously it means a significant reduction in disruption both to the person who is being held and also the administration.

Mr Brown: I am not sure that the person being held would be particularly worried about the disruption, but certainly the administration would.

Mr PRINCE: With the ability today to have television links from the CW Campbell Remand Centre to the Central Law Courts, one cannot say that one has a problem, other than the ability to get out of the cell, get into a van, drive through the streets of Perth, get out, get into a lockup, go out, appear, go back, go through the whole process again, and usually arrive back at the jail after lockup. It is not necessarily the best situation. Here it is not expected that people will be held much more than overnight, or maybe on the weekend for a day and a night.

Mr BROWN: On that matter, what does that mean in terms of police resources, given the comments I made earlier? I know there are police lockups. However, as I understand it - the minister can correct me if I am wrong - the police are not allowed

to hold somebody in a lockup overnight unless the lockup is staffed. Police are not permitted to lock somebody in and then leave, because the place might burn down or whatever. Therefore, if someone is to be held in custody, he must be held in custody in a lockup that is staffed.

Mr Prince: That is right.

Mr BROWN: What does that mean in terms of officers being out of their area in order to ensure that people are transported to the closest available lockup? I know the suburban stations have lockups that operate during the day, but they certainly do not operate late in the evening or through the night because those stations are not staffed after certain hours. I raise that because -

Mr Prince: This pre-empts the second reading speech that I will be making tomorrow.

Mr BROWN: That is good. The minister can do that. He needs to answer the question.

Mr RIEBELING: We touched upon the difference between the systems which will operate in the country and the metropolitan areas. I refer to clause 6, which ties in with clause 5. Will the minister explain why it is so serious that we put this system in place in the metropolitan area - I am not talking about how difficult it is - but in country areas it is not as serious?

Mr PRINCE: No distinction exists on the question of seriousness. If this could be done across the State, it would be ideal to do it; that is, to have the magistrate as the person who makes the decision, not the police officer. If that could be done across the State, we would do it. However, as a matter of pure logistics, it cannot be done. I hope that in time it will extend. I would expect it to extend to the more populous parts of country areas before the more sparsely populated parts. Otherwise one will have a situation, say, in the Pilbara or the Kimberley, even in the Murchison-Gascoyne and the goldfields, where people will be sitting in vans literally for hour after hour simply to get to a magistrate and/or a magistrate will be moving all the time to deal with bail applications. That simply is not practical. I wish it was. If we can do this by video, or even by telephone in the short term, that will overcome the difficulty. We will then be able to move to the same system in the country that we want to introduce in the metropolitan area. It is not a change in the grant of bail process; it is a change in who does it. It puts the judicial officer in place rather than the police sergeant or officer in charge of the police station. It recognises that it should be a judicial pronouncement. The police should have the power to say that they do or do not oppose bail, without a magistrate saying, "Why did you release this person on bail in the first place?" The accused person, who is the applicant for bail, is able to present a case for bail and also debate issues such as conditions. Some of the most difficult debates that one has in court, usually with little notice, occur when a person comes before a magistrate who says, "Why did the police release you on bail in the first place? Why were these conditions imposed?" This will shift the bail decision-making process from the police station to the courthouse.

Mr Riebeling interjected.

Mr PRINCE: No. As I said, Hon Nick Griffiths raised the question of being able to do this by way of video and/or telephone link. We should explore that, because if that can be done satisfactorily -

Mr Riebeling: Presumably this is in response to a real situation and a real problem.

Mr PRINCE: It is.

Mr Riebeling: The Government has not done it because it thinks it is a good thing to say.

Mr PRINCE: No.

Mr Riebeling: Presumably there is an equal proportion of country people in this situation.

Mr PRINCE: The numbers, of course, are far less.

Mr Riebeling: The numbers are less, but the proportion would be the same. Therefore, the problem is the same. It is just logistically harder to get them to the magistrate. However, the importance of the decision in each individual case is surely the same.

Mr PRINCE: It is.

Mr Riebeling: Why is there not the same emphasis on it?

Mr PRINCE: Because we cannot do it everywhere straightaway. What we can do straightaway and make work straightaway is that a person appears before a judicial officer for a bail decision rather than the police sergeant in the police station. That is what we seek to do.

Mr Riebeling: Except in country areas.

Mr PRINCE: As I said, this is something which must be considered now. We may be able to do this adequately by telephone. Video conferencing, which is available in some parts of the State, would be even better.

Mr Riebeling: How about a couple more magistrates?

Mr PRINCE: One does not know whether it will necessarily solve the problem. A couple more will not necessarily cover the whole State.

Mr Riebeling: Stick one in Karratha, one in Kununurra and one in Esperance, and you will be right.

Mr PRINCE: Not enough work is available to justify a magistrate in Esperance. I know magistrates come and go from that area. The workload is not yet big enough. The member for Bassendean raised the question of transport.

Mr BROWN: I will allow the minister to provide the answer.

Mr PRINCE: The second reading speeches I will deliver tomorrow on the Courts Security and Custodial Services Bill and the Courts Security and Custodial Services (Consequential Provisions) Bill will make the point clear. The Government seeks to take from police the function of guarding people in lockups and moving them from place to place. Police officers should be out catching people, not behaving as lockup keepers. In the past, they performed that role as no-one else could do it - that was fair and reasonable. However, today's sophisticated infrastructure in the State is such that the police should not perform that role. The example of taking someone to Banksia Hill is a good one. The police should catch a person, take him to the police station and do the necessary work. That person is in custody for a serious offence, and someone else will take that person to Banksia Hill. Therefore, the van, car or whatever is not then lost to the police. The police's function is to respond to crime, to provide a street presence, to implement crime prevention measures and so on, not to move people around the State.

It is hard enough in suburban areas of Perth; however, a female juvenile in Kalgoorlie or Albany, where no facilities to hold females or juveniles are available, must be stuck in a van and driven 700 km from Kalgoorlie or 400 km from Albany to the nearest suitable facility. The only policing performed in that circumstance relates to traffic as a marked police van travels along the road. The odd traffic pinch may be made. Otherwise, two police officers and a vehicle, resources for a certain area, are lost to that area at significant expense. Meanwhile, what are they doing regarding the core job of policing the area?

Mr Riebeling interjected.

Mr PRINCE: A facility is not available in Albany or Geraldton, other than the Greenough Prison which can hold some females. Broome has the only accommodation for females in the north. In time, one needs facilities for both females and juveniles more widely spread around the State, but it cannot be done at the moment. I know from my legal practice that juveniles have been held in the Albany police station lockup for days, which people will not like to hear. At the moment, as facilities act both as the custodial institution for a sentenced prisoner and as the place for a remand prisoner, one cannot justify building places for juveniles and/or females all around the State. Therefore, one will have a transport problem for some time into the future. It should not be a police function to move people around.

Returning to the suburb of Bassendean, I hope to see in the near future an organisation, not the police, which will move persons from the local police station to Bandyup, Banksia Hill or wherever. Therefore, police can carry out their core function.

Mr BROWN: I accept the minister's rationale. Of course, that outcome will arise only if sufficient holding cells operate 24 hours a day.

Mr Prince: Most of the lockups, particularly those which have been upgraded, have security systems in which people cannot hurt themselves. Certainly the new facilities in the new police complexes I have opened in the past three months have more than enough space to hold people.

Mr BROWN: It is a matter not of space, but of them operating 24 hours a day with people in attendance.

Mr Prince: Yes. The individual is brought in by the police officer for whatever reason. He or she is usually questioned with video recording and so on. Then the formal processing of the charge, photographs, fingerprints and so on is undertaken, and the person is then placed in a holding cell. That person will then become somebody else's responsibility to look after and move. It will not be the police officer's responsibility.

Mr BROWN: I understand the minister's point. However, I am not sure whether in each police area, with an allocation of cars for patrol, particularly on afternoon and night shifts, simply taking that person to X place will necessarily drag the officer out of the area.

Mr Prince: It should not. I appreciate that some of the older, smaller stations do not have holding cells at all. For example, in such circumstances in Mirrabooka, the accused person would be taken to the new Mirrabooka Police Station. They may be from a station in the Mirrabooka district with no holding capacity; however, they will still be in the district. The intention is that each police district will contain a place, probably more than one, in which people can be held. I mention Mirrabooka, which I opened last Wednesday, as it has a number of holding cells - some of which are totally padded so people who are unable to control themselves cannot hurt themselves - which are exemplary as a modern facility.

Mr BROWN: Until this Bill becomes law, police officers will continue to perform this function. It will then be done by a judge, as outlined in the Bill. Leaving aside the logistics, what is the Government's expectation regarding the way bail will be administratively dealt with? I do not mean whether it will be dealt with by a court or a judge. Is it the Government's view that by dealing with it this way, fewer or more people will be bailed? Will a greater semblance of equality of justice arise? Will more astute decision making be involved?

Mr PRINCE: I expect that a slight reduction in the number of people bailed will occur because some people on bail or parole will allegedly commit other offences; therefore, a magistrate will say that bail will not be granted. In the example of the member for Fremantle of the drug dealer on the streets of Fremantle, it may be that police can introduce into an application for bail evidence of previous conviction or a number of other offences currently under investigation and so on. The magistrate will be able, as has always been the case, to take that information into account in determining whether bail should be granted. If the magistrate says no, bail is granted automatically under the current system. Following these amendments, one more person will be in custody and a reduction in criminal behaviour will result.

In some cases a person is arrested by the police, photographed, fingerprinted and all the necessary process is undertaken, and that person is bailed out of the police station. However, within hours he is back engaging in the same activity. He may be re-arrested, processed and bailed out again. With a few people it happens on the basis of the revolving door. The police officer is under no obligation even to consider bail, because this is a function that the magistrate must consider. That is what this Bill does. In other words, the decision making process is taken to the court, not the sergeant. It means the sergeant simply says to the defendant that that is it, he is charged, he is in and he will stay there. The sergeant then says that the following morning the defendant will go down to Fremantle Court of Petty Sessions and he will be able to make an application for bail. Duty counsel will be there or he can contact a lawyer. The police will be there. Umpteen times I have heard them say that the person has a record that long for that offence and that this is another charge for the same offence. It is not predetermining the question of guilt, but the person has had bail before and committed offences on bail. In other words, the police have reasonable grounds to believe that the person has the propensity to commit the same sort of offence while on bail. The person may say, "Hang on a minute" and present a different argument. The magistrate will make a determination on a judicial basis of whether to grant bail. If the magistrate says no, the person stays in custody. One would then expect, because courts always deal with those in custody as a priority as against those on bail, that the person's case would be dealt with more speedily than would otherwise be the case. That is good for justice.

Mr Riebeling: You are saying there is no possibility that that could happen now?

Mr PRINCE: It does happen now but it is rare.

Mr Riebeling: Is it possible?

Mr PRINCE: It is possible, but one ends up with the individual appearing in court the following week and the police then saying that they oppose bail. The magistrate then says with due cause, "But you granted bail and he has turned up."

Mr Riebeling: The police do not automatically grant bail. They can give reasons for their refusing.

Mr PRINCE: That is a judicial function that we have been asking a police sergeant to do for eight years now.

Mr Riebeling: What you have been telling the Chamber about the ability for that to happen is not accurate.

Mr PRINCE: Perhaps not. I am talking about the practice, which is a combination of law and lore. A summary of the law is that there is a presumption in favour of bail. Because of recommendations from bodies like the Royal Commission into Aboriginal Deaths in Custody which deal with the issues of people being held on remand, however briefly, and harming themselves, which the police have taken very much to heart, not only by physical changes but also by endeavouring not to hold people who formerly would have been held, which is good practice, the result has been the virtual automatic bailing from a police station. Police standing orders and so on state that that is what they should do.

Mr Riebeling: The Royal Commission into Aboriginal Deaths in Custody indicated that the major problem was trivial offences.

Mr PRINCE: There is no change with regard to trivial offences.

Mr Riebeling: Then you should not indicate that that will change. We are talking about serious offences where there was always the ability to refuse bail.

Mr PRINCE: I know that and the member knows that, but the police officers who have standing orders and the Bail Act in front of them are not lawyers; nor are they, with great respect to the police, judicial officers. They are police officers. Their function, training and whole culture is in capturing people who are committing offences and arresting them. It is not in the exercise of that fine balance of judgment, which is what magistrates are paid to do. We will shift the decision making function from the police officer to the court for serious alleged offences. That is what this is about, not really any other change. This is a significant change which may well lead to some more people not being bailed than is the case today.

Mr BROWN: The minister to some extent has answered my question. There are two separate issues here: The proposed change which will remove the discretion of police officers to deal with this matter and the tightening of the circumstances under which bail may be granted.

Mr Prince: We have not got to that yet.

Mr BROWN: No. Leaving the second matter to one side because if this Bill is passed it will apply to both police officers and judicial officers, if the old regime were retained, why is the police officer's role being removed in relation to serious offences? I take it from what the minister is saying that the primary reason for it is that there is a culture - that is not necessarily wrong - within the Police Service that a person should be bailed in ordinary circumstances and that is currently the problem the minister is seeking to redress by removing the discretion of police officers to deal with these matters.

Mr PRINCE: The member for Bassendean puts it quite well. Police officers at the moment feel compelled to bail against their will on these serious matters, such as burglary, motor vehicle theft and serious drug offences, because that is the process that they are told they must follow. Rather than try to rewrite their directions and so forth, because it tends to be mechanical at their level, we are trying to shift the responsibility to a judicial decision making body. I am obliged to one of my advisers. We will then have a smaller number of people making these decisions and we may then wind up with consistency, which is entirely desirable.

Clause put and passed.

Clauses 6 to 12 put and passed.

Clause 13: Schedule 1 amended -

Mr RIEBELING: The minister knows of my concerns about proposed clause 3B(2)(b). The wording of the entire clause causes me considerable concern because of the removal of the presumption of innocence in the actions taken by judicial officers, what evidence they can call upon in making a decision and whether they must tell the defendant from where they are gaining their information. My reading of this is that judicial officers can bring in information from wherever they wish. They can act almost like a French court, as inquisitors rather than judicial officers. It concerns me that an allegation can be considered by judicial officers even if there is absolutely no truth in it. An allegation might be made which judicial officers could take into account when considering bail. The clause states that people who are under a protection order receive lots of advice on what is happening to the defendant. However, nothing in this clause provides that the defendant must be told what allegations are being made; nor will the defendant have any opportunity to fight those allegations - all they are is allegations. The allegations do not even have to be in the form of a complaint. Basically, judicial officers can take into account any other communication they think relevant. The clause is so broad and sweeping that it removes people's rights.

Mr PRINCE: This matter is very carefully crafted and constructed to address the area of domestic violence. Proposed clause 3B(1) reads -

This clause applies where it appears to the judicial officer . . . any of the acts alleged to constitute a serious offence . . . would, if proved in the appropriate proceedings, amount to a breach by the defendant of a protective condition or order.

That is referring to restraint orders. It further states that the judicial officer shall before making a decision that there are exceptional reasons, make inquiry or cause inquiry to be made. In that sense it is intrusive. It is not dealing with questions of guilt or innocence with regard to the charge, but with questions of behaviour and the potential for further behaviour and, more importantly, the potential for intervention now. In that sense it enables the court of its own inquiry to say what has been going on. Clearly, that means the individual must know what is being said and have the right to respond.

Progress reported.

[Continued on page 3248.]

BILLS - APPROPRIATIONS

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills -

1. Court Security and Custodial Services Bill.
2. Titles Validation Amendment Bill.

MR CHRISTOPHER HUGGINS

Grievance

MR KOBELKE (Nollamara) [4.32 pm]: My grievance is to the Minister for Labour Relations. I ask the minister to urgently address the case of one of her constituents who has been placed in a totally unacceptable position due to the failings and inadequacies of the workers compensation system and a government agency.

Mr Christopher Huggins was employed by Chubb Security for about two years. As part of his employment he was a security guard on Westrail's metropolitan train service. This was in 1996 when Westrail security officers were given no training, and had no legal powers to assist them to maintain order and the safety of commuters. These security officers often worked alone and without adequate backup. When complaints were made about security and safety problems, they were not responded to in an adequate way. It was made clear to security guards that if they did not want to work under those conditions, they would not have a job. A man with a family to support is left in a very difficult position when he is earning the lowly rate of \$10 an hour. On 14 September 1996, while working as a train security guard, Mr Huggins encountered an incident at Whitford station. A young man on the platform was being set upon by two males. Due to their proximity to the train, which could have injured someone if it had moved, Mr Huggins had to attempt to intervene. In trying to restrain one of the assailants, Mr Huggins received a badly fractured leg. He was taken to Sir Charles Gairdner Hospital in severe pain and required emergency surgery to his left leg. While in hospital undergoing a second operation on his leg, Mr Huggins contracted a staphylococcal infection. As a result, Mr Huggins has required numerous operations. He has been hospitalised 13 times, and that included a period in the intensive care unit when he was in a critical condition. He has had to contend with constant and severe pain, has very limited mobility, and must use a wheelchair. It remains uncertain whether his left leg will be amputated. The frequent use of very strong antibiotics has caused severe side effects, including thrush. The uncertainty, stress and pain would drive any strong and capable young man to the edge of his ability to cope. Understandably, this has stressed his total physical and mental health. Mr Huggins' wife and children have also clearly borne the brunt of this tragedy which arose from a workplace accident.

People in this State expect WorkCover and the workers compensation system to provide the support and assistance needed by injured workers and their families. When people become sick and vulnerable as a result of doing their job - in this case protecting the community and train commuters - they have the right to be protected from the financial problems that arise from not being able to work. Mr Huggins and his family have been put through hell and, in addition, they have been let down by the workers compensation system. The cost of Mr Huggins' medical treatment has exceeded the limit under the current workers compensation system. He now has outstanding medical bills of more than \$40 000, and still needs further medical procedures. Currently the insurer is refusing to meet those outstanding bills. Professor David Wood offered a procedure that could save Mr Huggins' leg from amputation. This last-ditch effort involves intensive rehabilitation which Mr Huggins could never afford to pay for. Without support from his workers compensation insurer, Mr Huggins is denied any hope of retaining his leg, walking again and returning to a normal life. Even his large weekly bill for medication is no longer covered by workers compensation insurance. At one stage it was costing Mr Huggins \$800 to fill one set of prescriptions for his medication.

Any assistance through the social security system is denied to Mr Huggins as he is classed as a workers compensation case. Mr Huggins has been able to cope only through the support of his wife Marie. The mental trauma, on top of the physical limitations and pain, have pushed Mr Huggins to the limit. Mrs Huggins is using all her available leave entitlements from her employment to give her husband the support he needs. The workers compensation system is failing Mr Huggins and his family. In this area, Western Australia is going backwards.

I ask the minister to assist directly so that Mr Huggins receives all the support possible through WorkCover and the insurer, Mercantile Mutual. It is not acceptable for him to be denied the standard medical treatment he needs to return to some sort of normal family life and regain the full use of his leg. I also ask the minister not to proceed with proposed legislative changes in the Parliament because restricting access to the first gateway claims under common law means that Mr Huggins would be totally denied any justice should he require an operation to remove his leg. Under the proposed changes, that would be classified as a secondary event and not the incident that occurred in the workplace. As such, Mr Huggins would have no opportunity to obtain workers compensation at common law through the first gateway. With the law as it stands I believe that he would have an extremely strong case, given the background relating to the use of security guards and the situation in which he was placed.

Finally, I comment on the way Westrail and Chubb Security have been less than helpful to Mr Huggins during this very traumatic period. He was denied access to the video coverage of the incident, and to the names of potential witnesses or people who might be charged. Mr Huggins took the extreme step of engaging a private investigator who has contacted witnesses and the person who was the victim of that assault. He received statements that strongly support Mr Huggins. No assistance was provided by Westrail, which must accept responsibility, nor by Chubb Security, as the employer, to allow Mr Huggins to uphold his rights. He is now in an impossible situation. Although he hopes to be able to return to a normal life, that hope of regaining the use of his leg, walking, and playing with his children can be achieved only if he receives funding for the ongoing medical treatment he requires.

MRS EDWARDES (Kingsley - Minister for the Labour Relations) [4.39 pm]: As minister with responsibility for workers compensation one comes across many sad cases. This would appear to be one of those in which the system has not supported Mr Huggins in several ways. I do not know about the operational issues in terms of Westrail or of Chubb Security, which was his employer. That is not my responsibility. However, in terms of the workers compensation system, as the member for Nollamara will be aware, we are meeting a large number of stakeholders at the moment in an endeavour to work through

some of the amendments that are presently before the House. I believe that we will do that in a way that will assist employees.

Mr Huggins' problems, of course, relate to the limits that are presently prescribed under the legislation; \$31 914 is the first stage, and then there is an extra \$50 000. Of course, his medical expenses far exceed those amounts. His position, in which he needs extra medical services - it is not just the chemist's bill - and further operations, is consequential to the accident, although I have only the information which the member has given me this afternoon. I should like a copy of the material so that I can endeavour to ascertain what is possible for Mr Huggins. As we know, family members bear the brunt when someone is injured, let alone as dramatically as Mr Huggins was injured. I will take the information away and contact either the member for Nollamara or Mr Huggins.

Mr Kobelke: Mr Huggins and his wife are in the gallery at the back of the Chamber. They are constituents of the minister. They attempted to set up a meeting with her but they were unable to do so because there were problems with the minister's staff changing or being on leave, so the appointment was not made. That was not totally the fault of the minister's office. Mr Huggins had to go back into hospital and things were not followed up. I sincerely ask the minister not to treat this case as another injured worker who cannot get justice. I ask her to interfere directly to make sure that the system works for Mr Huggins. As minister, she has power to do that and to ensure that her constituent, Mr Huggins, receives justice.

Mrs EDWARDES: I have said that I will contact either the member for Nollamara or Mr Huggins, but given that they have come here this afternoon I will meet Mr and Mrs Huggins this afternoon and see where we can go from here. I do not know what commitment I can give without exploring the circumstances and what is available, but I undertake to do that. I look forward to meeting Mr and Mrs Huggins.

EDUCATION DEPARTMENT - DISCRIMINATION AGAINST FEMALE TEACHERS

Grievance

MR BAKER (Joondalup) [4.43 pm]: My grievance is directed to the Minister for Education and it relates to the way in which the employment practices of the Education Department appear to discriminate against female teachers returning from maternity leave and thereby appear to have the effect of jeopardising their full-time permanent employment with the Education Department. The problem is typified by the plight of one of my constituents who wrote to me several months ago to bring the issue to my attention. That person, whom it is inappropriate to name, has highlighted some of the absurdities of the department's policy. I shall provide the minister with a mini curriculum vitae of that person. She holds a diploma of teaching and a bachelor of education and she has made sure that she is continually kept abreast of new initiatives and improvements. She has been employed by the Education Department since 1978. She is a very senior teacher. She tells me that she chose to have a family and to put her career on hold, so she decided to take maternity leave and, subsequent to that, parenting leave, which is her right and entitlement.

At no stage has she resigned from the Education Department, and all leave was taken without pay. That has had the effect of placing her in an awkward position; she cannot secure full-time permanent employment with the department. Her decision to have a family has resulted in her losing her permanent teaching position status at her original school but not her permanent status with the Education Department. I thought that the two would be synonymous but apparently that is not the case. Naturally enough, she feels that she and many other female teachers are being disadvantaged for deciding to become parents. She notes also that it does not apply to male teachers who can resume work after taking a year's leave without any loss of status in their permanent position in the department. She has found it impossible to regain a permanent teaching position after 20 years' loyal service to the department. She was given a temporary teaching position for the 1996 school year at a local school, which I will not name, and in 1997 she was also given another temporary teaching position at that school for part of that year. She instructs also that since then - for example, in the second week of February this year - she was appointed on a temporary basis to another school in the northern suburbs, but only for term 2. Once again, it was a temporary teaching position. She tells me she is not sure where she will work next year, whether she will work in term 1 or term 2, or for that matter whether she will work north or south of the river.

Needless to say, she is angry with the policy. She feels that she is being discriminated against simply because of her decision to do what is only natural, as she saw it, and that is to be a mother. She tells me that the principal at her original school would have liked her to stay on permanently but he was told that it simply was not possible under the current policies of the Education Department relating to women returning from maternity or parenting leave. She tells me that she knows of a teacher who graduated only two years ago and who is teaching in a full-time position at her old school. She thinks that that is quite bizarre given that other teachers were available who had far more experience, who had returned from maternity leave but who were given temporary positions.

The minister might recall that several months ago I wrote to him expressing her concerns. The gist of his response was that in view of section 8(2) of the Public Sector Management Act, it was impossible for him to intervene in the matter. In view of that, I took the time to read subsection (2). It states that -

In matters relating to -

- (a) the selection, appointment, transfer, secondment, classification, remuneration, redeployment, redundancy . . . of an individual employee; or
- (b) the classification of a particular office, post or position,

in its department or organization, an employing authority is not subject to any direction given . . . by the Minister of the Crown . . .

It is not possible for the minister to direct that persons in her position be re-employed on a full-time permanent basis. However, surely the minister would have some influence in how the department's policy is formed and how it applies to such circumstances. It is also arguable that the words used in section 8(2) do not apply directly to the situation at hand.

In any event, in due course the matter was referred to the Director of Primary and Specialist Personnel in the department. I received a response from Kim Ward, who basically said that teachers such as my constituent who access parental leave retain their positions at the substantive school for 12 months. At the conclusion of the parental leave period, the Education Department offers teachers the option of returning to their substantive positions or accessing leave without pay for a further one or two years. I thought that many female teachers who decided to become mothers would also elect to take the second option - in other words, to extend their leave period so that they could care for their young children beyond the initial short period. In any event, as the minister is well aware, once they elect to pursue the second option, that is a different kettle of fish. When they decide to return they cannot be appointed as a permanent member of the staff; they must sit back and wait for the offer of a temporary teaching position.

My obvious concern is that this could indirectly have the effect of very experienced teachers not teaching full time. There might be other teachers in a similar position to that of my constituent - who has an excellent background in the education system - who could provide a wealth of experience, particularly to new schools in the northern suburbs. However, they cannot be employed on a full-time basis and cannot make a valuable contribution to the education system. I ask the minister to reconsider this departmental policy and particularly the department's interpretation of section 8(2) of the Public Sector Management Act. As I said, I do not think it is necessary to give a direction, but surely the minister can have some influence on the formation and terms of policies that the department applies in dealing with teachers in these circumstances. Perhaps the minister could advise whether that is possible.

MR BARNETT (Cottesloe - Minister for Education) [4.51 pm]: I thank the member for Joondalup for raising this issue. I am aware of the circumstances of the teacher to whom he has referred. Indeed, I have sympathy for the situation in which she finds herself. However, I do not know that that necessarily means the policy is wrong.

In respect of the legal position, section 105 of the Public Sector Management Act appropriately precludes members of Parliament and ministers from taking direct action relating to the employment of an individual. That does not in any sense stop a minister from raising policy issues. I agree with the point the member has raised. I have already referred this case to the director general, and will look at the policy to see whether it discriminates against women who after many years of service decide to have a child.

The policy as it stands is reasonable. Perhaps there is scope for some modification, but it is sound. It provides that departmental staff can take leave without losing their permanent teaching position in a particular school. They can take 12 months' parental leave, long service leave and long service leave followed by leave without pay up to a maximum of 12 months. If any combination of those leave periods exceeds 12 months, while they do not lose their permanent status, they do not retain a right over a position in a particular school. If we were to allow that we would quickly find that people would take longer periods of leave. That of itself might not be a problem, but many teaching positions would be effectively quarantined. The schools involved would have many temporary, transient or part-time teachers. At the end of the day, the management of the school and the education of the children would suffer. I do not know whether there is a case for allowing a longer period of absence for women. The member for Joondalup has suggested three years. That is perhaps too long. In practical terms, a woman might need three years to raise a child, but to tie up a position in a school for three years would mean that a non-permanent teacher would be working in that school for that period. The parents and children in that school might not feel that was appropriate. It is a fair point, and I am prepared to reconsider the policy.

In respect of the individual teacher, while I cannot and should not do anything directly, I am conscious that she has been a loyal employee for 20 years and I know that the department values her services. She has also nominated the school at which she would like to teach. It is located in an area in which not many permanent positions are available. That is an understandable restriction, but her requirements do not mesh easily with what is available.

I thank the member for raising the issue. It is a fair and important point given that about two-thirds of teaching staff are women. We must be sensitive to retaining the services of experienced and dedicated teachers while at the same time allowing them to attend to their own family responsibilities.

REAL ESTATE FEES - DEREGULATION

Grievance

MS MacTIERNAN (Armadale) [4.55 pm]: My grievance concerns the conduct of the Ministry of Fair Trading, the Real Estate and Business Agents Supervisory Board and the Minister for Fair Trading in permitting highly improper or misleading advice to be given to consumers as part of a public information or misinformation campaign that has accompanied the recent deregulation of real estate fees. Once again we are seeing the ministry and the minister putting the interests of consumers in this State second to the protection of powerful vested real estate interests.

The Government decided to deregulate real estate fees some time ago. The Opposition opposed that move because it was aware of experiences at the lower end of the residential market elsewhere when such deregulation took place. It was concerned that many of the players in that market lack the experience and commercial savvy to protect their interests in a deregulated environment. However, the Government promised that it would put in place a proper disputes regulation mechanism and vigorous public campaigns to ensure that everyone knew what was going on. Sure enough, legislation was introduced. The Opposition had some problems with it and how it would operate. Nevertheless, power was given to the Real Estate Agents Supervisory Board to hear disputes concerning overcharging and to order reimbursement when the fees charged were deemed to be unjust. It commenced a campaign of public education. However, members of the Opposition were most surprised when we saw the content of that campaign.

One of the primary instruments has been a pamphlet put out by the Ministry of Fair Trading and the Real Estate and Business Agents Supervisory Board in conjunction with none other than the Real Estate Institute of Western Australia. The institute was established not as a consumer advocacy group but to advance and protect the interests of real estate agents. The Opposition has no problem with REIWA doing its job, but it has grave problems with this Government's allowing it to dictate the terms of the public information campaign.

The back page of the brochure advises people what they should do if they think they have been overcharged. It then states -

However, you should remember that all agents are bound by a Code of Conduct. Agents depend on your goodwill, and so it is in their own interest to ensure you have the most cost effective and professional service available.

That is, it is highly unlikely that an agent would have overcharged.

The brochure advises that if a consumer believes he has been overcharged, he can go to the Real Estate and Business Agents Supervisory Board, which operates within the Ministry of Fair Trading or to REIWA. It states -

Complaints put to either of those bodies will be resolved through a real estate fee assessment process, which will evaluate the fee charged in the context of agreed services.

For that purpose, reference will be made to a panel of experienced persons who will attempt to conciliate the dispute in the first instance.

It then provides the details of the ministry and REIWA. There is no distinction between the two or any reference to the fact that the second body is not a government agency. No mention is made of the fact that it has been established to advance the interests of real estate agents. The brochure also makes no reference to the fact that REIWA has no statutory powers or that it cannot make any binding orders against anyone in relation to the overcharging of fees. It is a disgrace.

The deception does not end there. To canvass support for the brochure, the ministry sent a draft to the various consumer groups. That is a good thing to do. The various consumer groups read it and said that it was very good and that they would approve it. There is not one reference in this draft to the Real Estate Institute of WA, nor is there a reference to the fact that REIWA is an alternative to taking a dispute to the statutory body that has been established. It goes further: The newsletter put out by the Real Estate and Business Agents Supervisory Board stated that it would conduct public seminars. All these agents rocked up to these seminars and, lo and behold, found they are not conducted by the board; but are conducted by REIWA and the board is merely an invited guest. When agents asked the board questions like, "Where can we get the forms that will ensure that we are in compliance with the Act?", the response from the board was, "You will have to join REIWA if you want these forms." Once again, the protection of consumers has been put a poor second to the advancement of the real estate interests.

I have examined the brochures of other government complaint agencies. There is no reference to the Law Society of WA in the Legal Practice Complaints Committee brochure. There is no reference to making a complaint to the Australian Medical Association in the Office of Health Review pamphlet. Both the Law Society and the AMA have their own dispute settlement procedures.

It is completely inappropriate. It is not done anywhere else. It has been suggested to me that it would be similar to someone ringing the Department of Productivity and Labour Relations to make a complaint about the union, and DOPLAR referring him to the Trades and Labor Council. This is a serious allegation and I intend to take up this matter with the Australian

Competition and Consumer Commission because I have no doubt that this is in breach of sections 52, 53(c) and 55A of the Act. It is deceptive and misleading conduct on the part of the ministry and on behalf of REIWA. It implies that REIWA has a status and a standing that is the equivalent of the ministry and the supervisory board and it is totally misleading to the consumers.

MR SHAVE (Alfred Cove - Minister for Fair Trading) [5.02 pm]: Once again the member for Armadale has come into this Parliament and made many allegations and statements, some of which are untruthful. We will look at some of her comments and pick out those in which she has been a little honest and those in which she may have been somewhat dishonest.

Withdrawal of Remark

Ms ANWYL: Mr Acting Speaker, I ask that you make a ruling about the parliamentary or unparliamentary nature of that language. It is incorrect to impugn the member's integrity with such language. I ask that it be withdrawn.

The ACTING SPEAKER (Mr Osborne): The minister has not accused the member of lying; he has reflected on some of her statements. There is no point of order.

Mr SHAVE: If it concerns the member for Kalgoorlie, I am more than happy to withdraw and say that the member for Armadale has been misinformed.

Debate Resumed

Ms MacTiernan: With that, I join the rest of the Western Australian public. We have all been misinformed by your department.

Mr SHAVE: The member for Armadale has said that a brochure was produced by REIWA and that it is misleading.

Mr McGowan: You have been caught.

Mr SHAVE: I have not been caught.

Ms MacTiernan: It was produced by your department.

Mr SHAVE: No, it was not. That is the first error.

Ms MacTiernan: You did not produce a brochure?

Mr SHAVE: If only the member for Armadale would let me enlighten her and clarify the matter. The brochure to which she referred was produced by REIWA. Before that brochure was sent to the public, it was sent to the Ministry of Fair Trading for vetting to see whether or not the ministry was satisfied.

Ms MacTiernan: You are digging a big hole for yourself.

Mr SHAVE: The member for Armadale needs to learn something, so she should let me finish. She has made her allegations and I will indicate how errant they are. The brochure produced by the member for Armadale -

Mr McGowan: You fall into every bear trap that we set. You are a big, lumbering grizzly.

Mr SHAVE: Members opposite will not give me a chance because they know that every time I speak I do a good job on the member for Armadale. First, this brochure was not produced by the Ministry of Fair Trading; it was produced by REIWA and the Minister for Fair Trading vetted and approved it. The ministry also made recommendations to REIWA that it alter certain areas and wording, which it did. I have read the brochure.

Mr Carpenter: Is that what you have been doing for the past three weeks?

Mr SHAVE: Absolutely, I read brochures all the time. I have read the brochure and I and the ministry are very comfortable with its contents. The second error made by the member for Armadale was that she conveniently did not tell us about another brochure which is a guide to fee deregulation which has been put out by the board. The member for Armadale used to say that the chairman of that board was a very good person to have in that position. Has she changed her position on that now? No. That brochure was sent to every real estate agent operating in Western Australia outlining their responsibilities and the sections of the Act, informing them of all the changes and what would happen if they did not act in a reasonable manner. The member for Armadale has not cared to tell us about the third brochure.

Ms MacTiernan: I am talking about this brochure.

Mr SHAVE: I know. She is very selective. The third brochure was put out by the Ministry of Fair Trading and was made available to the public. Along with that brochure, newspaper and radio advertisements have informed people that if they have any concerns, they should ring the Ministry of Fair Trading. In addition to those radio advertisements, we have received up to 100 telephone calls a day from people seeking information and inquiring about the brochure. The board

allocated \$150 000 for an education campaign on this issue. It has spent between \$80 000 and \$100 000 already. The board also ensured that the brochure had been sent to every real estate agent in Western Australia. I will refer to the other issue raised by the member for Armadale and the allegation that REIWA conducted a series of seminars and invited the Ministry of Fair Trading to attend and give an opinion which is an untruth - I will not say it is a lie.

Ms MacTiernan: That was the impression of people who attended.

Mr SHAVE: I will give her something about impressions. She went very quiet; she is normally more vocal. The truth of the matter is that, as is usually the case with the member for Armadale, she fires off 10 shots - one is right and nine are wrong. In this case, the board paid for all of the seminars out of the budget. It conducted the seminars. It invited people, including REIWA, to attend and express their views, and that was done. To my knowledge, none of those seminars was paid for by REIWA. The advice I have is that all of the seminars were paid for by the ministry. If REIWA had been prepared to contribute a little money to those seminars, we may have considered it. That is not my understanding of the situation.

GERALDTON PUBLIC DENTAL SERVICE

Grievance

MR BLOFFWITCH (Geraldton) [5.09 pm]: My grievance is to the Minister for Health about dental services. Members will be aware that some time ago the Commonwealth Government took about \$9m out of the dental services to Western Australia. That was the contribution that it used to make. In doing that, some areas have been affected more than others.

Mr McGinty: The Labor Party used to reinstate that and that would have overcome the grievance.

Mr BLOFFWITCH: It still would not have done me much good in Geraldton because the Labor Government never established the free dental clinic there.

Mr Carpenter: That was the first thing we were going to do!

Mr BLOFFWITCH: I can imagine it was. The Labor Government had only 130 years to do it and never did it.

A constituent, Mrs Margaret Edith King, has a chronic problem with her lower teeth. She has very bad ulcers at the bottom of her mouth. One dentist in Geraldton offers a service for free dental work, but such is the waiting list, that after seeing the dentist in November, she was told it would be the end of February before he could see her again. When he saw her, all he could do was extract another tooth and then make a further appointment for her. He suggested she should take antibiotics because of the infection and the ulcers that she has. She rang me as her local MLA and said she was disgusted with the service and the system. I walked into a barrage. I went to her home and she had her three daughters bemoaning the system and telling me how archaic, chronic and terrible it is. I was asked what I would do with my mother. I said that I pay my mother's private health cover and looked at the three daughters. They said they were not in a position to do that. I said that I am and that is why I do it. I said that I also do it for my mother-in-law who lives in Queensland, who is a pensioner and cannot afford it. I do it so they can receive a few of the luxuries of life. They are a few of the smaller things that sons and daughters can do if they are in a position to do so. Mrs King's children were not in a position to do that. People who have private health cover and go to the dentist receive an insignificant amount compared to the cost of the treatment. I can remember having bridging work done for which I paid about \$2 500, yet I received only \$280 back from HBF after having been a member of it for 15 or 20 years. I would like to see a free dental clinic established in Geraldton, as has been established in Bunbury, Kalgoorlie and many other centres.

Mr McGinty: It is your mean-spiritedness that has caused the problem. You are in Government. It is your fault.

Mr BLOFFWITCH: Am I not allowed to have my grievance without the member's petty interruptions? Mr Acting Speaker, do you think I could grieve to the minister without having insults hurled at me?

Mr ACTING SPEAKER (Mr Osborne): Order, members!

Mr BLOFFWITCH: My constituent would like me to place this matter on the record. She would like to see some action taken and would like the Minister for Health to do something about it, but the member is interfering in that process.

Mrs King wants something to happen. As the local member, I rang the regional health officer, Kym Snowball, and I asked him what the story was. He said there was a long waiting list. I told him the problem and he then contacted another dentist and arranged for her to see Mrs King. I believe her dental problem will be fixed within the next week. What was a crisis seems to have been averted, but it does not get away from the fact that many more people will be in Mrs King's position without a dental service being established in Geraldton. I wonder why Bunbury, Kalgoorlie and Busselton - half the southern cities - have one, yet Geraldton can contract only one doctor for a part-time service that does very little to help those who are on pension cards and who are in severe need.

As we are having a review of all our health services in Geraldton, I ask the minister to look at the dental services also to

determine whether there is scope to establish a centre there. These people are not faking; they have genuine concerns about ill-health. It is no laughing matter when a person has ulcers on the bottom of his mouth; it is a very serious matter and the person does not want to be told he must come back in three or four months and have another tooth extracted rather than having the problem addressed. I urge the minister to try to restore some of these services to people who are least able to afford them when sufficient funds are available.

MR DAY (Darling Range - Minister for Health) [5.16 pm]: A publicly funded dental clinic is currently located in Geraldton. It was established in 1994-95. Patients who were eligible for subsidised treatment in Geraldton until 1994 had that treatment provided through the country patients dental subsidy scheme which continues to operate with the involvement of private dental practitioners providing treatment to eligible patients. They are paid a subsidy by the State Government and the patients also contribute a certain amount. However, in 1994 the private practitioners in Geraldton withdrew from that scheme, apparently due to their concern about the level of the Department of Veterans' Affairs fee schedule which then operated, and they declined to be involved in the future. I should say the Department of Veterans' Affairs schedule on which the fees for public dentistry in Western Australia are based has been increased substantially in the past 12 months which has had a flow-on effect to funding in Western Australia which I will refer to again in a moment.

As a result of the cessation of the involvement by private dentists in that scheme in Geraldton in 1994, a temporary public clinic was established at the Rangeway Dental Therapy Clinic which was relocated to the Geraldton Community Health Centre in 1998. The funds that were previously applied to the dental subsidy scheme in Geraldton have been used to fund the new public dental clinic. There is one full-time dental officer at the clinic in addition to which support is provided by the area dental officer for approximately one day a week. He or she obviously provides that service in addition to having to supervise dental therapists in the districts around Geraldton and so on. The waiting time for dentures at the moment is approximately seven months, which is comparable to the waiting time at metropolitan government clinics and other larger country clinics. That is not outside the norm from my recollection of the waiting times when I worked at the Perth Dental Hospital and the sort of waiting times that have existed since. Any patient who presents with pain or an emergency will be seen on the day. People are not left in pain and asked to come back in three months.

Mr McGinty: They are quite often sent away in pain and discomfort, under the sort of conditions to which the member for Geraldton referred.

Mr DAY: It is important to consider all of the clinical details. Some patients who present in that situation have had a problem for many months, or even a year or two. Generally speaking, a strong effort is made by dentists who work in those clinics to treat patients with emergency problems or who are in pain on the day. That is the general policy, and is the only reasonable clinical approach.

I am advised that on 3 September 1996 Mrs King presented for an assessment of her existing dentures, and the dentist recommended that new dentures be made for her. However, she did not pursue treatment at that time; she did not go on the waiting list. If she had gone on the waiting list in September 1996 the treatment would have been completed long ago. On 6 July 1998 this year she presented for an examination and extraction of a loose tooth, which was completed. She was then placed on the waiting list for the extraction of her remaining lower teeth, and for the construction of new dentures. She was advised that the waiting time was about six months. It is not reasonable for people to jump a queue when other people who have been waiting are in the same sort of situation. Mrs King has an appointment on 13 November 1998 for a dental problem and a review of her existing dental status, so she is being treated. She has not been forgotten.

Individuals have a responsibility when they are offered treatment to follow up the opportunity that is presented to them. I do not know the specific reason that Mrs King did not do so in 1996.

Mr Bloffwitch interjected.

Mr DAY: She was advised in 1996 that she needed new dentures, and had she taken up that offer the dentures would have been completed long before now.

Mr Bloffwitch: That is what she hopes to get now, so it does not make sense that she would have knocked them back then.

Mr DAY: That is a matter for her to explain. It may be that it did not suit her at the time. Certainly, if Mrs King or any other patient has a problem with toothache or some other painful condition, that person will be seen by the dental clinic on that day.

The dental subsidy scheme has been allocated an additional \$350 000 in the past month to increase the previous allocation of \$935 000. That will substantially reduce the waiting times for patients to be treated under that scheme. The previous commonwealth involvement provided an additional \$9m for public dental treatment in this State while it operated. Western Australia is disappointed that that commonwealth scheme was discontinued, because it meant that treatment was available to anybody with a health care card. I am currently looking at how we can expand the range of public dental services.

The ACTING SPEAKER (Mr Osborne): Grievances noted.

SUICIDE*Motion*

MS ANWYL (Kalgoorlie) [5.23 pm]: I move -

That this House expresses its serious concern at the number of tragic suicides occurring in Western Australia, especially in rural and remote areas, and asks that the Government take urgent steps to -

- (a) collate and make available accurate statistics on the nature, extent and causes of the problem in Western Australia;
- (b) obtain cabinet approval to implement the measures proposed in a Kimberley health department report; and
- (c) ensure that adequate resources are provided to rural and remote communities on a continuing basis for the prevention of suicide.

It is my understanding that Cabinet has now considered a report of the youth suicide advisory committee on a policy and strategic plan on self-harm in Aboriginal youth.

Mr Day: That is correct.

Ms ANWYL: Did that occur this week?

Mr Day: It was last week.

Ms ANWYL: It has been kept pretty much a secret until now. It appears that that has overtaken the second part of my motion, except that we have yet to hear about the implementation of the measures contained in that report. I look forward to what the minister has to say on that issue.

I have deliberately not phrased the motion to focus on youth suicide. Although that is a significant aspect, and I did raise that in the House a few weeks ago, suicide is not restricted to young people, and 93 per cent of suicides relate to men and boys and not to women. There appears to be a crisis in men's health in this State. It is interesting, living in an electorate which is often dubbed heavily male - although the census statistics do not bear that out - that I must explain to constituents that while we have a Minister for Women's Interests, we do not have a minister for men's interests. Perhaps the Parliament should consider why that is, and look at issues such as suicide in a holistic sense. Rather than the fragmented attempts at dealing with the issue, we should consider the entire issue of men's health.

I have commented before in this Parliament about domestic violence in our community. I am sure that all members are aware of and saddened by the most recent example in which a man took the life of his children and stepchild and then his own life. In some ways that is the worst kind of suicide because that man ended not only his own life but also the lives of several children in totally regrettable circumstances. Why is it that we have an Office of Women's Interests but not an office of men's interests? Is that because men do not have interests that need to be pursued in the Parliament or we assume that men's interests will be looked after by other mainstream portfolios, such as the Ministry of the Premier and Cabinet and so on? It may be time to reassess how we treat these issues, because the high proportion of male suicide in our community demonstrates the need to look specifically at why men are killing themselves while women are not doing the same thing to any great degree.

I am informed by people in the field that there has been a levelling out of the number of suicides occurring over the State. However, the disturbing trend is an increase in rural and remote areas. I refer members to a study in the University of New South Wales *Medical Research Journal* which tracks the number of suicides among young Australians between 1964 and 1993. The value of that study is in the number of years that are tracked. Bearing in mind that this is for the under-25 years age group, up to 1993 in Perth there was a 2.5 per cent increase in the number of suicides; in towns with more than 4 000 people there was a 3.2 per cent increase; but in towns with fewer than 4 000 people there was a seven-fold increase during those years. The issue of suicide is a dilemma to us as legislators and as members representing our electorates.

A stigma is attached to death by suicide. One has only to consider the way suicide is treated by certain of the most powerful churches in Australia: It is not too long ago that those who committed suicide were not able to be buried in the usual way. I do not know whether that continues to be case in certain religions, but the stigma still exists. We must be mindful also that raising the issue causes concern to health professionals and those who deal with the issue of clustering of suicides and the potential for copycat suicides. We as a Parliament have a responsibility to look at all issues which are causing great pain in our community. Let us remember that it is not only the people who take their own lives who suffer but also their family and friends who must suffer with the aftermath. One issue of particular concern is that clear evidence exists, particularly in indigenous communities, that those most at risk of self-harming are those who have already been touched by another's death. There is a very clear indicator of that fact. Another issue that we must confront also is whether sufficient grief and bereavement counselling is available for those who are left behind.

I told the minister yesterday that I had been chasing the current Western Australian statistics. I asked questions on notice and I am still waiting for the answers. I know anecdotally that those questions have reached the appropriate place. However, unfortunately, I still do not have those answers with updated statistics. Unfortunately, that leaves me to rely on anecdotal evidence. I raised this matter last in the House on 21 October. Since then I have been overwhelmed by the number of calls I have received from bereaved parents, other community members and those dealing with this issue in a variety of community and government agencies. I regret to say that I have been informed that there have been at least another two deaths in the north west since I last raised the matter. I am sure that there will have been others right across Western Australia. I said that there was a dilemma in raising the issue publicly. However, this matter is now of such a serious nature that people residing in rural and remote communities are looking specifically to this Government, the Minister for Health, the Minister for Youth and the Premier for some guidance on how best local communities can deal with this problem.

In my electorate, a suicide prevention group was re-formed fairly recently. However, there is a lack of available statistics. When I followed up the matter, I was told by the office of the coroner - and of course we have regional offices in the country - that I was welcome to trawl through the death records, if that was appropriate, because that was the only way I could get some assistance to find out the number of deaths locally. I also made some inquiries in other regions and received virtually the same sort of information.

It is worth pointing out that there is a great deal of delay in a variety of coroner's inquests. Therefore, one would expect there to be some downtime in the delay before up-to-date statistics were available by regional area for the number of suicides occurring. Indeed, the issue of delay on coronial inquests has been raised in the Parliament this week. I am aware of at least one case in my electorate in which a suspected death by overdose took more than nine months to be investigated. As members would appreciate, that causes a deal of trauma to the relatives in coming to terms with the cause of death and so forth.

As a result of my further inquiries today, I now realise that we do not have a national data system in place. That is clearly one of the matters that the Government has been trying to progress in some way through the national suicide advisory council. However, from the State perspective, it is particularly exasperating to regional communities not to be able to access this type of information because there is no way of knowing whether one's community is better or worse, or how it compares with other communities. It is vital in the delivery of services for regional communities to be able to access the detail of programs that exist in other regions. I mentioned the suicide prevention group in Kalgoorlie-Boulder. That consists largely of interested individuals, some of whom have a background in health service delivery but many do not. It is appropriate to resource suicide prevention groups in much the same way as we resource the local drug action groups because we must recognise that these individuals are coming together often without a great deal of professional expertise in the area but with a great deal of energy and goodwill. It is inappropriate to leave it up to the vagaries of a particular town whether that group will get support from the existing services and agencies, because one cannot always assume that there will be appropriate health professionals who have either the time or the inclination to give their energies to these groups.

However, as a point of reference for bereaved families and friends, these groups are turned to for support and also by family members who wish to do something further. The most stark example of this that I have been presented with over the past couple of weeks was contact I had with a bereaved father in Derby. That father is known to the Minister for Health and sits on an advisory group on mental health issues. The tragedy in that case was this man lost his son aged about 22 years in circumstances in which the young man had been receiving some assistance for psychiatric disturbance. He had to travel to Perth, as is often the case, for mental health assistance. Following that, it was the family's desire that the young man return to Derby. Indeed, that was the young man's desire, too. However, there was no way in which that young man could continue to reside in the family home with his siblings and parents because of the nature of his psychiatric disturbances. Therefore, the bereaved father was in the process of not only agitating and lobbying government for the provision of some mental health supported accommodation in Derby - or at least Broome - but also purchasing a home so that he could provide appropriate accommodation for the young man. Unfortunately, in the meantime, that young man took his own life. I think members can readily empathise with the difficult situation that bereaved parents must find themselves in when they were undertaking efforts to have their child returned to the community but, for reasons beyond their control, that did not occur in sufficient time to prevent the tragic loss of life that has occurred.

When that man made contact with me again last week to advise me that there had been a further death in that community, I could only wonder at his resilience because, despite the fact that he had lost his son in such tragic circumstances, he still wanted to be engaged in lobbying the Government for the provision of accommodation and mental health services in his community. In my community a great deal of work is being done by the mental health action group to ensure that some supported accommodation is provided for those suffering from psychiatric disabilities. I pay tribute to the efforts of the mental health action group, particularly Caroline Knop, Karen McGay and Chris Doust, for their untiring efforts in securing some accommodation.

Mr Deputy Speaker, I am not sure of the situation in Geraldton, but I am confident that there would be difficulties in your community with the issue of suicide and mental health accommodation. I am pleased that Cabinet has now had an opportunity to consider the report of the Youth Suicide Advisory Committee. I have not seen that report, but I hope to do

so in the future. The real issue for the Parliament this evening is what the Government will do to implement the findings of that report. That report was about self-harming behaviour among Aboriginal youth. However, this issue is not restricted to indigenous or other youth; many older men and non-indigenous men are killing themselves. We need to look at the reasons for that behaviour, and at how we can adequately provide prevention strategies in all of our communities, however small they may be.

We may need to look at how we can provide counselling services of one kind or another to men, because we know that women seem to avail themselves more readily of counselling services, for whatever reason. We should consider having a minister for men's interests, because in many cases men fail to avail themselves of the services that do exist. In some of the more remote and smaller rural communities, no counselling services are available on the ground. I do not wish to pre-empt the findings of the report, and I am not familiar with them, but quite a lot of research and statistics is available about some of the high risk indicators that exist for self-harming behaviour by indigenous youth. Those risk indicators are nothing more than an attempt to pinpoint some of the most frequent features of cases in which suicide has been completed. I refer to a 1995 report entitled "Ways Forward", which was a two part, extremely comprehensive national consultancy report on Aboriginal and Torres Strait Islander mental health. Some of the risk indicators that are pointed to in that document include the recent loss of a family member or friend, specifically by suicide, relationship breakdown, lack of employment opportunities, and so on. Those risk indicators are not restricted to indigenous people but apply across the whole community. The conclusions of that report very strongly confirmed the need to employ more indigenous health workers.

A variety of Aboriginal medical services around the State are working very hard to do just that. However, certain impediments are preventing the training of more Aboriginal health workers. The health provider in my community is Bega Garnbirringu, and I was advised only recently that changes to the federal Abstudy payments mean that it will no longer be possible for it to offer a health workers' course over one year, as had previously been the situation. That means that the medical service must either offer short block courses or three-year courses. Neither of those options is preferable to having a one-year course. The need for indigenous health workers has been highlighted by some of the difficulties that have occurred in the Coonana community out of Kalgoorlie-Boulder, which has experienced great difficulty in attracting any staff to conduct health services. Therefore, the preferable option is to train workers from a particular community with a view to their continuing to work and live in that community.

It is necessary to carry out research on the causes of suicide in this State. The best data I have obtained with regard to Kalgoorlie-Boulder is for a six-year period between 1986 and 1992. There were 54 completed suicides, and only 22 per cent of those suicides were people under the age of 25. There was an overwhelming number of deaths by carbon monoxide poisoning. It is always difficult to know how much detail should be raised about these deaths. The high incidence of carbon monoxide poisoning in this State, and also in Queensland, was referred to in the New South Wales *Medical Health Journal*. I query what steps are being taken, if any, to pursue this matter. I do not have technical expertise in this area, but I am told that some modifications can be made to vehicles, such as the installation of carbon monoxide sensors, or changes to catalytic converters. You may be able to relate to some of this, Mr Deputy Speaker. Given the high incidence of carbon monoxide poisoning in Kalgoorlie-Boulder of 39 per cent -

Dr Edwards: Were you thinking of sensors in cars?

Ms ANWYL: I am not clear about what can be done to cause an automatic cut-out. I know it can be argued that if one method is not used, another will be found, but the data suggests that there is a very high incidence of carbon monoxide poisoning, particularly in the remote areas of the State. The Minister for Youth may be able to assist me here. Would it be possible to investigate the options and take up that matter with the manufacturers and the like?

Mr Board: That is a worthy point. I do not have the technical expertise either, but I am happy to take up that issue and come back to you. Whether it will be cost effective and whether it will be relevant to the whole community must be considered in the broader spectrum of costs of manufacture against consumption rates and the like.

Ms ANWYL: I thank the minister. We may be able to pursue the issue with regard to the future manufacture of carbon monoxide. I am not suggesting that some sort of mandatory immobiliser system apply, or anything of that nature, which would affect all vehicles, because that would be too big an ask; but the clear trend is that the number of carbon monoxide poisonings is increasing.

I have talked about the profile of completed suicides investigated by the Kalgoorlie Coroner's Office. About 35 per cent of the suicides had left a suicide note. That is often the only indicator that is available as to the causes of suicide. I readily acknowledge that it is a very small sample, but the patterns appear to be not dissimilar to the sorts of reports that we have received from the research data. Of those who did leave a note, 35 per cent cited a relationship breakdown; 35 per cent cited financial problems or concerns; 21 per cent spoke of a job loss; 7 per cent spoke of the death of someone close; and 2 per cent were not otherwise categorised. Based on that data, only 8 per cent of those deaths were indigenous, and in some other areas we would see a much higher percentage of indigenous male suicide. On the basis of those figures, the issue of job loss and how it relates to self-esteem and also financial problems are matters for which some assistance could be provided. We

all subscribe to the notion that unemployment is not a good thing, yet I wonder what provision we are making to assist those who are unemployed. What are we doing to make sure regional unemployment is a priority, given that some of the worst pockets of youth unemployment in this State are in regional areas?

Let us look at the high percentage of suicides that relates to relationship breakdown. I again ask about the available services in this field that focus on men in rural and remote areas. Having done some family law work in Kalgoorlie-Boulder, I know Family Court counselling is one service that is available. It is not readily accessed by everybody, and not everyone is going through the Family Court system. However, given the other types of counselling that are available, I am always staggered to find how many people avail themselves of the local priest or the local taxi driver. There is a phenomenon that men can maybe go to the pub and have a bit of a yarn with a person about their problems, yet they have difficulty when it comes to accessing the services that are available in that regard.

We must start talking about men's health in a much more holistic fashion than we do, particularly mental health and emotional issues. Presently we do not put enough emphasis on the need to promote counselling services for men in our community. The recent debate in the letters to the editor columns of *The West Australian* relating to the Family Court contain some very polarised views about the circumstances in which men may take their own lives or those of their family members. Until we can be sure that not all, but a good percentage of men in these situations will access that assistance, we cannot begin to talk about abolishing the Family Court counselling service as a panacea to all of this.

Clearly the problems in this area are great. Only today I was contacted by and had a meeting with yet another lobby group that has sprung up around the Family Court system. The bulk of contacts made are from sole fathers. There is an increasing willingness by fathers who have children in custody to contact these various lobby groups. I wonder whether that is matched by their contact with other forms of counselling. The lone fathers support service has existed in this State for many years. I wonder what resources can be made available to ensure men can readily access those sorts of services.

I have spoken a little about indigenous youth and men in rural and remote areas, and unemployment as indicators. Another indicator - I do not think the minister picked this up in the youth suicide prevention information kit - must surely be same-sex attraction. Some work is being done towards the inclusion of that factor in - dare I say it - the next lot of glossy brochures. No doubt the minister is familiar with the federally-funded youth sexuality project which was started when Dr Carmen Lawrence was Minister for Health. Fortunately it was carried on by the federal coalition Government after the 1996 election, although there have been some changes to the Youth Outreach activities.

I will explain the youth sexuality program to members. Importantly there is some data around on this issue. There is only a small Western Australian study, but there is a great deal of Canadian and United States research which indicates that young people of same-sex attraction are over-represented by seven to 13 times in suicide statistics. It extends to attempted self-harm as well. It would appear that some major indicators for concern amongst these youth include the fear of rejection, in particular; the fear of telling their family of this feeling of same-sex attraction; and the fear of violence, which may very well be justified. Let us take the situation in schools and smaller communities. It may well be that these young people have witnessed cases of people who are branded as having same-sex attraction and who have been on the receiving end of violence. There is also the fear of total disclosure, which might lead to the cutting off of the support of the family and peers and other areas in the community. Let us look at that very high degree of representation in this area. Some work has been done in Western Australia on this issue, but the joint youth sexuality program finished its funding about a month ago. The Gay and Lesbian Counselling Service of Western Australia, which has joint carriage of this project with the AIDS Council of Western Australia, will continue to provide this service.

The available data relies on the superimposition of the American and Canadian statistics and suggests that there are up to possibly 20 000 or so young people of same-sex attraction in Western Australia. Let us bear in mind that the identification of same-sex attraction does not mean that these people will wish to come out openly at some stage in their life as gay or lesbian; it may be nothing more than a fleeting attraction. As a Parliament, we must come to terms with this issue: Whatever our personal views about gay and lesbian sexuality, we must provide services for not only those young people, in particular, but all members of our community whose same-sex attraction makes them more vulnerable to self-harm.

The message sent out by Parliament, by rejecting legislation, such as the recent anti-discrimination legislation - I have no doubt it was rejected by many members on religious or moral grounds - does nothing for the self-esteem of those young people who are suffering the problems I am talking about; that is, fear of rejection and so forth. I am informed that in some of the most recent youth suicide attempts - I am aware of at least one in Esperance - contact has been made with the Perth service that is offered on a part-time basis under the project. It is very clear that young people need some support when they have a same-sex attraction. A professional training program offered under the project consists of a full day's training and has been accessed by more than 250 workers, and a component of that training has been undertaken in the south west.

Sitting suspended from 6.00 to 7.30 pm

Ms ANWYL: I am not sure whether the Government supports this motion or which minister will respond.

Mr Prince: The Minister for Health left a message that he is at an eating disorders function and he will be back as soon as possible.

Ms ANWYL: I do not think he will be back in time; I do not have very much more to say. However, I do want to provide further information to members about the youth sexuality project. Prior to the dinner break I said it was very important that whatever members' views might be about same-sex attraction, we should put the public interest first. Data suggests that young people with a same-sex attraction are over-represented in the suicide statistics by anything from seven to 13 times. That is a real problem. A service is available in metropolitan Perth called the Freedom Centre, which operates only part time. Rural and remote area youth access that service and the Gay and Lesbian Counselling Service. The State Government should look at the issue of how further resources can be provided to young people generally, but specifically those with a same-sex attraction in rural and remote areas. Over 250 youth workers have been provided with one day's training, but there is a great need to take that training out into the more remote areas. The further from Perth one goes the less likely it is that youth service providers - be they youth workers, health professionals or workers in schools - will have been able to access training.

A study of rural high schools was undertaken involving 3 000 to 4 000 young people in three States. Western Australia was not one of the participating States, but there is little likelihood of any dramatic difference because of state borders. That survey showed that 11 per cent of those involved were not exclusively heterosexual and about 5 per cent reported a same-sex attraction. Given that it was based on self-reporting by adolescents, if anything, those figures would be an underestimate due to the stigma attached to such an attraction. Another indicator of the scale of the issue is a web site dealing with suicide prevention. One national web site has a huge number of hits from young people. One of the top three sites provides information about same-sex relationships, which again indicates a high level of interest. The Parliament should look at youth suicide and suicide generally in the community and the risk factors and then make real decisions about service delivery. We should be accessing those at the highest risk of committing suicide.

Specifically in relation to part (c) of the motion - that is, that the Parliament ensure that adequate resources are provided to rural and remote communities on a continuing basis for the prevention of suicide - it is very necessary that there be proper coordination of services. That has not occurred to date. One of the great challenges facing any Government is how it provides for inter-agency delivery of services with clear cooperation and delineation of which agency should do what.

Indigenous mental health is a mishmash. Some federal responsibility and funding rests with the federal Office of Health and the state mental health division, which has primary responsibility. However, we also have an Aboriginal health office. There is not sufficient coordination of services between those bodies and the Aboriginal medical services in the country. It is important that we train more indigenous workers, and specifically more indigenous mental health workers.

Some of the other indicators of causes of problems are relationship breakdown, unemployment, financial crisis and drug and alcohol use and abuse, particularly in indigenous communities. The interrelationship between alcohol problems and suicide and self-harm has been documented in the National Mental Health Strategy report. The statistics were alarming given the very high number of previous hospitalisations for alcohol abuse. There is no difference in the non-indigenous community in respect of those drug and alcohol problems. We are a million miles away from delivering adequate drug and alcohol services in rural and remote areas, notwithstanding that the data clearly indicates that the alcohol and other drug abuse rate in some rural and remote areas is far higher than that in the metropolitan area. Needle and syringe data from my electorate indicates that local injecting drug use is 3.8 times the Perth average. Clearly if we are to have adequate prevention strategies it is vital that we ensure sufficient people are working in the field of alcohol and drug abuse, mental health and youth services generally. Some remote communities do not have any form of youth service or youth worker other than those available in the Education Department or the Health Department. Perhaps the minister can indicate whether the Government supports the motion.

Mr Board: We will be moving an amendment.

Ms ANWYL: I ask that the minister specifically address how the report that has now been to Cabinet is to be implemented. The wording is slightly wrong in my motion, but the minister has heard me refer to the report. I would like to know how the Government will provide adequate service delivery. The minister mentioned previously a pilot project involving three metropolitan services working in the suicide prevention area. How will that assist young people in rural and remote areas?

MR MCGINTY (Fremantle) [7.37 pm]: I will relay to the House two stories of my experiences this year in the Kimberley region of the State. The first of those followed a couple of visits to the East and West Kimberley regions. Wherever I went I was impressed by the fact that the Aboriginal people or the health people to whom I wanted to speak either were not there because they were at a funeral or they were there but they had just come back from a funeral. Without being too intrusive, I asked what had happened. Invariably the story was that a young Aboriginal man had committed suicide, generally by hanging. Therefore, when I returned to Perth, I made inquiries of people about what was going on. What was this anecdotal picture that had been created for me? The experts in the field said that they had an enormous problem with young Aboriginal men in the Kimberley killing themselves. The figures produced by the experts in this area showed that during the first seven months of this year, the number of young Aboriginal men in the Kimberley who had killed themselves had jumped by

400 per cent compared with the figures that had been kept in this State previously. In Western Australia these figures have been kept in an acceptable form for about 11 years. These figures indicated that although there was an upward trend in the number of people, particularly young men, committing suicide in the Kimberley, on average, over the last decade about four people committed suicide each year. Suddenly, in the first seven months of this year, that figure had roughly doubled, and it was for only half the year. Therefore, what we were looking at was the prospect of an enormous increase in the Aboriginal suicide rate.

I gave a speech on this issue in the Parliament some two months ago. In response to that speech, which received some attention in the media, the Australian Broadcasting Corporation *Four Corners* crew went to the Kimberley and recorded a program which was shown two or three weeks ago. I hope most members of the House had the opportunity to watch that program. It was a desperate plea for help from young Aboriginal men in the Kimberley who were talking about killing themselves and trying to kill themselves. It relayed the story of far too many young Aboriginal men who had succeeded in taking their own lives. The picture that that *Four Corners* program presented was one of the desperation and depression that exists among young Aboriginal men in the Kimberley. I have no doubt it is a depression born from the oppression that confronts them.

The figures were quite startling. The public interest which has been generated through the media and other areas is also amazing. However, the statistic in that program that stunned even me, having been the one who brought this issue to light through a speech in this Parliament not long ago, was that during the couple of weeks that the *Four Corners* crew was filming this program in the Kimberley, another two young Aboriginal men committed suicide. When the crew went there, eight Aboriginal men had killed themselves. By the time the crew left the Kimberley, that number had jumped to 10, and more deaths have occurred since then. Those figures are absolutely alarming. I relate them specifically to the Kimberley because I know what is happening there, and those figures have been described in some detail. The same is true in other areas of the State. The member for Kalgoorlie has adequately described what is going on there. Those figures call out for an urgent response from the Government.

I will not speak for very long tonight because the Minister for Youth and I hope the Minister for Health will make a contribution to this debate. I want to hear what they will do to address the epidemic that is now spreading, not through every community in the Kimberley, but in one or two communities in which copycat suicides are occurring. When I last inquired, some communities, such as Fitzroy Crossing, had been saved from this epidemic altogether. However, other communities were distraught and destroyed by the tragedy of their young men committing suicide. This tragedy has a very human element to it.

At the beginning of this year, the former Minister for Health was presented with a report by the Youth Suicide Advisory Committee which recommended a number of initiatives that the Government should adopt. These included not dealing with the short-term issues, which were being addressed. To the extent that it is possible for the Government to address these issues, the committee made a number of recommendations to meet the long-term problems. They included the employment of more Aboriginal health workers and specialists, with additional resources being put into this area. The report dealt exclusively with Aboriginal suicides. The full title of the report was "Youth Suicide Advisory Committee: Policy and Strategic Plan for Preventing Suicide and Suicidal or Self-harming Behaviour among Aboriginal Youth in Western Australia".

There is no more isolated part of the State than the Kimberley. Members in this House know that the people most at risk from suicide are the young men in remote communities. Increasingly, one should add Aboriginality as a factor in that equation. The reasons for that are apparent. However, I was disappointed when that report was sat on for month after month. We then had a change of minister. It was sat on again. It took the raising of this matter in this place and the *Four Corners* program to elicit a response from the minister that it would go to Cabinet within weeks. However, it has been months. From what we have heard, it has now gone to Cabinet, and I hope Cabinet has approved each and every one of those recommendations from the body of experts which consulted with the Aboriginal communities and produced those recommendations. They are vitally important. Notwithstanding the delay, it is now important to get on with implementing the recommendations to try to save some of those lives that are at risk from suicide.

I want to relay as part of this debate tonight another story which comes out of the Kimberley. I met with a group known as the Derby Mental Health Action Group on a visit to Derby four or five months ago. I am sure all members in this House have been to Derby. It is a small community. The forming of a mental health action group in a small country town is an indication that the community is crying out for help. The area has been stigmatised by that which has been allowed to go on, and people do not often want to proclaim the fact that they have a mental health problem or that there is a mental health problem in the family. However, this group has been formed because these people want to help their children.

The sadness of this story affected me enormously. I will tell the House how it affected me. About a month ago I was in Fremantle. I received an urgent message from my electorate officer. On my mobile phone, I rang a fellow I had met in Derby. He was a member of this mental health action group. When I was in Derby he told me his story. He had a 21-year-old schizophrenic son. Because no accommodation services were available in Derby, his parents were unable to keep him

in the town where the family could love and care for him and see him through the mental illness from which he suffered. They formed the Derby Mental Health Action Group - he was one of the participants in that - to campaign for government assistance to provide accommodation in Derby so that people suffering from mental illnesses could be accommodated in the town. They would be close to health facilities, their parents, and their own environment, and they would be better off than being sent to Perth for treatment in a hostile, alien environment. When I rang this gentleman, he said, "Jim, my son has just committed suicide. He hanged himself in a lonely flat in Perth because no-one cared about us up here in Derby. No-one would help us provide the accommodation we need to properly look after our children with mental problems." He was in tears and I was reduced to tears talking to him on the phone. A parent can go through no more devastating an experience than losing a child. This man's son had died that day. He was angry and distraught and wanted help. In a sense, I was flattered that he thought of me in a time of great need and emotional stress. He said that he did not want his son to have died in vain. He wanted his death to apply additional pressure to achieve what the Derby Mental Health Action Group was trying to achieve; namely, badly needed mental health respite care in Derby.

He is not alone. I met in Derby a couple of months earlier a mother of a 16-year-old girl with a severe mental problem which manifests itself in violence. It is uncontrollable. Her daughter could not stay in town as nowhere was available for her to be kept and cared for. Family and Children's Services, in desperation, booked a room for her in the roughest hotel in Derby for the night. A 16-year-old girl spent one night in the Spinifex Hotel without supervision or meals. The department booked her into the hotel because there was nowhere to properly deal with her. That was a scandal. People desperately need help which is not provided.

Derby is well known to the Minister for Aboriginal Affairs. It is a small community, and not the only small community with this problem. It is more widespread. As a Parliament, we must look at ways to provide assistance to families to keep them together to stop young people being isolated and thrown into strange environments, particularly Aboriginal people. We must not force them south to lead lonely lives which present the very circumstances in which young people will be under pressure in relation to suicide. I raise those two examples as very sad, real cases illustrating what is happening in Western Australia today. Both cases cry out for government intervention and support, and the provision of resources. The provision of accommodation in the second case most probably should be through Homeswest. Accommodation should be made available in Derby to assist the young people of that town with mental health problems so they can stay close to families and the good hospital facilities in Derby.

Dr Hames: Time does not enable me to speak in this debate. Homeswest provides a lot of houses for those with mental and other disabilities. The difficulty relates to the funding for the support to go into the housing. We can provide the housing, but people need support for the housing. We can provide enough housing as required. I have told my department to build as many houses as are required to house people, particularly those with mental disabilities. The other side needs to be addressed.

Mr McGINTY: I thank the minister for that comment. As a former Housing Minister, I know the great work Homeswest does in that area. Homeswest does a superb job in meeting accommodation needs for people with mental disability and other problems. I am told that no accommodation is provided in Derby for that purpose. The other part of the equation is the recurrent expense in providing support and staffing for such accommodation. In Derby, unlike most areas, both housing and support is lacking. The minister would not provide the support services.

Dr Hames: I would provide the housing if I was asked to do so, provided that support was given for people entering the housing.

Mr McGINTY: Having identified a problem in Derby, maybe we need to work closely together. I am not sure of the relationship these days between the Commonwealth and State in funding such facilities. It was significantly a commonwealth issue in the past to provide such accommodation support services.

Dr Hames: That is the difficulty I have in providing them.

Mr McGINTY: However, whatever the administrative arrangement is to arrive at that funding, Derby's need is not being properly met. If I can come up with two sad cases in one relatively small town, we must do all we can to meet that need. I met many other parents who said they had problems with children with mental problems. The sad thing about the gentleman I spoke to on the mobile telephone whose son had just committed suicide was that he had been to Perth a week earlier and met the Health Minister and made a plea for funding for accommodation for people with mental health problems in Derby. Nothing came of that meeting. I do not expect a project of that nature to be funded overnight. We now have an unfortunate suicide on our hands, which, arguably, was preventable and would not have occurred if the young boy had been accommodated with his loving family in his home town.

The motion moved by the member for Kalgoorlie should be supported. It expresses a need in the community. We have a crisis not only among the Aboriginal community, but also the non-Aboriginal community, and things can be done. We need a Government gripped with a sense of urgency on these matter. While this crisis is raging around us, we have not seen any sense of that urgency.

MR BOARD (Murdoch - Minister for Youth) [7.57 pm]: I will move an amendment to the motion moved by the member for Kalgoorlie regarding an issue of strong concern. Neither the Government nor I would disagree with anything said by the members for Kalgoorlie and Fremantle. They referred to suicide, youth suicide particularly, and those at high risk among the Aboriginal community, particularly those in remote areas. This is a matter of great concern. We must be able to identify those at risk and ways in which we can help resolve those issues. It is incumbent on any Government to do whatever it can, and use whatever resources it has, to assist in this area. I will amend the motion because, although much remains to be done, much is being done. I will outline those activities in my comments.

Amendment to Motion

Mr BOARD: I move -

To delete all words after "rural and remote areas" and substitute the following -

and acknowledges that substantial positive changes are occurring in the field of mental health treatment in Western Australia through the allocation of additional resources and the program of decentralising treatment facilities and services into the community.

Recently, a tragedy greatly affected my family. One of my son's closest friends was killed on a pedestrian crossing as a car proceeded through an orange light. That 14-year-old boy was killed in front of my son, and virtually died on the spot. I mention that because nothing is worse than a tragic death, particularly when a young person is taken away in traumatic circumstances. It has greatly affected my family and the community. In many ways it has left a mark on the community and I am not sure that we will ever recover from it. However, when that death is a result of a person's own hand, the tragedy is even greater. The sense of loss, not only in that person's family but also in the community, is of great consequence. Many of us find it very difficult to make sense of what we see as useless tragedies which we hope could be averted in some way. The difficulty is how to identify people at risk. Another difficulty is to be there to provide the necessary services when they are most needed by these people. The challenge is for this to be done by all the agencies which provide a service that can assist.

This is an important motion dealing with a matter that has been raised by the member for Kalgoorlie on a number of occasions, and I commend her for doing so. It is an issue which must be discussed and addressed by both the Opposition and the Government. She mentioned that it is an issue that we do not want to highlight in a political way. Nor do we want to embellish it in a way which will put it on the front pages of newspapers because that is, according to the advice from experts, the worst thing that we can do. The worst thing that a Parliament could do would be to politicise this issue. We respond to this issue, I hope, in a collaborative sense in that the Opposition identifies the needs and the Government addresses those needs and outlines in an informative way the policies and programs that are being undertaken to combat the problem. I will outline the youth perspective and if the Minister for Health does not return, I will also refer to aspects of the Health Department's efforts.

Firstly, I will outline some of the general suicide and youth suicide statistics. These figures are a result of the coroner's determination on suicide and, in general terms, they are at least 18 months old. That is not something new. Historically, that has always been the case, such is the deliberation of a coroner and coronial inquiries into suicide. Members would be well aware of the reasons for that. Western Australia, and Australia generally, is not averse to publicising suicide statistics. That would not be the case all around the world. People often say that the youth suicide rate in Australia is one of the highest in the world. One of the reasons for that is that we are honest about publicising these statistics. We are honest as a community and a society, as are those agencies which are responsible for putting forward correct figures. I compliment those agencies for that, because it is only when the correct information is at hand that we can deal with the issues. Currently in Australia approximately 2 400 deaths per annum are recorded as suicides. The Western Australian youth suicide rate is 18.5 per 100 000 people, which is slightly above the Australian average of 16.6 per 100 000 people. Between 1986 and 1995, 411 young people aged between 15 and 24 years were identified as having committed suicide in Western Australia. The overall rate for suicide has remained constant over the past 100 years. That might surprise a number of members but that is the case. In each successive generation, suicide has become more prevalent in younger age groups. Suicide is much more prevalent for males than for females. The rate of suicide in Australia among males aged 15 to 25 years trebled between 1966 and 1990. No further increases have been recorded since 1990. There has not been an increase in the suicide rate in the past 100 years. In fact, the proportion of young people aged 15 to 24 years has increased, but the rate of suicide among young males has not changed since 1990. Australian data indicates that young males in rural areas, as identified by the members for Kalgoorlie and Fremantle, have a higher rate of suicide than their urban counterparts. Data suggests that remote settlements of fewer than 4 000 people are the worst affected. Young Aboriginal people are at greater risk of suicide than other young Australians and the rate is currently 1.4 times higher than that for non-Aboriginal youth. Suicide risk factors include personality traits - I note that with the sexual preferences as identified by the member for Kalgoorlie - family stresses, prior suicidal behaviours, biochemical and genetic factors, stressful life events, social and cultural factors, psychiatric disorders, behavioural factors and exposure to attempted suicide or suicide. In other words, copycat suicide is a problem in our society.

The Youth Suicide Advisory Committee was established in 1989 and reports to the Minister for Health. The committee has been coordinating the responses of major government and non-government agencies since 1989. The Office of Youth Affairs obviously plays a strong role as do other agencies and other members of the community with a very strong interest and professional concern about suicide, particularly youth suicide. The Youth Suicide Advisory Committee has seen the introduction of hospital-based social workers in the emergency departments of major teaching hospitals; a major training program for professionals who work with young people; protocols for schools to prevent further suicides after a suicide by a student - I commend the Minister for Education because strong preventive work is currently being undertaken in schools; the development of a database and research to monitor the impact of suicide-prevention strategies; and consultation with the media about responsible reporting of suicide. I mention that because of the strong indication of copycat suicides. Mr Speaker, you need only cast your mind back to those young students from Carine Senior High School who recently were taking part in copycat suicides. The Office of Youth Affairs has been working to support existing strategies and the work of the Youth Suicide Advisory Committee in a complementary manner.

The Office of Youth Affairs commissioned a report on youth suicide in Western Australia by Professor Bryan Tanney. A draft report has been received and comments are currently being provided to finalise that report. When that report is available, I will table it and make it available publicly.

Ms Anwyl interjected.

Mr BOARD: No, it is a different report. The Office of Youth Affairs, through its work as a coordinator of youth programs and issues relating to young people, plays a very strong role in coordinating a range of responses. Through the Youth Advisory Council of WA, it identified youth suicide as a matter for which it could coordinate government agencies. Although this issue firmly rests with the Minister for Health, there is no doubt that the Office of Youth Affairs has a coordinating role and has a strong response. I will outline in a moment the extent of the program to involve young people in this issue.

Through our youth grants area we also have a reasonably strong response. We do that because a whole range of community groups, including youth groups themselves, want to play a role in being able to assist with government programs and initiate some responses of their own. Grants have gone to Carine Senior High School for its sports challenge program for low self-esteem and negative traits; to the Churches Commission on Education for holiday activity-based programs for kids with low self-esteem; to the Rockingham/Kwinana Youth Suicide Prevention Network for the production of information pamphlets for parents about the symptoms and signs of those at risk; to Centrecare, Kimberley, for a directory of services information booklet to assist parents and families; to train the trainer workshops in Broome to identify young people again, particularly Aboriginal young people, at risk; and to TVW Telethon Institute for Child Health Research, for coastal and wheatbelt firearm suicide reduction strategy. The Office of Youth Affairs is obviously involved, as I have outlined in this House many times, in a wider range of youth training activities.

Only today I outlined another facility primarily designed to focus not only on occupying young people but also on assisting them in communicating with one another and to provide a whole range of youth training, including an awareness of themselves to challenge them with their self-esteem and to lift it in many cases. Through those programs, whether cadets or other programs, we target young people who we feel are at risk. The member for Kalgoorlie has raised before, particularly in questions on notice, the sort of make-up of the people joining the programs. We are currently conducting an analysis of that through the Office of Youth Affairs, to try to identify socioeconomic groups and young people who are joining our programs. We go to great efforts to ensure that we have a spread of young people and certainly target young people we consider at risk.

Professor Richard Catalano of the University of Washington in Seattle will be speaking next week about his community care program at the child health research program seminar which is funded by youth grants. That seminar is a way of looking at those communities that have achieved great results in youth suicide rates. For whatever reason Seattle is a model for achievement in this area. We are looking to identify some of those programs and policies so that we can bring them into our commitment in Western Australia. The youth suicide prevention subcommittee is chaired by Sven Silburn, who is also on the youth suicide committee of the Health Department. He chairs that subcommittee through the Office of Youth Affairs. He has targeted a whole range of activities and programs in which the Office of Youth Affairs is involved. We have collated statistics on suicide among Western Australians. We are looking at the causes of people committing suicide. This has all led to the information kit which has been launched and which, of course, I tabled in this House. The member for Kalgoorlie talked about the glossy nature of it. The information kit is there for parents and communities. It is there for those who take an active interest in the matter to help them identify young people who are at risk. It is not necessarily for the young people who are at risk although there is that opportunity. It is there to try to identify those at risk. That is the issue for us in this whole debate. If we could identify those at risk and target our resources and energies and coordinate them in the most effective way, we would be able to greatly reduce those statistics.

Ms Anwyl interjected.

Mr BOARD: I acknowledge that point. Quite frankly I am surprised that it is an omission. Whether or not it was intentional

I do not know. As we speak, one of my staff is looking into that issue. I would be happy either to rectify it or to come back to the member with a reason for it not to be the case.

Ms Anwyl: All I ask is that there is liaison between the two bodies I referred to in my speech.

Mr BOARD: I have no problem with that whatsoever. I am sure that is being done at a different level. I am not sure why the information has not been publicised. The pilot community and peer support program tenders that the member knows about and has been raised as an issue is a program by the youth suicide prevention subcommittee through the Office of Youth Affairs. We have allocated \$150 000 to pilot community and peer support programs to promote life enhancing skills and prevent self-harm in young people. The pilot programs are not designed to address the entire problem of youth suicide; they are piloting a specific preventative approach; that is, developing peer support. Tenders for this were advertised in the Press on the weekend of 15-16 August and again on 22-23 August. A briefing session with interested tenderers took place in August. Tenders are currently being evaluated, with successful tenders to be finalised in December. The initial pilot programs will be held in three outer metropolitan areas with high youth and youth-at-risk populations. Following the announcement of the first successful tenderers, a further pilot will be offered for tender in country locations.

Ms Anwyl: Is that another three projects?

Mr BOARD: I will look at the number of projects. The Office of Youth Affairs has received advice from the youth suicide prevention committee, which is very supportive of this program and is assisting us. It wanted to be able to measure three different types of programs in similar groups. Although the committee has identified high risk young people in country regions for the purposes of monitoring this program, its advice was to run the program in this way and then take it into country regions.

Ms Anwyl: That is not good enough.

Mr BOARD: It will happen. I made a commitment to the member for Kalgoorlie that we will be taking that pilot program to the country. I stand by that commitment.

Of course there is a national strategy as well. On 14 September the Federal Government announced as part of the families policy *Our Strength, Our Future*, that it will provide an additional \$48m to strengthen and build on the national youth suicide prevention strategy. Under the national strategy the following projects have been or are being conducted in Western Australia: General practitioner training in recognising and responding to at-risk youth, which is completed; promotion of gun safety to reduce suicide by firearms in the Northam area, which is currently under way; preparation of information for parents on recognition of risk and how to support their children, which is under way; awareness raising among school and community personnel of the risk faced by young people coming to terms with sexuality, which is completed; the establishment of counselling services for suicidal youth in Kimberley at east Kimberley Aboriginal Medical Service, Kununurra, the Goldfields at Begabarnbirringu, Kalgoorlie, and Peel at Peel division of general practice. Each of these services will receive \$90 000 per year for two years. Services in Kalgoorlie and Kununurra will recruit Aboriginal staff for the delivery of that program. In addition to the state and federal responses, obviously a range of other agencies are involved, through Juvenile Justice, the Health Department, the Education Department and Family and Children's Services. I think the member for Kalgoorlie will agree that the responses are adequate. Resources have been allocated and commitments have been made to these areas, but it is a matter of making sure that they target those areas where the best results can be achieved. I do not disagree with anything the member for Kalgoorlie said.

The Health Department takes prime responsibility for suicide matters in a general sense, and it has coordinated responses across the whole of government. On the basis of some of the information provided by the Minister for Health, it is obvious that a great deal of work is being done in this area, and I will outline some of the responses from the Health Department which I think the member for Kalgoorlie will find interesting. A total of \$1.243m in state funds is being spent specifically on suicide prevention and intervention services in 1998-99, and another \$270 000 of commonwealth funds is being used to provide counselling services for suicidal youth. In addition, all public mental health services provide support and treatment for suicidal individuals. Approximately \$137m is allocated for these services on an annual basis. Ongoing planning is occurring with regional mental health services about needs for future service development, and this includes needs for specific suicide intervention services. That has been a boost of \$20m a year over the past three years. It is an extra commitment by the Government to this area. Services specifically for people at risk of suicide are available in the south west, great southern and goldfields. A service is being established in the East Kimberley, as outlined earlier. Mental health services are being expanded in all rural and remote areas, and these provide support and treatment for people at risk of suicide.

The work of the Office of Aboriginal Health in responding to *The Stolen Generations* report, is also relevant to suicide prevention. This combines commonwealth and state funding, and will result in increased numbers of counsellors and mental health workers being available throughout the State. Personnel will be mostly located in Aboriginal medical services or other community controlled health organisations. It is also important to acknowledge that many Aboriginal community agencies and members have been working over a long period to overcome problems that contribute to suicide. At this juncture I

recognise that, although there is a strong response from the State Government, the Federal Government and even local government, this is an issue of community concern, on which a large number of volunteer groups and other organisations focus. I acknowledge that and indicate that, although the Government is concerned about the suicide rate, in no way does that diminish the efforts made by those groups.

The Youth Suicide Advisory Committee provides an ongoing training program for a wide range of professionals who work with youth on identification of suicide risk and how to intervene. Currently, a program to train more trainers is under way. Approximately 40 trainers are expected to be available at the completion of the program, and this will greatly enhance the capacity for ongoing training across the State.

The use of alcohol and other drugs is strongly associated with suicide. Health Department drug and alcohol services are available across the State to assist in this area. Also there is a strong response through the Minister for Family and Children's Services who will outline that department's response in this area. Other government agencies, such as the Ministry of Justice, Police Department, Education Department, and the Office of Youth Affairs, are working with young people.

I have outlined in my response to the important issue raised by the member for Kalgoorlie that in no way does the Government take this matter lightly. It is of great concern to the community, and the community might be surprised to know that the rate is not changing. The suicide rate has been the same for the past 100 years, but it is of great concern that more young people - particularly adult males in remote areas and Aborigines - are at risk and that the suicide rates in that group are higher than they were 20 or 30 years ago. That is where the Government is placing its resources and targeting its work. It is endeavouring to make sure that as many resources as possible are available, and when at-risk communities are identified I am sure there will be an adequate and deliberate response in the region.

I place on the record that the Government takes the issue very seriously and I ask the Opposition, when raising these issues in the House and in the community, to work in a cooperative way with the Government to assist young people. I am sure the intention of the motion tonight is to make sure that more people become aware of the programs so that they can help the Government to identify where the programs might best be utilised.

MRS PARKER (Ballajura - Minister for Family and Children's Services) [8.27 pm]: I will add to the comments of the Minister for Youth particularly with regard to the services provided through Family and Children's Services, the services dealing with domestic violence and the drug abuse programs that target some of the at-risk factors in relation to youth suicide.

I acknowledge the tragedy of the suicide rates in the community. It is a tragic irony that, with all the benefits of living in such a wonderful place as Western Australia, this State has such high rates of suicide. One of the real difficulties is that the average age at which people commit suicide is lower than it was in the past. That presents a very serious challenge. The Minister for Youth has outlined a range of initiatives that have been undertaken in this area. The Youth Suicide Advisory Committee, which is chaired by Sven Silburn, is doing important work. The Office of Youth Affairs has an information pack on youth suicide prevention which provides information on the statistics, some of the causes, and some of the misconceptions. It is important that more people in the community understand the risk factors, recognise the warning signs and know how to respond to those showing signs of being at risk. The Minister for Youth is to be commended on initiating the development of that kit and overseeing the work of the Youth Suicide Advisory Committee, which is trying to establish the causes of suicide and the reason that more young people are attempting suicide, and put in place far better response mechanisms for both completed and incomplete suicides. The member for Kalgoorlie called on the Government to collate and make available more accurate statistics on the nature, extent and causes of the problem. The advisory committee and the Office of Youth Affairs are doing much work on that.

I now deal with what Family and Children's Services is doing to support people who have been affected by suicide and the "copycat syndrome". There are prevention and support programs to, for example, recognise risk factors so that there is not the continuing distress that culminates in the tragedy of suicide. It must be recognised that the prevention of suicide is difficult and complex. It certainly requires long-term strategies which are beyond the scope of a single agency. I agree with the Minister for Youth; they are beyond the scope not only of a single agency but also of government alone. We need to engage families, communities and the non-government sector in dealing with suicide. Certainly, the Health Department has a lead role, but I will deal with some of the measures that Family and Children's Services has put in place to address some risks.

Ms Anwyl: What about the report?

Mrs PARKER: That is not for me; I will deal with Family and Children's Services and related issues.

Ms Anwyl: So there is no inter-agency response. That is why I am concerned.

Mr Board: The report that went to Cabinet has gone back for discussion with various interest groups, particularly the Aboriginal community, before it is released. The member for Kalgoorlie will be aware that sensitive issues need to be

addressed before the report is made public. It will be a public report and we will receive it, but there are issues to be addressed in cooperation -

Ms Anwyl: When might we expect it?

The SPEAKER: Perhaps the Minister for Family and Children's Services will continue her remarks. It is not in order just to have a little chat.

Mrs PARKER: In the spirit of an inter-agency response, I certainly do not mind the Minister for Youth making those comments. It is important to have the involvement of several ministers. The Minister for Health would have liked to be present, but he is at an Eating Disorders Association launch. Of course, eating disorders are a mental health issue which is relevant to our debate.

Ms Anwyl: He is back.

Mrs PARKER: I am sure that members will hear from him as well.

Family and Children's Services employs 30 clinical and counselling psychologists throughout the State. They are all trained to work with people at risk of suicide and self-harm. Some of their supports include risk assessment, individual psychotherapy and counselling, family support and therapy, and family counselling. That service assists families to identify strategies to use during the difficult time of a suicide or an attempted suicide. Also, there are strategies for families to recognise risk factors associated with further suicide attempts.

In rural and remote areas the department provides community support services in instances of suicide or attempted suicide. We have heard that communities of fewer than 4 000 people are statistically more at risk of suicide. The department has placed community support services in small towns. For example, specific community services were recently placed at Carnarvon, Broome and Moora. That support has included working with families and extended families and assisting people to draw on family and community resources.

We are moving away from the shame and stigma that were associated with suicide. The member for Kalgoorlie mentioned the right of a suicide victim to be buried in certain places. However, suicide is still a difficult issue for the community to deal with, but Family and Children's Services has placed supports in small towns to enable people to reach out and access assistance in the community. It has also been involved in debriefing members of the community, and that has targeted the copycat syndrome. Family and Children's Services is mobilising the community to develop its own support strategies. Small communities are more at risk, but they have a wonderful strength. Their geographic isolation gives them a sense of identity, and it is important in times of stress that we are able to support those communities and mobilise their strengths. Also, Family and Children's Services has been working with government agencies and non-government agencies in those communities to provide the best support. There has been a commitment to inter-agency support for families and to providing relevant services to make sure that there is improved communication and a far more cohesive response.

Of course, rather than respond to suicide it is far better to put in place prevention services and reduce the risk of suicide and self-harm. I shall deal with some more general initiatives that address the issues that bring young people in particular to the point at which they feel so isolated, alienated and depressed and at which their self-esteem is so low that they would resort to such a measure. Specifically in regard to addressing some risk factors associated with suicide and self-harm, Family and Children's Services has set up services for parents or carers which encourage positive relationships between parents and children. Those services are for people who are identified as at risk. Certainly, information and support is provided to increase those people's knowledge and skills to respond to some of those risk factors. There are youth life skills development programs for mentors to counsel people who have been identified as at risk and even to link them with recreational opportunities to help them to deal with issues that might lead to further harm. Certainly, family support is also provided.

I now refer to a couple of initiatives that were introduced in the past six to 12 months. Just a couple of weeks ago, I launched the Living with Teenagers training package. There has been a significant response to that package. Parents who were involved in a counselling program in Bunbury suggested to the clinical psychologist with whom they were working that they would like an interactive training package for parents of teenagers. The clinical psychologist got together with three colleagues from around the State and developed the package. It is a credit to their professionalism. We have trialled the package and the feedback has been extremely supportive.

Some of the programs I launch as minister provide a more positive response. Some are media friendly and create a run on the news at night. This package has had a response throughout the State particularly from radio and community groups. I was responding to the local radio stations for about three days after the launch of this package. That indicates that it is being seen as something practical for parents who sometimes get bewildered by the difficulties that emerge in their children's teenage years. It offers practical solutions for dealing with some of the issues which could lead to relationship breakdowns. That is a very early intervention mechanism; nonetheless, a practical one borne out by the experience of parents. It has resulted in parents not only feeling better equipped but also realising that many other people are in the same situation as they are. It also establishes a support mechanism for parents. We look forward to the expansion of that training package. To

ensure the package is available throughout the State, we will make it available to non-government organisations, in which have people trained as facilitators.

Another interesting resource that has been developed in the department by Aboriginal staff and in consultation with Aboriginal people in the community is a video called "Growing Up Kids". It was targeted specifically at Aboriginal parents to examine the cultural context of parenting among Aboriginal communities and the extended Aboriginal family. That was one of the most rewarding launches over which I have been privileged to preside. It received a tremendous response. To my knowledge it is the first time a parenting video program targeted at Aboriginal people has been developed. The Aboriginal community was very encouraged with the release of that resource.

Apropos the comments by the Minister for Youth about the high correlation between youth suicide, self-harm, and alcohol and drug use, community drug service teams are situated throughout the State. They are trained professionals whose task is to visit high schools, youth groups and parents where they can deal with the drug and alcohol abuse problems at the early stages. It is a practical service for people throughout the State.

Ms Anwyl: We do not have any drug and alcohol rehabilitation or detoxification services in country areas.

Mrs PARKER: A couple are being developed in the city. The new detoxification centre in Midland is being established.

Ms Anwyl: How does that assist youth in remote and rural areas?

Mrs PARKER: The situation is difficult. We are talking about making sure preventive programs are in place. We have put in place 10 community drug service centres and we have received support from the Federal Government to fund another one. We have had pressure to provide services in the central wheatbelt area. As a result an eleventh community drug service team is out there. Although it is an early intervention process; it is nonetheless a supportive service for both teenagers and their parents in dealing with alcohol and drug abuse.

The member for Kalgoorlie also referred to men accessing counselling services. That is a valid and important issue. Certainly throughout the State we have implemented a coordinated action plan for dealing with the problems of domestic violence. Refuges and advocacy and support services are in place for women. We have added to that counselling programs for the men involved in those difficult situations. We have established a men's domestic violence help line which offers a free call number throughout the State. For the first time in Australia we have a counselling help line targeting men who feel the service is appropriate for them.

It is fair to say that counselling has been targeted towards women. However, as I said, perpetrator programs are available as well as a range of accommodation specifically for men irrespective of whether they have children with them. We are beginning to address some of the problems; whereas in the past we have targeted services more for women. It is also important to note that most other programs are available for both men and women. We may need to position them so that men seeking support can approach them in the knowledge that they will be welcome in the same way as women. We have addressed the issue of men accessing that support and we will continue to do so. The perpetrator programs and some of the other programs around the State have gone a long way towards offering services.

As I said, refuge accommodation is also available for men. As minister I have put an emphasis on the role of men as fathers. We profiled men as fathers last September in our positive parenting program. We have noticed, for example, through our parent information centres that an increasing number of men are seeking support, advice and information on fulfilling their role as parents and as fathers. That is a healthy sign. We will profile men through our parent information centres early in the new year. A number of programs are in place, but more can be done. We must ensure that men do not feel alienated from the support services.

Success in dealing with suicide is very much a matter of early prevention. The supports are in place for when a suicide has been attempted or has occurred. Again, the real concern is that we get in early enough to provide support to reduce that sense of alienation and depression and start to see a reduction in some of the statistics that confront and challenge us as a society.

MR MASTERS (Vasse) [8.47 pm]: Six or eight years ago I had the great privilege of attending a Rotary district conference held in Wagin. About 600 Rotarians and partners were addressed by Dr Fiona Stanley, whose name I am sure members know well. She spoke on youth suicide and told us in the early to mid 1980s there was an epidemic of youth suicide in Western Australia. Someone in her group - it may have been Dr Stanley - came to the conclusion that it was almost a "feeding frenzy" being supported and encouraged by the media. In other words the more suicides that occurred, the more the media reported them and the more that susceptible people got the idea in their minds that suicide was a good way to go. Along with other experts in the medical field, Dr Stanley asked the various media outlets in Western Australia not to cover suicide in the sensational way in which they had been covering it at that time. I am pleased to say that the media responded positively and the end result was that there was soon a reduction in youth suicide.

I am somewhat reluctant to support this or any other motion relating to suicide because of two concerns. First, I am not

convinced that the Opposition is genuine in its motives with this motion. I would like to give the Opposition the benefit of the doubt that it is moving the motion for honourable purposes. However, the motion is a little wishy-washy. It is certainly pleasing to see that the motion supports the Kimberley health department report. But to be honest, parts (a) and (c) of the motion as it currently stands are not really the cutting edge in terms of solving the various problems of suicide. The member for Kalgoorlie made the admission that she was not familiar with the report. I would have thought in an issue as serious as this, that the very least the member for Kalgoorlie could have done was give us some courtesy of having delved into the topic in a more detailed way than she has.

Secondly, I am concerned because media coverage of this motion has the potential to do exactly what Dr Fiona Stanley has previously asked the media not to do; namely, give high exposure and raise the idea of suicide in the minds of people who are potentially susceptible to taking their own lives. I remind members in this place of the period early last year when the Federal Government was proposing the introduction of substantially higher fees for entry to nursing homes. I do not wish to raise that as an issue in itself, but in my view the efforts of the federal Opposition at that time, with the active support of some sections of the media, were to strike fear into the hearts of susceptible elderly people suggesting they would have to sell their homes before they would be allowed to go into nursing homes. I am not saying whether that was a true statement; I am simply saying that a perception was created in the community that people would have to sell their homes. That suggestion resulted in the suicide of at least two elderly people. Those elderly people were clearly vulnerable. I am hoping very sincerely that the media and Opposition will not be preying upon similarly vulnerable people who are liable to think that because the Parliament is discussing this issue, we are therefore giving them some sort of encouragement to think about it.

I sincerely hope that the ALP will not seek to make political gain out of this issue, but instead will talk about the positives of what is generally happening in the community to overcome the problems that confront us. I wish to refer to as best I can the earlier address of the member for Kalgoorlie when she said words to the effect that we as a Parliament have a responsibility to address all issues that are causing pain in our community. We certainly have that responsibility, but it is a two-edge responsibility. We must worry about the responsibility of discussing it here in a meaningful way, and we must also take into account the consequences of any discussion that we have here and what it will mean to people in the community.

Ms Anwyl: Are you proposing that we never discuss this?

The SPEAKER: Order!

Mr MASTERS: I am happy to accept that interjection. Yes, we need to discuss it, but if I were in the member's shoes, rather than run the risk of turning this into a political issue which may be reported by the media in ways that the member and I did not want, I would approach the Government on a private basis, see the ministers responsible and see what sort of response she will get. If the response is not to her satisfaction, then she should raise that lack of satisfaction with the Parliament.

Ms Anwyl: How do you know I have not done this?

Mr MASTERS: Because the member has not told us and she has had almost an hour to do so. I will also raise one other issue.

Ms Anwyl: How would you know?

Mr MASTERS: The member for Kalgoorlie had an hour to tell this House what she thought about this issue. I listened to most of what she said, but she did not indicate that to me through her speech in any way, shape or form. There is no doubt in most people's minds that suicide, particularly youth suicide, is somehow related to the lack of self-esteem of the people who take their lives. An example of the risk that the Opposition will run with this as a political issue is what happened when the concept of working for the dole was first raised by the Federal Government last year. There was universal condemnation from many people in the community and much criticism from the Labor Party. The work for the dole scheme tries to raise in the minds of the people who are on the dole the idea that they have some genuine worth as members of this community, and that they can make a positive contribution. By making that contribution, they will be discouraged from committing suicide. I sincerely hope that the ALP will not seek to make political gain out of this issue, but instead will seek to raise the genuine positive activities that are occurring in the community to solve this problem community wide. I also sincerely hope that the media will behave likewise and will concentrate on describing in their articles, if they run any on this subject, the wide range of support services and other positive aspects of what I find to be the very sad issue of suicide.

I am prepared to support the amendment and the amended motion should it go through, but I express my concern that if this issue is handled the wrong way by the Government, the Opposition and the media, we may be contributing to the very problem that we are trying to solve.

MR DAY (Darling Range - Minister for Health) [8.56 pm]: I will put a few brief words on the record in relation to this debate. I am sorry I have not been able to be here for all the debate. If I had been, I would have made a much more substantive response. I know the Opposition is keen to move on to other business.

I was fulfilling a commitment at Princess Margaret Hospital to launch the Eating Disorders Association of Western Australia. It is an association which is also dealing with very important mental health issues and among other things focusing on the conditions of anorexia nervosa and bulimia nervosa, conditions which have a very significant impact on a number of people and their families and friends in Western Australia. I was very happy to support that organisation and to launch their formation.

Much of the information that the member for Kalgoorlie was seeking from me as Minister for Health has been provided on my behalf by the Minister for Youth, so I will not go over that. However, I will reiterate that the specific statistical information which the member is seeking is being collated. That is in response to a question on notice that she directed to me on 22 October. It seeks detailed information and response. That information will be made available as soon as possible.

The issue of suicide in the community is a difficult one for the community as a whole and also for Governments to deal with. It is the sort of issue for which it is mandatory that we have a coordinated approach across Government. Much of that philosophy has emanated in the debate tonight. It is a problem for which no easy solutions are available. If they were, I am sure they would receive bipartisan support to put them into place, but much work is being done to try to better deal with this intractable problem in Western Australia.

There are some very dedicated people, not only within the health arena, but more broadly as well. I have spoken to and met some of them around the State. As the amendment indicates, there is now a focus on getting a more comprehensive response in the regional and rural areas as well as in the outer metropolitan areas and moving away from the previous model of a more centralised form of delivery of mental health treatment in Western Australia. In addition to that, a substantial degree of additional resources has been allocated to the whole mental health area by the Government in the past three years and we now have -

Mr Riebeling: Somebody slashed it when you first got in.

Mr DAY: The Health budget has been increasing continually since we have been in government.

Mr Riebeling: How many institutions did you close in the first year?

Mr DAY: We are going through an extensive process to move facilities out of the centralised establishments that have existed up to now, and to provide facilities in areas such as Kalgoorlie, the Kimberley, the goldfields and in other parts of Western Australia and the metropolitan area. An additional \$20m a year has been allocated to mental health activities, bringing the total budget for specific mental health activities to in excess of \$100m a year. The amendment sums up the philosophy of the Government's approach. We do not pretend there are any quick fixes to this problem and we will listen to constructive suggestions from the Opposition or anywhere else in the community.

MS ANWYL (Kalgoorlie) [9.00 pm]: The Opposition does not support the amendment. Although I acknowledge the Government is prepared to express its serious concern at the number of suicides occurring in Western Australia, especially in rural and remote areas, effectively, the amendment falls short of the intent of the motion to ensure that adequate resources are provided to rural and remote communities on a continuing basis for the prevention of suicide. The comments of ministers have been constructive and I welcome them, despite the totally out of order comments from the member for Vasse. I have had ongoing discussions with the Minister for Youth about the delivery of services to my electorate, and I am prepared to acknowledge the constructive delivery of service in the mental health arena in Kalgoorlie-Boulder. Having said that, I advise that other regional and more remote communities are in desperate need of increased service delivery. The smaller communities, and the remote Aboriginal communities are floundering. I have not gleaned from any of the comments of ministers exactly how the suicide prevention group in my electorate can garner accurate information by way of statistics, although the minister says I will eventually receive the answers to questions on notice. As there could be more constructive channelling of the energy of that suicide prevention group and because no particular government agency is picking up on that energy, a degree of floundering is occurring. The Minister for Health should contrast that with the local drug action groups to which the Minister for Family and Children's Services referred. Those groups have a clear path to follow and the Government needs to take that on board.

Mr Day: I will reiterate what I am sure the Minister for Youth has said. The recommendations of the youth suicide advisory committee report in relation to Aboriginal suicide has been approved by Cabinet. I hope to make those recommendations public as soon as possible. However, I am sure the minister explained that we are currently consulting with Aboriginal communities to ensure that they are treated sensitively in releasing that report. We want to work constructively with them to do that. I am sure that the recommendations would impact on the member's electorate.

Ms ANWYL: I appreciate that, and I had a conversation with the minister yesterday. I was not aware when giving notice of this motion yesterday that Cabinet had approved those recommendations. I realise the sensitivities that exist, not the least of which are the recent events in the Kimberley. However, the issue of indigenous suicide is broader than the Kimberley and many other areas are screaming for some assistance, notwithstanding the federal initiatives outlined in the speech of the Minister for Youth.

It is not the Opposition's intention to support the amendment. The House as a whole wishes to express its concern, but the Opposition and the Government differ on what needs to be done about that. This issue should be properly debated in Parliament. As a result of the information that has been gleaned on three separate occasions when it has been raised by the member for Fremantle and I, we can continue to have a worthwhile debate on the most appropriate methods of service delivery - particularly in rural and remote areas which are hardest hit and suffering from the increased rate not only of youth suicide but also male suicide generally. It is regrettable that the bulk of the debate has been focused on youth suicide, because a real problem exists with male suicide. We have a long way to go to deal with men's health as a whole.

Amendment put and a division taken with the following result -

Ayes (29)

Mr Ainsworth	Mrs Edwardes	Mr Masters	Mr Prince
Mr Barnett	Dr Hames	Mr McNee	Mr Shave
Mr Barron-Sullivan	Mrs Hodson-Thomas	Mr Minson	Mr Trenorden
Mr Bloffwitch	Mrs Holmes	Mr Nicholls	Mr Tubby
Mr Board	Mr Johnson	Mr Omodei	Dr Turnbull
Mr Bradshaw	Mr Kierath	Mrs Parker	Mr Wiese
Dr Constable	Mr Marshall	Mr Pendal	Mr Osborne (<i>Teller</i>)
Mr Day			

Noes (18)

Ms Anwyl	Mr Grill	Mr McGowan	Mr Thomas
Mr Brown	Mr Kobelke	Ms McHale	Ms Warnock
Mr Carpenter	Ms MacTiernan	Mr Riebeling	Mr Cunningham (<i>Teller</i>)
Dr Edwards	Mr Marlborough	Mr Ripper	
Dr Gallop	Mr McGinty	Mrs Roberts	

Pair

Mr Court

Mr Graham

Amendment thus passed.

Motion, as Amended

Question put and passed.

FREEDOM OF INFORMATION AMENDMENT BILL

Second Reading

Resumed from 20 May.

MR PRINCE (Albany - Minister for Police) [9.10 pm]: I rise on behalf of the Government to respond to the matter raised by the member for Nollamara in his private member's Bill to amend a portion of schedule 1 to the Freedom of Information Act.

The ACTING SPEAKER: Order, members! There is far too much background noise.

Mr PRINCE: The Bill seeks to narrow the current exemption that appears in clause 5(1)(b) of schedule 1. That clause, which is headed "Exemptions" reads -

Matter is exempt matter if its disclosure could reasonably be expected to . . .

(b) reveal the investigation of any contravention or possible contravention of the law in a particular case, whether or not any prosecution or disciplinary proceedings have resulted;

The word "reveal" is used obviously quite deliberately in that clause. Although I did not hear the member for Nollamara's second reading speech and I have only read it, I think he made some emphasis of the fact that this would seem to be the only jurisdiction where in that provision or something similar to it, the word "reveal" is used rather than the word "prejudice".

It seems self-evident that the Parliament when it enacted the Freedom of Information Act used the word "reveal" and not what would otherwise be a much narrower exemption with the word "prejudice". If the amendment sought by the member for Nollamara were passed, the result would be to make more information available about, for example - and I stress - police investigations. It would make that information available to any applicant, whether the media or a private individual. Overriding that are the concerns about community safety and security - law and order as it is generally called. Any impediments put in the way of the investigation of criminal activities are not only inappropriate and inadvisable but also should not be considered.

The Police Service has commented on the amendment; indeed, I think the idea has been around for some time. The Police Service has proffered the view that an amendment of this nature really will have a prejudicial effect on criminal investigations of homicides, sexual assaults, paedophilia, fraud, drug offences and the like. The Police Service has also provided me with some comments which I will paraphrase. It advises that with the change it could obviously expose complete investigations to release, regardless of whether the information is used in a current investigation, as there would be no immediate evidence to satisfy the reasonable expectation test. People investigated as a result of a complaint which is perhaps vexatious or baseless - in other words, found not to have any substance - could suffer, as once the investigation is completed the information could well be made available publicly. People could be unduly harmed when personal information is released, despite the editing of material. In a particular case, even if one edits material so that the person's name is suppressed, the identity could be well known and easily ascertainable.

I am aware that there has been some judicial pronouncement on the interpretation of clause 5(1)(b). I think it was by His Honour Justice Anderson in the case of the Police v Kelly and Smith, which I think was handed down on 30 April 1996. As far as I am aware it is unreported, but I have been given a library number of 960227. I will quote a little of what Mr Justice Anderson was reported as saying. In summary, he talked about the operational reasons for not disclosing information even after an investigation is completed and said that it could be highly detrimental to government and the administration of law enforcement to disclose that a particular criminal investigation is completed, particularly in cases of large-scale criminality and multifaceted investigations. In my briefing notes His Honour is reported as saying -

In my opinion the phrase . . . if its disclosure could reasonably be expected to . . . reveal the investigation of any contravention of the law in a particular case . . . is apt to include the revelation of the fact of a particular investigation by police of a particular incident involving certain people. I think that there is a very good reason to accept that Parliament intended that such matter be exempt from access under the Act. It is not difficult to imagine cases in which it would be highly detrimental to good government and inimical to the administration of law enforcement to disclose that a particular criminal investigation is contemplated, has been started or has been completed.

It is notorious that many investigations, particularly of large scale criminality, are multi-faceted, lengthy and sensitive and involve considerable personal risk to the officers engaged in them. No doubt it would be highly prejudicial to the practical success of many such investigations to allow or require the facts of them to be disclosed.

Even after an investigation has been completed, there may be very good operational reasons why there should be no disclosure of it. For example it may be part of a wider and perhaps incomplete investigation . . .

It is really not difficult to imagine examples where that to which His Honour refers could occur. If the inquiry into the Claremont serial killer, the Macro Taskforce inquiry, were closed without a result, for example, and it is only an example, the media or a suspect or anybody else for that matter could apply to obtain information about the investigation. It would be difficult to make out that the release of information would prejudice the investigation. An application has already been received from the *Claremont Post* newspaper for copies of the post mortem reports on the two bodies that have been found of the young women Rimmer and Glennon. Both applications were denied for obvious reasons. There may well be information that is known only to those who carried out the post mortem report and the killer or killers. If that information were to be made more widely known, it could prejudice the further investigation either at this stage or at some further time. There is a risk. It is clear from the way in which clause 5 is worded, particularly with the use of the word "reveal", that it is intended that there should never be any possibility or chance that this sort of information could become available because of the adverse effect on police inquiries. For example, applications have been received for information that Crimestoppers holds. It does not require too much imagination to work out who would want to make those sorts of applications or why one would not want to give it. In other words, in the area of police and police investigations, it could obviously have a serious effect upon any present investigations, even those which are in suspense because of lack of any current evidence. Certainly with the advent of far more Police Service community initiatives to solve crime and essential material contained in investigation files and so on, it is absolutely paramount that the discretion remain with the police to refuse to release documents. It is the view of the police, which with the Government agrees, and it is the view of Mr Justice Anderson, that to change the wording from "reveal" to "prejudice" would not be in the interests of investigations of criminal activity.

As a follow-on from that, the Government does not consider that a change from "reveal" to "prejudice" is appropriate because it very much narrows the exemption. It opens up the field to the release of information that quite conceivably could be such that it should not be released because of continuing inquiries into criminal activities. A number of safeguards are in place surrounding the use of the clause 5(1)(b) exemption; for example, internal review by another officer within the agency, external review by the Information Commissioner and, of course, appeal to the Western Australian Supreme Court on points of law. The member for Nollamara gave the example of Mr Bartholomaeus, and that indicates that the Government exercises a discretion to release information outside the FOI Act.

Mr Kobelke: That was a different issue.

Mr PRINCE: I recognise that. I am making the point that the exercise of that discretion always requires careful

consideration of the manner in which third party information is released. That of course was tabled in the Parliament. The member also referred to breaches of minor laws. The Police Service often exercises its discretion to release routine information on traffic investigations, for example. That is commonly done, and it is appropriate. I know that the Information Commissioner has concerns about the operation of clause 5(1)(b) and it appears that the commissioner's concerns and those of the member might be similar. The member referred to examples taken from the commissioner's annual report for 1996-97. The commissioner's recommendation that the clause be amended, which appears at page 16 of that report, is more limited than the proposal in this Bill, in that the commissioner's proposal contains two specific qualifications and a public interest test. It is not as open-ended as the member's so-called very simple change to the Freedom of Information Act. The commissioner's recommendation is taken very seriously by the Government, and the minister responsible is the Attorney General. During the course of this year he has worked closely with the commissioner to prepare drafting instructions for an amendment that would appropriately narrow the operation of clause 5(1)(b), without undermining the protection for law enforcement and disciplinary procedures.

In summary, although the member's concerns echo those of the Information Commissioner, they have been taken on board by the Government, which has been working to see how the Act can be amended to satisfy those concerns. The result is not yet before us because the drafting instructions are being prepared, with the assistance of the Information Commissioner. I hope that next year an amendment will be presented with which the member will agree, because it will seek to address this concern without having the prejudicial effect upon criminal inquiry and investigation by the police. In my mind at least, that is essentially why the member's amendment should not proceed and should be defeated at this stage. I have been advised by the Attorney General's office that an amendment will come forward in relation to this concern next year.

MR KOBELKE (Nollamara) [9.24 pm]: The Government has done as I expected, and rejected this move by the Opposition to ensure that the Freedom of Information Act will be available to help people gain access to important documents and to understand the decision-making process of the Government and government agencies. The minister's argument does not stack up, and I will explain why there is no substance to the points put forward. One must surmise as to why the Government will not accept this proposed change to the Freedom of Information Act. Perhaps it wants to hide all information. The Information Commissioner in her annual reports has pointed out that this section is being used, and I get the impression that it is being abused, to deny people access to a range of information. One example she gave was local government authorities using this section to deny people access to matters relating to the Dog Act. That has nothing to do with the security of people or major police investigations. The section is being used in a range of matters from Mr Bartholomaeus to the Dog Act to deny access to the public of Western Australia.

The other possible reason is that the Government does not want to allow the Opposition to improve the laws of this State because that would look as though the Opposition were making a good contribution. No Government wants to see that. The Opposition introduced anti-graffiti legislation which this Government refused to accept, but a year later the Government has introduced a Bill that is almost identical although not quite as good. The Government said that the Opposition's legislation did not meet the needs, but it simply did not want graffiti tackled in a positive way if the Opposition put forward the Bill. That is the only reason the Bill was defeated. Perhaps that is the reason it will defeat this amendment to the Freedom of Information Act.

Mr Day: We were drafting legislation long before yours came in.

Mr KOBELKE: Why did you not introduce it?

Mr Day: Because we were finalising it.

Mr KOBELKE: Nonsense. The Opposition has called for that legislation for years, as have government members. The Opposition had it drafted, and used its time in this Parliament to debate it. A year later the Government has introduced a Bill which is the same except in a couple of minor matters. That indicates that the Government is not interested in good government for Western Australia, but is interested only in political point scoring. That may be the reason the Government will not accept this amendment.

I will quickly go through the arguments put forward by the minister and illustrate why they do not stack up. He indicated that the change would narrow the clause, and that would be of concern to the police and others because it might threaten the safety or security of people involved in investigations or assisting the police in certain investigations. Clause 5 in schedule 1 has a range of provisions that can be used in order not to release information under the FOI Act. First, matter is exempt if its disclosure could reasonably be expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law. That would cover Crimestoppers or any standard practice by the police. If their effectiveness could be impaired in any way, they could simply strike it out. The Bill seeks to amend paragraph (b). Paragraph (c) states that matters do not need to be disclosed if they can reasonably be expected to enable the existence, or non-existence, or identity of any confidential source of information, in relation to the enforcement or administration of the law, to be discovered. Again, that could be used by the Police Service because the revelation of the existence or identity of any confidential source of information would be ruled out. Some of the examples given by the minister would be covered by paragraph (c). Paragraph (d) states that information can be withheld

if its disclosure could reasonably be expected to prejudice the fair trial of any person or the impartial adjudication of any case or hearing of disciplinary procedures. Paragraph (e) provides that information can be withheld that could reasonably be expected to endanger the life or physical safety of any person. It is a total nonsense for the minister to suggest that somehow the proposed change would impair people's safety. Paragraph (e) specifically states that exemption, and it is not proposed to change that. The clause in the schedule contains a range of other provisions which could be used to withhold information, whether it be the police, the dog catcher or the Premier trying to cover Mr Bartholomaeus.

The proposal was to change the word "reveal" to "prejudice". If the minister thinks that is a problem, why can he not obtain that evidence from other States. The Queensland administrative law, which provides for freedom of information, contains the word "prejudice" in section 42, which is exactly the same word that the Opposition wishes to place in the Western Australian legislation. Section 37(1)(a) of the federal administration law states "prejudice the conduct of an investigation", not "reveal". Where is the problem under commonwealth law? Has the Australian Federal Police said that it has problems with freedom of information under commonwealth law because it might somehow upset an investigation using "prejudice". To my knowledge there is no problem in Queensland or the Commonwealth. The minister cannot provide any examples. This amendment seeks to bring Western Australia into line with freedom of information law in other States which clearly states that if information being revealed would prejudice any investigation, whether it be the dog catcher, a minister under some administrative law, the police or any other organisation involved in security or law enforcement, it certainly should not be revealed. "Prejudice an investigation" would do that. It does not mean an investigation must be completed. Heaven forbid, but in 20 years' time the serial killer in Claremont may not have been caught, but the investigation could still proceed - it may even be after the death of the person responsible. However, if there were good reasons for an investigation, it could proceed. On that basis, any information relating to the murders in Claremont would not be available because it could prejudice an investigation. There may be other murders which the police wish to associate with it. It is very easy for the police or a major law enforcement agency to make a case that presenting certain information would in some way prejudice an investigation. Members must keep in mind that "investigation" has a very broad definition. It does not have to be the police. It can simply be an officer asking questions who can then take the matter forward with respect to a law. The law can be subsidiary legislation, regulations or by-laws and because it might tell the police something about a major investigation, the current law means freedom of information is denied. The minister does not have a case. He could not provide a single example of problems in other States which have exactly the same wording. The areas he raised, about which one would be clearly concerned, are covered by the Act. Changing from "reveal an investigation" to "prejudice an investigation" would not adversely affect the release of sensitive information.

The Government is either knocking back the suggestion by the Opposition because it simply does not want good legislation in this State if it comes from the Opposition or it is so keen to subvert and undermine the operation of the Freedom of Information Act and hide the nefarious actions going on in the Government that it, in no way, wants people to use the Freedom of Information Act. This is a shameful day for Parliament and one hopes that we will see the passage of this Bill. However, I will not hold my breath for the Government to improve this area of the Freedom of Information Act.

Question put and a division taken with the following result -

Ayes (18)

Ms Anwyl	Mr Grill	Mr McGowan	Mrs Roberts
Mr Brown	Mr Kobelke	Ms McHale	Mr Thomas
Mr Carpenter	Ms MacTiernan	Mr Riebeling	Ms Warnock
Dr Edwards	Mr Marlborough	Mr Ripper	Mr Cunningham (<i>Teller</i>)
Dr Gallop	Mr McGinty		

Noes (28)

Mr Ainsworth	Mr Day	Mr Marshall	Mr Pandal
Mr Barnett	Mrs Edwardes	Mr Masters	Mr Prince
Mr Barron-Sullivan	Dr Hames	Mr McNee	Mr Shave
Mr Bloffwitch	Mrs Hodson-Thomas	Mr Minson	Mr Trenorden
Mr Board	Mrs Holmes	Mr Nicholls	Mr Tubby
Mr Bradshaw	Mr Johnson	Mr Omodei	Mr Wiese
Dr Constable	Mr Kierath	Mrs Parker	Mr Osborne (<i>Teller</i>)

Pair

Mr Graham

Mr Court

Question thus negatived.

Bill defeated.

MOBILE TELEPHONES AND RADAR DETECTORS*Motion*

MRS ROBERTS (Midland) [9.37 pm]: I move -

That this House views with alarm the substantial increase in road fatalities in 1998. Further we call upon the Government to legislate to ban the following as a matter of urgency -

- (a) use of hand held mobile phones whilst driving a motor vehicle; and
- (b) radar detectors.

A proposition was put to the Government by the Road Safety Council and its Ministerial Council on Road Safety to ban the use of both mobile telephones while driving a motor vehicle and radar detectors. However, the Government, by its inaction on this matter or its refusal at a cabinet level to pursue either of these bans, has indicated that it is a Government with severe problems. It is symptomatic of the Government's lack of leadership and direction. It is a Government that is not prepared to change the status quo because of a perceived public backlash or a concerted backlash by a minority group of people. There can be no other explanation for its failure to ban the use of both hand-held mobile telephones while driving and radar detectors. All of the advice from reputable bodies about matters of road safety have been unanimous in their opinion. The Road Safety Council, established by the Government, was of the view that mobile telephones should be banned while driving and radar detectors should also be banned in the interests of road safety and of preventing both car crashes and fatalities on our roads. As a result of its advice, the Ministerial Council on Road Safety was also convinced of the same facts. It was so convinced that it proposed to Cabinet the ban of both items. However, Cabinet refused to agree to legislate to ban those things.

I highlight that others in this State held similar opinions. The police were totally aghast at the cabinet decision not to pursue a ban on mobile phones or radar detectors. Assistant Commissioner of Traffic and Operations Support, Mel Hay, said that he was staggered by the cabinet decision. Commissioner Falconer said that one-handed motorists should be fined and that he did not believe that an education campaign alone would stop drivers using mobile phones. Also, Associate Professor Tony Ryan, spokesman for the University of Western Australia Road Accident Prevention Research Unit, favoured a ban on the use of mobile phones while driving and a ban on radar detectors. The Royal Automobile Club of WA also supported a ban on radar detectors. There is not much research on the impact of using mobile phones while driving, but it is negative. A recent Canadian study concluded that the risk of crashing was four times greater while using a mobile phone.

Police spokespeople, including the commissioner, the assistant commissioner and others, have said that, on the basis of commonsense alone, drivers who do something else while they are driving do not give the road 100 per cent attention and therefore place themselves and other road users at greater risk of having an accident. I can assume only that lobby groups have persuaded the Government not to act on the substantial body of advice that it has received which strongly recommends that such bans be imposed.

Who would oppose measures to improve road safety? Presumably, it is people who regularly use mobile phones while driving. They might be people who are involved in a variety of businesses and trades and who spend much time in vehicles which could almost be described as mobile offices. Mobile phones have either been banned or are in the process of being banned in every other State of Australia. In Victoria, the regulation allows drivers to answer a call, but they are required to ask the caller to wait, to pull over to the side of the road or to go around the corner into a side street before proceeding with the call. Despite evidence that there might be difficulties in using non-hand-held mobile phones, I do not suggest that they should be banned or that the legislation needs to be overly harsh. I cannot, however, fathom the Government's refusal to take the basic step of banning the use of hand-held mobile phones. Few people in business or otherwise would be unable to obtain a hands-free device as an interim measure. There are hands-free modules or small microphones and earpieces which cost as little as \$60 or \$70 which would alleviate the problem of the one-armed drivers to whom the police commissioner referred.

It concerns me that Western Australia is the only State in Australia which either does not have legislation in place or is not pursuing legislation to ban the use of hand-held mobile phones while driving. What is the Government doing instead? It has said that it will have an advertising campaign. That is despite the fact that the Road Safety Council, the Ministerial Council on Road Safety, the RAC, the spokesman from the University of Western Australia and others have said that an advertising campaign is not the way to go, that an education campaign will not work, that we need a ban and that we need to fine people.

Mr Osborne: So you say that education will not work. I am glad that that is recorded in *Hansard*.

Mrs ROBERTS: That argument is nonsense. If we believe that education worked in every circumstance, we would not bother having any laws at all. Of course we need penalties for people who do not conform and who do not merely do as they are told by educational campaigns.

Mr Osborne: You are saying that an education campaign will not modify human behaviour.

Mrs ROBERTS: That is what the Commissioner of Police and the Road Safety Council are saying.

Mr Osborne: That is what you have said.

Mrs ROBERTS: That is right, and I am saying exactly the same as the Commissioner of Police, the Road Safety Council and others have already said. They have said that an educational campaign is not the way to go. If we want to stop people using hand-held mobile phones and reduce the number of crashes on our roads, and if we have any concern at all for the number of people who are killed on Western Australian roads each year, we would take those simple measures. The member for Bunbury might laugh about it, but it is not a laughing matter. I am talking about people being killed in road crashes, many of whom are innocent people who were not using mobile phones, were not speeding and were not using alcohol. They are the innocent victims of other people's bad road practices.

Mr Osborne: I am laughing at you.

Mrs ROBERTS: The member's inane interjection is similar to the argument that we should not have a 0.05 or a 0.08 rule, that we should just educate people to drive slowly on the roads, and that we should not have speed limits. That is the nonsense of the member's argument that education can work for everything. It obviously cannot.

The Government will waste further valuable money from the road trauma trust fund for that campaign. As I have highlighted in Parliament previously, only one-third of the money in the road trauma trust fund goes back into road safety. The rest of it goes directly back into the consolidated revenue fund. In previous years that has amounted to \$7m out of the \$20m that was raised. Money raised from Multanovas and the like which goes into the road trauma trust fund largely goes back into the consolidated fund rather than being spent on road safety.

Mr Osborne interjected.

Mrs ROBERTS: Does the member for Bunbury have a problem? Does he have a compulsion continually to make inane interjections?

Mr Osborne interjected.

The DEPUTY SPEAKER: Order! I ask the member for Bunbury to cease interjecting.

Mrs ROBERTS: According to the Road Safety Council the road trauma trust fund needs more money. It would like all the money raised through Multanovas and so on to go into the trust fund rather than just that one-third of the revenue raised from fines and so on. Only yesterday we asked the Premier how much money would be devoted to the educational campaign but he would not say. However, a proportion of that money could be better spent on other aspects of road safety campaigns and media campaigns, which are important tools in achieving road safety and reducing fatalities and accidents on our roads. Advertising dollars should not be wasted on attempting to convince people not to use their mobile phones when the Government will not take the simple action of putting a penalty in place.

I will focus briefly on the use of radar detectors. This is another area in which the Government is not prepared to take on a substantial lobby group. Some people claim that radar detectors are a safety device because drivers slow down their vehicles when the detector makes a noise. Others say that the detectors make a lot of noise in the metropolitan area and are largely ineffective. Country roads are a key area of concern. A radar detector allows people to drive in excess of the speed limit at all other times - to career up the highway at 150 kilometres per hour until the detector makes a noise and indicates that a radar gun or some other speed detecting device is being used.

It is all very well for the Government to respond to those who want to avoid being fined for breaking the law. However, I ask members opposite to consider the silent majority - the people who do not have radar detectors, who obey the speed limits and who end up in head-on collisions or other accidents caused by people who are driving in excess of the speed limit. There is no question that speed and alcohol are the two greatest causal factors in road accidents and fatalities. Together they are a dangerous mix, but independently either one rates as a significant cause of road accidents and fatalities.

There is no reason to have a radar detector other than the avoidance of speeding fines. While I might take up arguments about the magnitude of such fines, the placement of Multanova cameras and the vigilance displayed in fining people travelling marginally over the speed limit in the metropolitan area, I do have an argument with people who use radar detectors to get around the system with the sole aim of being able to speed on other occasions. In a large State such as Western Australia, where at any one time thousands of kilometres of roads are unpatrolled or have no speed detecting device in place, it means that people can blithely ignore the speed limits. We might as well not have the 110 kilometre per hour speed limit if people routinely travel above the speed limit because they know that they will not be detected by a device before their radar detector registers the device.

I understand the equipment is getting more sophisticated and better able to pick up a wider range of devices used by the police. It will become a much greater problem. As a result of the very high fines put in place in January this year there is

now a greater incentive for people to install radar detectors - avoiding fines has become that much more important given that they now involve hundreds of dollars.

This is a very serious matter. I am disgusted that our State Government has shown no leadership or direction in this matter. It has not supported innocent road users and it has not taken these two simple steps to attempt to reduce the number of crashes and fatalities in this State. I am disgusted that senior members of state Cabinet did not take seriously enough the recommendations of the Road Safety Council and the ministerial council. People have roundly castigated the Government for this decision in letters to the editor of *The West Australian* and in other public forums. This Government stands condemned for its decision. It is all very well to say that if it does not work the Government will look at legislation. How many more people will be involved in accidents and how many more people will die as a result of the Cabinet decision not to ban the use of mobile phones while driving and not to ban radar detectors?

MR MCGOWAN (Rockingham) [9.55 pm]: I raised this matter in a 90-second statement a short time ago. At that time the Minister for Police was quoted in *The West Australian* as being totally supportive of the concept of outlawing the use of mobile phones by people driving in their motor vehicles. However, the following day that newspaper carried a report that the Government had decided it would not outlaw that activity. That decision will cost lives in this State and it is incomprehensible. It will not cost the Government a cent to introduce legislation to outlaw the use of mobile phones in motor vehicles, but it will save lives.

Such legislation has been introduced in most other States in Australia. In New South Wales it has affected driving patterns and made the roads safer. The only reason for not introducing such legislation is that it is inconvenient to those people who normally vote Liberal and who like to get around in their cabriolets and BMW convertibles with a telephone on their ear because they think it is cool. That is the only reason for the Government's backdown. Members opposite should be ashamed of themselves; this decision will cost lives, and that is bad. The people who do lose their lives in these accidents are usually the innocent parties - people in other vehicles and pedestrians.

MR BAKER (Joondalup) [9.58 pm]: I will concentrate on subclause (a) of the motion, which deals with mobile phones. The member for Midland would agree that the primary reason for banning hand-held mobile phones in motor vehicles is that their use in certain circumstances may result in a person driving a motor vehicle in a careless, dangerous or reckless manner. Would the member agree with that?

Mrs Roberts: If you are referring to being able to charge them with reckless driving, better legal minds than yours have addressed that notion and rejected it.

Mr BAKER: But the member would agree with the proposition.

Mrs Roberts: Using mobile phones in motor vehicles causes road accidents and fatalities.

Mr BAKER: Various provisions already deal with careless, reckless and dangerous driving. Just because there may not have been a prosecution involving the use of mobile phones in an inappropriate circumstance that caused a vehicle to swerve or veer does not mean that the existing law is not broad enough to cover such use. If no test case has been run, the police can start pursuing offenders tomorrow, charge someone and go through the process. If an appeal follows, the police can test it.

Mrs Roberts interjected.

Mr BAKER: A police officer has a discretion to lay a complaint or charge in respect of any given matter. There is nothing to indicate that a police officer would not have the power or discretion to lay a charge in those circumstances, depending on the circumstances. The point is that it is arguable whether the use of mobile phones in vehicles being driven is, to use the member's words, banned by virtue of the careless driving provisions in section 62, the dangerous driving provisions in section 61, or the reckless driving provisions in section 60. Other behaviours should also perhaps be banned for the same reason. We should perhaps have specific offences for all behaviours which could result in careless or inappropriate driving behaviour. I will consider some examples.

If the member for Midland were consistent, she would want a separate and distinct offence for each and every one of these factual scenarios: A woman driving a vehicle and applying lipstick at the same time as she looks in the rear-vision mirror; someone reading a book or a newspaper as they drive; someone brushing their hair and looking in the rear-vision mirror as they are driving a motor vehicle. They would be separate offences because careless driving does not cover that. Another example is someone playing with a compact disc player, a radio, or a tape cassette player; someone fiddling with the cruise control; or someone listening perhaps to loud music. If a person is listening to loud music in a vehicle, it stands to reason that he cannot hear another vehicle's horn to warn of other risks or emergencies.

[Leave granted for speech to be continued.]

Debate thus adjourned.

BAIL AMENDMENT BILL*Committee*

Resumed from an earlier stage of the sitting. The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Prince (Minister for Police) in charge of the Bill.

Clause 13: Schedule 1 amended -

Progress was reported after the clause had been partly considered.

Mr RIEBELING: I thank the Leader of the House for allowing us a short period of time in order to deal with this Bill. As I stated before the break, my major concern with this clause can be split into three areas. The first is contained in proposed clause 3B(2)(b), which clearly allows very broad areas of inquiry to take place. It is also evident that normal evidence is not what is required under this clause. The judicial officer can take whatever evidence he thinks fit. Subclause (4)(c) refers to a serious matter whereby trivial breaches are to be dealt with as serious breaches. That concerns me greatly.

Mr Prince: The act itself might be trivial, but the breach is serious.

Mr RIEBELING: It does not say that. The breach is to be dealt with as a serious matter. Subclause (4)(c) basically says that even if the act is trivial -

Mr Prince: Even if the conduct alleged to amount to the breach appears to be trivial, the alleged breach is considered to be a serious matter.

Mr RIEBELING: That is right. If Joe Bloggs is walking past a house that he is not allowed to enter, and he is seen, that might be a trivial breach, and it should be dealt with as such.

Mr Prince: No. With respect, the act that is the breach might be regarded as a trivial act; in other words, not marching down the road with a loaded firearm, but being within the 150 metres, say, if the condition is not to approach within 150 metres. Therefore, the actual act itself is trivial, but the breach is to be considered as a serious matter. A distinction exists.

Mr RIEBELING: Can the minister tell me the meaning of proposed subclause (4)(a)(iii)? I cannot understand the relevance of it. I must have missed something. It does not make sense to me. Subclause (4)(d) actually says what the whole clause should be saying. One should basically consider whether a real breach has taken place. If it has, it should be dealt with. I agree with that. However, I do not see the need for all the other parts to subclause (4). I would like a brief explanation of subclause (4)(a)(iii).

Mr PRINCE: On the matter that the member raised earlier concerning subclause (2)(b), we are dealing with the domestic violence situation. I do not need to reiterate that 96 per cent of all homicides occur between people who know each other. As the domestic violence task force cogently reported a few years ago, and as all the authorities say, the earlier the intervention, the less likely is, firstly, the acceleration of violence and, secondly, the parties becoming so entrenched in their antagonism that no possibility exists of any form of future civilised communication or reconciliation. Under subclause (2)(b), we are trying enable the police, if they are involved, although they may not have completed the paperwork for a proper complaint of a breach, to have the matter before the magistrate so that the inquiry can then take place. It is a pre-emptive and proactive way of dealing with this issue. The Attorney General has been impressed and influenced by what has happened in South Australia in moving in this direction. He is giving consideration to the question of a restraint order court as well. That may or may not happen. However, this is part of the view that the earlier one intervenes in these situations, the less extreme and the less attractive they become.

Proposed new subclause (4)(a) says -

give due weight to -

- (i) any evidence given under subclause (3);
- (ii) any adverse effect that a grant of bail to the defendant would have on a relevant person; and
- (iii) any difficulty that a relevant person might have in proving any future breach of a protective condition or order;

Mr Riebeling: What does that mean?

Mr PRINCE: My advisers are unable to give me an illustration, and I am searching for one myself where it may be very difficult to prove that there is a pattern of behaviour that is likely to be repeated in the future that will be a breach of a protective condition. One that comes most obviously to mind is the use of a telephone when there is a nuisance call and there is perhaps no means of identification. It is obviously difficult for the relevant person to prove a future breach where there has been a history of past breaches and things of that nature. I do not have any detail, either in the second reading speech

or anywhere else. I have some notes that my adviser has just given me. The Attorney has commented that certain behaviour, such as being within a particular locality, may be a precursor to a breach of the peace, and that what is intended is to avoid the necessity of establishing the link between the behaviour and a likely offence.

Mr Riebeling: I think paragraph (d) is good.

Mr PRINCE: The court must take into account the purpose of a protective conditional order and any behaviour by the defendant which is relevant to the protective conditional order. The secondary matter would not require any proof. Such conduct is necessarily a precursor to an offence simply because the behaviour has occurred.

Mr Riebeling: I think (d) says it all. You state about clause 3 of schedule 1 that if something has happened previously, and there is no proof that it has happened again, you can still take that into consideration.

Mr PRINCE: It relates to a person so devious to be breaching the order, which will be difficult to prove in the future. Some people do behave in that way.

Mr RIEBELING: I thank the minister for that explanation. Clause 3(2)(b) of schedule 1 relates to what evidence should be obtained and what constitutes an allegation not being the subject of a complaint. I hear the minister's comments about domestic violence, as the same argument was used in the domestic violence restraining order legislation debate. The Labor Party agreed to that measure.

Mr Prince: This is complementary to that.

Mr RIEBELING: However, a subtle difference exists between denying someone bail and keeping that person in prison, and the issuing of a restraint of action.

Mr Prince: As you would know better than many members here, a restraining order may or may not be sought in many domestic violence situations. Often a criminal offence is, or many offences are, alleged as well.

Mr RIEBELING: The argument for grounding the violence restraining order provisions was that one did not need a complainant and the order could be obtained over the phone. It diffused the situation. That is not this situation. How many procedures do we need? Why not apply a restraining order? Presumably, this person is charged with a serious assault or something along those lines.

Mr Prince: It is a genuine attempt to grapple with the problem we have attempted to deal with in a number of ways, one of which is the Restraining Orders Act. We are drawing on experience from elsewhere: The South Australian model has been quite successful in earliest possible intervention. I concede it is highly interventionist and pre-emptive. This works only in the domestic violence area, where an allegation and charge of offence is often made. Bail is granted with conditions whether or not a restraining order applies. The court is then able to say that a person is breaching bail. What should be done? We should intervene and try to prevent that happening.

Mr RIEBELING: My problem is that we have a provision for violence restraining orders. The correct role of that order is to separate parties from doing damage and the like. This is not a situation of first contact. We have had a situation of first contact and bail has presumably been set. What the minister identified as quick action has presumably already happened, and we have had an alleged breach.

Mr PRINCE: One must return to clause 3A of schedule 1, part C, which refers to the judicial officer, as opposed to the police officer, as follows -

shall refuse to grant bail for the serious offence referred to in paragraph (a) unless he is satisfied that -

(c) there are exceptional reasons why the defendant shall not be kept in custody;

If so, he must be satisfied of the requirements under clauses 2 and 3 of the schedule before bail can be properly granted. In that sense, it is part of the decision-making process that the judicial officer must follow. It outlines the inquiries the judicial officer can make and that which he can have put before him.

Mr RIEBELING: My problem with the explanation was that the minister was arguing the need for a violence restraining order. He is not explaining why in that domestic situation in which people need to be separated, the violence restraining order could not be used. After all, it is designed for that purpose - to lock people up for 24 hours. However, in considering bail for a second offence we must take away a person's right to have due process in relation to allegations, communication and all the innuendo aspects covered by paragraph (b). We already have violence restraining order legislation. The minister's explanation seems to be that we need another set of rules to do exactly the same thing.

Mr PRINCE: Schedule 1, part C, is to be amended by clause 13, page 11, of the Bill. Schedule 1, part C, outlines the manner in which the jurisdiction is exercised. It refers to the principles governing grant or refusal of bail. Part C of schedule 1 is to be amended in clause 3A(1) by deleting "judicial officer" and making an insertion. It is a rewrite. Where one is

talking about the grant of bail for a serious offence, the judicial officer shall refuse to grant bail, unless he or she is satisfied that exceptional reasons apply. Proposed clause 3B of schedule 1, part C, outlines the exceptional reasons -

- (1) This clause applies where it appears to the judicial officer . . . that all or any of the acts alleged to constitute a serious offence . . . would, if proved . . . amount to a breach . . . of a protective condition . . .
- (2) The judicial officer . . . shall, before making a decision that there are exceptional reasons . . . make inquiry . . .

In a process sense, it is telling the magistrate what he or she must do to determine whether exceptional reasons are involved, and the exceptional reasons determination relates to the amendment to clause 3A of part C of the schedule, which states that he or she shall not grant bail unless exceptional reasons apply. It is a convoluted way of doing it. It is the way that the schedule is written. To put it in simple language, a magistrate shall not grant bail on a serious offence - the basic proposition - unless exceptional circumstances are involved. The magistrate shall determine whether exceptional circumstances apply by undertaking a process of inquiry. For that process of inquiry, things which are not yet proved, or not necessarily a formal complaint, can be taken into account. My officer says I have my summary right. The member and I would debate with some caution whether this is right.

Mr Riebeling: I would hope so.

Mr PRINCE: I know that this notion has come from the experience of South Australia, which has the most successful violence intervention system yet. We have had good goes in this area, and the restraining orders legislation and other measures have been of considerable benefit. Although this is interventionist in people's lives, domestic violence by its nature is criminal. In that sense, we are interventionist, and so we should be.

Mr Riebeling: You will have no argument in that regard about violence - it should be stamped out.

Mr PRINCE: It is philosophically difficult to be this pre-emptive.

Mr Riebeling: One need not tamper with people's right to due process, which this provision weakens.

Mr PRINCE: Yes, in that sense it does. It places on it more of a big brother emphasis.

Clause put and passed.

Clause 14 put and passed.

Clause 15: Schedule 2 amended -

Mr PRINCE: I move -

Page 15, after line 19 - To insert the following -

2a. *Misuse of Drugs Act 1981*

s. 6(1) Offences concerned with prohibited drugs generally

s. 7(1) Offences concerned with prohibited plants generally

S.33(2)(a) Conspiracy to commit an offence under s. 6(1) or 7(1)

I will briefly explain the reason for this amendment. After some consideration, and after the Bill had been printed, the Attorney General and I conferred. It was suggested that section 6(1) of the Misuse of Drugs Act creates an offence of possession of an illegal drug with intent to sell, supply, manufacture and so on. In other words, it is the selling offence as opposed to the possession offence which is a serious offence and should be so regarded. Section 7(1) likewise refers to what is commonly called cultivation of a prohibited plant with intent to sell or supply, which is a number of plants over 25 and so on. Again, that is an indictable offence and one that, in the view of the Government should therefore be considered a serious offence. It follows logically from those two sections that the offence created under section 33 of the Misuse of Drugs Act, which is conspiracy to do either of those things, should be regarded also as a serious offence for the purposes of bail. I note that I have support for that from the Opposition and I am grateful for it.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported, with an amendment.

MUTUAL RECOGNITION (WESTERN AUSTRALIA) AMENDMENT BILL*Second Reading*

Resumed from 29 October.

DR GALLOP (Victoria Park - Leader of the Opposition) [10.24 pm]: The Opposition supports this Bill. The Bill seeks to extend the sunset clause of the Mutual Recognition (Western Australia) Amendment Act 1995 by two years. Mutual recognition enables goods which are sold in accordance with the regulations of one jurisdiction to be sold freely in another. Mutual recognition also allows members of registered occupations to enter freely into an equivalent occupation in other States and Territories without having to satisfy further admission or practice requirements. The mutual recognition arrangements that are in place are a creative way to deal with both federalism and a search for a single national market in Australia. In effect, it means that, generally, goods acceptable for sale in one State or Territory will be acceptable in any other jurisdiction. It also means that services provided by a person in one State or Territory will be acceptable in another jurisdiction.

The Mutual Recognition (Western Australia) Act 1995 came about as a result of a report by the Standing Committee on Uniform Legislation and Intergovernmental Agreements in 1994. One of the key recommendations from that report was -

That as an interim measure, to ensure that Western Australia does not lose any of the benefits of being part of the mutual recognition scheme, Western Australia temporarily adopt the 1992 Commonwealth Mutual Recognition Act for the purposes of coverage between now and 1997.

In 1997 the Ministry of the Premier and Cabinet undertook a review of the mutual recognition arrangements in Western Australia. The Council of Australian Governments has also agreed to conduct a comprehensive national review of the Australian Mutual Recognition Agreement. The review was to be completed by March 1998 but for a number of reasons has yet to be completed.

Last year this Parliament agreed to set back the sunset clause of the Mutual Recognition Act to ensure that Western Australia could incorporate the recommendations of the national review into any revisions to the Western Australian legislation. As the national review has still not been completed, the Opposition accepts the proposed amendment to extend the sunset clause of the Mutual Recognition (Western Australia) Act 1995 by two years.

Before I conclude today, there are a few more points I would like to make. Another key recommendation from the Standing Committee on Uniform Legislation and Intergovernmental Agreements was -

That in the meantime the Western Australian Premier seeks the agreement of all Premiers and Chief Ministers at their next Leaders' Forum meeting to examine the options of the States and Territories entering their own Mutual Recognition scheme as well as that of continuing with the current scheme post 1997.

I am unsure about the progress of this recommendation and seek confirmation about whether the Western Australian Government is examining options for the States and Territories to enter into their own mutual recognition scheme.

I will also briefly make some points on the Western Australian review of mutual recognition undertaken in 1997. The review concluded that the mutual recognition scheme has had a positive impact on mobility and recruitment and the transfer of skills and knowledge throughout Australia. It did however highlight a number of concerns raised by professional boards such as the Psychologists Board of Western Australia, the Nurses Board of WA and the Real Estate and Business Agents Supervisory Board. One particular concern raised was that mutual recognition could lower registration standards below acceptable minimum standards in any one jurisdiction. A number of submissions to the review also highlighted the need for further education and coordination of the mutual recognition arrangements. The Ministry of Fair Trading claimed that there is misunderstanding in the community about the effect of the Mutual Recognition (Western Australia) Act 1995 and the actions that persons must take to operate in another jurisdiction. The Real Estate and Business Agents Supervisory Board has also claimed that there is limited policy coordination for the administration of mutual recognition in Australia. An outcome of this limited coordination is that regulatory authorities are administering and interpreting the legislation differently, both within Western Australia and around Australia, and inconsistencies have developed.

Many of the issues raised in this state review need to be addressed. Although the national review is still to be completed, problems with policy coordination and community education of mutual recognition need State Government action. It is unclear what, if any, action has been taken by the Government in addressing the concerns raised in the state review. I will ask the Premier what progress he has made in this respect.

The Opposition supports this Bill.

MR BROWN (Bassendean) [10.29 pm]: I wish to make a few observations on the Mutual Recognition (Western Australia) Amendment Bill, particularly the objects of the Bill and how they are not currently being implemented. I make this observation in reference to one company that is being frustrated in selling its products, for which it has a ready market in

other parts of Australia. Unfortunately it is not able to go into those markets. The 1995 second reading speech, at page 7950 of *Hansard* the Deputy Premier states -

The legislation is based on two simple principles. The first is that goods which can be sold lawfully in one State or Territory may be sold freely in any other State or Territory, even though the goods may not comply with all the details of regulatory standards in the place where they are sold. That means that Western Australia's producers will have to ensure only that their products comply with the laws in the place of production.

To go to the case in point, earlier this year the principal pharmacist of a company called Lawley Pharmaceuticals wrote to the member for Armadale in the following terms -

I would like to bring your attention to an issue that is unique, exciting, solely Western Australia's yet exasperatingly frustrating.

My name is Michael Buckley and I am a practising pharmacist. I deal with traditional mainstream medicine and also complementary or "alternative" medicines. My special interests is women's health and more particularly the hormones that affect women's health - especially the hormone progesterone.

I own a small pharmaceutical manufacturing business called Lawley Pharmaceuticals. Lawley Pharmaceuticals produces a prescription cream containing the hormone progesterone.

The uniqueness I refer to is that I am the only person in Australia (at present) who can produce and market this cream. This is exciting because the cream is revolutionising the lives of thousands of women, exasperatingly frustrating because Western Australia is the only state in which I can supply my product. Due to incompatible State and Federal legislation a potential huge amount of business, employment and export earnings are being denied Western Australia. Moreover the denial of improved quality of life to tens of thousands of Australian women not residing in Western Australia is resultant because of the lack of complementary legislation . . .

He goes on to write that he is first determined to use local resources to produce and market the product; that the product is at the leading edge of research; and that a window of opportunity exists for the company to become a world leader in the research, production and supply of this major pharmaceutical product. The member for Armadale took up the matter with the Minister for Health. In a letter to the member for Armadale, Kevin Prince, the Minister for Health, wrote -

The absence of complementary State therapeutic goods legislation means that the Commonwealth's Therapeutic Goods Act does not extend to 'natural persons' operating only within Western Australia. It does not prevent a person from registering their product with the Commonwealth and selling it in other states and this path has been taken by other pharmaceutical manufacturers operating in Western Australia.

I have agreed that a 'grandfather' clause would be included in the proposal for complementary State therapeutic goods legislation submitted to Cabinet and the Health Department of Western Australia has only recently provided a proposal. As you are aware, Cabinet approval is required before the necessary amendments can be drafted and I hope to introduce these amendments into Parliament at the earliest available opportunity.

That letter was dated 21 July 1998. The member for Armadale sent a copy of that letter to the manufacturer. The manufacturer wrote back to the member for Armadale in a letter of 9 September -

Thank you for your letter. I have explored the registering of my product via the TGA and am proceeding down this path. Where WA legislation changes come into the picture is that it will provide a shortcut through the wall of red tape that involves product registration. The Minister's letter is factually correct but I have been receiving this type of response for the past four years. . . .

The Eastern States are crying out for this product and the export potential is enormous, yet bureaucratic intransigence is stifling the potential that this product has from being realised. The legislation we are talking about is not controversial and government will "eventually" get around to it.

By it happening sooner rather than later women throughout Australia will have access to a product that is extremely beneficial to their health, and can be used with the guidance of their health practitioner rather than getting a substandard cream via the internet or direct distributors based outside Australia.

The position Lawley Pharmaceuticals is in is unique. It represents a golden opportunity for Western Australia to lead the rest of Australia in a crucial area of medicine that will bring about an immediate financial reward for the State . . .

In more recent times the company has written to me and set out in a document the history of its attempt to try to have legislation introduced in this State or at least to try to have the product recognised in other States, which of course is part of the purpose of the mutual recognition provisions. Just to give an indication, Michael Buckley refers to the target markets for his product. He goes on in his document to write -

At present in Australia NHS statistics show the Federal Government subsidised hormone market to be valued at \$104,202,768 annually. This figure represents approximately 40% of the total market. A more realistic figure would be \$260,500,000 annually.

He then refers to treatments that exist and the treatment that could be provided by his product, and to the window of opportunity and other competitors in the marketplace. He writes that his product is unique on the Australian market and in some respects the world market. In Australia there is currently no progesterone in the marketplace in this dosage form. He refers to other competitors and the nature of their products and the difference between their products and his. He writes that currently the company has captured, in his view, 5 per cent of the market. He refers to what that means for greater market share and access to the Australian markets.

I raise the issue because an extension of the Mutual Recognition Bill is being sought. One of the key objectives of that Bill is to make it easier for products legitimately introduced in one State to be sold in other States. That has not happened with this product. As a result this product is not available for women who would find great benefit from it. In addition, it means that this company is not able to achieve its great market potential. This person is a Western Australian who has a commitment to producing and marketing this product from Western Australia. This person does not say, "It is all too hard. I will simply go somewhere else to produce my product, and I will not worry about Western Australia." This person is fiercely loyal to Western Australia and wants to do the right thing, yet no action has been taken on this matter, and this company is being denied access to those markets because of that legislative framework. I understood that the Mutual Recognition Act was designed to overcome these problems. It has failed to do that, and that matter should be pursued with some vigour.

I raise this matter tonight because I understand that the Premier receives a number of letters and may not read them all personally, but he is in the Chamber, and he may be able to give me some assurance that this matter will now be looked at properly and that the Government will advance legislation on this matter. As far as I am aware, the legislation is non-controversial and will not overtax parliamentary counsel. It will not take up an inordinate amount of the time of this or the other place, and it will not interfere in a major way with the Government's overall agenda.

We are constantly told by the business community that it has major concerns about red tape, and we are constantly told by the Government that it is committed to removing red tape and these sorts of artificial barriers, and that it is keen to allow business to expand, particularly business that has a ready market. Therefore, it is difficult to understand why this legislation has not been brought before the Parliament and why we are not giving this company an opportunity to expand. A recent document produced by the Small Business Development Corporation indicated that two of the growth sectors in the economy are information technology and pharmaceuticals, yet this company is being denied an opportunity to readily expand its market. It is apposite to raise this matter during the debate on the extension of the Mutual Recognition Act. However, the extension of that Act has not made much difference to this company, which has a marketable product and wishes to market it fully.

I ask the Premier to give an undertaking that he will have his officers examine this matter with a view to ensuring that legislation is brought forward at the earliest possible time. We could bring some legislation forward. That would be no problem at all. However, the Government being the Government, even if the Opposition were to bring forward good legislation, it would be defeated and the Government would introduce similar legislation six months or a year afterwards. This issue is far too important for us to play politics by bringing in a Bill, allowing the Government to knock it back, and then using it in a political way in the business community. It could be done, and it would be a nice tactic, but it would not help this company much. If we are interested in assisting this company to expand and find the markets for its products that the owner and designer believes from all his research exist, there is no reason of any substance that those legislative changes should not be made. The Premier obviously needs time to examine this matter, but I ask him whether he is prepared to have this matter examined with a view to introducing legislation at an early time - not at some time - so that this company can maximise its market opportunities.

MR COURT (Nedlands - Premier) [10.45 pm]: I thank members opposite for their support of the Mutual Recognition (Western Australia) Amendment Bill. A number of concerns have been raised about the operations of the legislation and have been put to the national review that is being undertaken; and 31 out of the 94 submissions that were made to that national review were from Western Australia.

I am not aware of the issue raised by the member for Bassendean. The drugs and poisons area has been looked at as part of that national review. I am certainly happy to do two things: Forward details about the company, Lawley Pharmaceuticals, to the national review committee, and to have people in my office discuss the matter with it to see whether some assistance can be provided. I appreciate that when it comes to some pharmaceutical matters, a lot of care must be shown, but I certainly give that assurance.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and transmitted to the Council.

TITLES VALIDATION AMENDMENT BILL

Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Mrs Holmes) in the Chair; Mr Prince (Minister for Police) in charge of the Bill.

Clause 7: Parts 2A, 2B and 2C inserted -

Progress was reported after the clause had been partly considered.

Mr RIPPER: Throughout this debate the Opposition has been arguing about whether the Government's action in issuing titles for seven projects, without referring to the provisions of the commonwealth Native Title Act, were lawful or unlawful. I have been arguing that the Government failed to obey the law of the land, and the minister has been arguing that the position I put to the Committee is absurd and that the State is not required to abide by the commonwealth Native Title Act if the State forms its own judgment that there is no native title.

Mr Prince: Technically, even if the Government formed the view that there was native title, it could still issue a title. It is the consequence of having done that through non-compliance that the Native Title Act then affects. There is the valid exercise of the issue of title and the commonwealth Act possibly makes that title invalid totally or partially.

Mr RIPPER: I am pleased to hear the minister confirm the argument he has been putting to the Committee all this time. I know the minister might find it difficult to accept a quasi-legal argument by someone such as I. I hope that the minister might respect comments by High Court justices. I quote to the minister a statement by Justice Carr in the Federal Court in the case of Walley, Kevin and others v the State of Western Australia at 20 June 1996. Mr Justice Carr quotes from the reasons for judgment of Chief Justice Brennan and Justices Dawson, Toohey, Gaudron and Gummow in the High Court of Australia in the case of North Ganalanja Aboriginal Corporation v Queensland in 1996, 135 ALR 225 at pages 235-236.

Mr Prince: It is the Federal Court, not the High Court.

Mr RIPPER: Justice Carr in the Federal Court quoted the judgment of the High Court as follows -

Subdivision B of Div 3 of Pt 2 of the Act denies the governments of the Commonwealth, States and Territories power to confer, inter alia, mining rights in respect of land that is the subject of an accepted claim to native title unless notice of an intention to do so is first given to the registered native title claimant and a procedure is followed through which ordinarily requires the government to negotiate with the claimants and the miner.

I understand why the minister might not accept the arguments of the Opposition that the Government has behaved unlawfully, but that quote is from a High Court judgment.

Mr Prince: Federal Court.

Mr RIPPER: It is a quote in a Federal Court judgment from a High Court judgment. The High Court justices have said this and they have been quoted with approval by a Federal Court judge. That completely blows out of the water the arguments put by the minister in this Chamber. In the light of that opinion of the High Court, does the minister still stand by his assertion that there was no requirement on the State Government to go through the Native Title Act procedures with regard to these seven projects and that it behaved lawfully?

Mr PRINCE: I stand by what I said with regard to the lawfulness of the acts of the State. If there is native title, yes -

Mr Ripper: That is not what the quote said. Perhaps the minister would like to read the judgment.

Mr PRINCE: I compliment the Deputy Leader of the Opposition on his research. It is a Federal Court judge quoting a High Court judgment. It states in part -

. . . the subject of an accepted claim to native title unless notice of an intention to do so is first given to the registered native title claimant and a procedure is followed through which ordinarily requires the government to negotiate with the claimants . . .

There is an implied acceptance of native title. It was a decision of the Full Court. In the Fejo case, which is superior because it is a High Court as opposed to a Federal Court judge -

Mr Ripper: It is the Federal Court quoting the High Court.

Mr PRINCE: The Fejo case is a later case in 1998, in which it was stated that native title is not able to be extinguished contrary to the Act but the Act does not forbid all conduct that may affect native title. The scheme of the Act is not to prohibit certain future conduct and permit other conduct. Rather it deals with the consequences of that conduct. Some conduct will affect native title; some will not. No doubt one important aspect that protection of the Act gives to native title is the right to negotiate, but the protection that is given by that right is limited in two ways: First, the right that is given is

a right to negotiate about particular kinds of proposal, not any and every step that may be taken in respect of land which is the subject of a native title claim. Secondly, permissible future acts of the kind which enliven the right to negotiate will validly affect native title only if the relevant conditions are met; otherwise native title will remain unaffected.

I would rely, with respect, on what the High Court has said this year. The State acted lawfully in issuing mining title. It did so after research and after it was satisfied that there was no probability of native title being found on the land. However, in order to protect the State, indemnities were sought and given by the companies concerned in seven cases, all of which were distinguishable for certain peculiarities.

Mr Ripper: It does not extinguish native title.

Mr PRINCE: No, but the same tenure may be placed on top of the same tenure. The Dongara pipeline is outside the intermediate period. This Bill is validating intermediate period acts that occurred in this State and all the other States in the period to December 1996.

Dr Gallop: What about the thousands of other acts where notices were issued?

Mr PRINCE: There was a total of 10 944 intermediate period transactions under land administration legislation, such as issuing a beekeeper's permit and enormous numbers of other things.

Dr Gallop: I am talking about the section 29 notices. Last night you said 3 000 were issued. Why were they issued in those cases but not in these cases?

Mr PRINCE: Because there was not the same sort of determination. The companies did not ask for them.

Dr Gallop: Was it a question of the companies asking? Is that how they got this privilege?

Mr PRINCE: It was not a privilege. The companies asked, evidence was produced, and the government officers did their checking. They did tenure and mine searches. The Government looked at the whole thing. The Minister for Resources Development said by way of interjection that in relation to the DRI plant alone, months of work was done.

Mr Ripper: What surprised me about the minister's answers was his assertion that no other companies asked for that treatment.

Mr PRINCE: Yes.

Mr Ripper: I find that very hard to believe.

Mr PRINCE: That is the advice that I have received from my advisers and it has just been reconfirmed.

Dr Gallop: It was a secret. Don't try that nonsense.

Mr PRINCE: Surely the Leader of the Opposition does not imagine that a public document with an endorsement on it which has never been seen before in this State and which is like a Swiss cheese title that the New South Wales people have been pumping out by the thousands was a secret. Come off it!

Dr GALLOP: In respect of seven projects and 211 titles, a particular process was followed by the Government.

Mr Prince: Yes. The process was particular to each; it was not necessarily the same process.

Dr GALLOP: But a particular process was followed that meant that the minister avoided the requirements of the Native Title Act. That is the answer that he gave in Parliament. He avoided the requirements of the Native Title Act in those seven projects with the issuing of the 211 titles, is that right?

Mr Prince: We issued the 211 titles.

Dr GALLOP: He avoided the requirements of the Native Title Act.

Mr Prince: We did it after looking at each individual case.

Dr GALLOP: No, that is not the question. Did he avoid the requirements of the Native Title Act in those cases?

Mr Prince: No, I didn't.

Dr GALLOP: He told us that he did in his answer to the question in Parliament.

Mr Prince: We did not have to issue a section 29 notice.

Dr GALLOP: I am not saying whether he had to or he did not have to; I am asking whether he did, and the answer is yes.

Mr Prince: We did not avoid - we didn't have to do it.

Dr GALLOP: Let me put it differently. Did the minister comply with the Native Title Act?

Mr Prince: There was no native title. There was no need to go through the process.

Dr GALLOP: So the minister claims that there was no need to go through the process because there was no native title. Last night he told us that there were 3 000 other cases in which section 29 notices were given. Can the minister tell us that every one of those 3 000 other cases will see a native title determination come down?

Mr Prince: No.

Dr GALLOP: Can he tell us that in those 3 000 other cases, all those who had interests and wanted titles issued were informed that they could possibly give indemnities and get the special process?

Mr Prince: No.

Dr GALLOP: Was there a public statement by the Government that that way of dealing with native title was available to companies throughout the community?

Mr Prince: No.

Dr GALLOP: So the answer is no. The minister has answered no to all those questions, which confirms exactly what the Opposition is saying. In seven projects, 211 titles were treated differently from the rest of the State. That implies that the Government of which the minister is part is acting not in a fair and reasonable way with everyone in the community but is privileging some people compared with others. Therefore he has much accounting to do to the people of Western Australia for what he has done.

Mr RIPPER: I expect the minister to answer the Leader of the Opposition's questions. I do not want the fact that I followed the Leader of the Opposition to be used by the minister to forget some of the questions that were asked.

I want to give the minister one more point to think about. If despite the opinions of many lawyers whom we have consulted; despite, on the face of it, the High Court's view; despite the fact that in 3 000 other instances, section 29 notices had to be issued, the State Government's action is lawful, the Government must present to us its legal advice. Most people who have considered the matter think that the Government has behaved unlawfully. Only the Government says that it has behaved lawfully. If the minister thinks that he has behaved lawfully, he should present to us the legal advice on which the decision was based. There is now a sufficient weight of evidence pointing to the fact that the Government acted unlawfully and that it deliberately flouted the law of the land to require him to table the legal advice on which he acted. If he does not table that legal advice, the presumption in Parliament and in the community will be that he deliberately flouted the law. If he wants to escape that presumption, he must show us the legal advice.

Mr PRINCE: No. That argument is nonsense and the legal advice will not be produced.

Mr Ripper: Perhaps it will be subpoenaed by a committee in the other place. Have you thought of that?

Mr PRINCE: Just listen. I listened to the member for Belmont. This is a title validation Bill. It will validate titles that may be invalid. There were 10 944 transactions under the land administration legislation and there was not a section 29 notice for any of them. That was because they were mostly on freehold land. Okay? Fair enough? Does the member for Belmont understand that? His argument would have been that there must be a section 29 notice; it does not matter whether it is on freehold land. That argument is absurd. Does the member not want any of those titles to be valid? He does not want validation to go through. He does not want to have validated all the titles that have been issued in such an intrinsic part of the economic activity of this State and of the employment of everybody in the State, irrespective of their backgrounds. If the member for Belmont does not want that to happen, he should carry on the way he is going.

I know what the member is doing. He is trying to spin out this matter until the guillotine tomorrow at 5.30 pm, despite the fact that his party is tearing itself apart on the issue. If he wants to keep going, fine, but we know what he is doing. He has not progressed the debate at all in the past three weeks. He will not get the legal advice, he knows that he will not get it, and that is that. This is a validation Bill to validate titles that have been issued. It is the same as what has been introduced in New South Wales and Queensland and what is going through the Victorian Parliament. It has already been passed in the Northern Territory and South Australia. The commonwealth Native Title Act was an unmitigated disaster in a process sense; it did not work. It is now barely workable as a result of amendments, and in the meantime the whole of Australia has been issuing titles. We issued seven when we were sure that there was no possibility of native title - special cases each of them, which were fully revealed publicly. They were not a secret.

Dr Gallop: That is not true.

Mr PRINCE: Just because the Leader of the Opposition did not know does not mean that it was not public. With regard to all the others where there was a "could be possibility", which were about 3 000 or thereabouts of the mining titles, section 29 notices went out. In the same period, Queensland granted 4 600 mining titles without one section 29 notice and 10 000

land interests - about the same as us - with nothing at all being done. The Northern Territory granted 1 500. Does the Opposition say that we should not validate those things? The only way we will ever know that there will be invalidity is if native title is found at some time in future - it will be years away - because the Native Title Act says it must go through a court process. I happen to think that that is not the right way of doing it because it is intrinsically antagonistic.

Dr Gallop interjected.

Mr PRINCE: I am talking about the way the Native Title Act was constructed to find native title. It is not a good process, but that is beside the point. Opposition members do not want to validate those titles. They want this to be the only State in which it does not happen. They will delay the Bill in the Legislative Council for ever and a day because they want to frustrate the process. Be it on the head of the member for Belmont. He knows that he will come under such pressure that he will crack.

Mr RIPPER: What a bizarre performance by the minister. If I am seeking to spin out the debate so that the Bill can be guillotined tomorrow, my co-conspirator is the Leader of the House, who did not bring on the Bill for debate this morning. He has brought on for debate every other piddling Bill but the Bill which the Government says must be put through Parliament before Christmas. I am not spinning out the debate until we reach a guillotine tomorrow. I am acting on the assumption that the Bill will go through tonight, because that is the tenor of the discussions that I have had with the Leader of the House. I am disappointed that he did not bring it on for debate earlier in the day. I assume that he intends for us to sit until two o'clock in the morning before the Bill is passed. The minister has made an absolutely false assertion when he says that Labor does not support the validation Bill. We have said publicly that we will cooperate in the passage of this legislation through both Houses of Parliament before Christmas. It is true that we intend to support a short, sharp referral to a committee in the upper House to deal with a few important legal issues concerning some of information which the minister has just refused to give. That will take probably two or three weeks; but we will not support such a committee unless it has a time limit on its operations which will provide for the Bill to be considered by the Legislative Council before we rise for the summer recess. It is absolutely wrong for the minister to say that we are not cooperating in the passage of this legislation and that we are delaying the legislation.

If the Government really believed this Bill is as urgent as it says it is, we would have been debating this legislation all day, instead of the Mutual Recognition (Western Australia) Amendment Bill, the Bail Amendment Bill and all sorts of things that no doubt have some importance, but which have not been hyped up to the extent this Bill has been. I did say that if the minister is not willing to provide the legal justification for his otherwise implausible assertion that the Government acted lawfully, maybe an upper House committee will have to subpoena a public servant to provide it to us. That seems to be the only way we will get the information which is required in the interests of accountability from the Government.

Dr GALLOP: I go back to the point I raised when I spoke earlier; that is, whether these cases were different from others. What processes were set up within government to indicate to all of the people seeking to get access to land, the different avenues available to them? Were all of the people who came to the Government told that it would be possible for them, if they wished, to have issued the titles they were desiring and that if they were willing to provide indemnities, they could avoid the requirements of the Native Title Act? Was every person who came to the Western Australian Government given that opportunity? If those people were not given that opportunity, the minister has a major problem in terms of the way he is accounting for the administration of this Government to the Parliament.

Mr PRINCE: The answer is no.

Dr Gallop: What do you mean by no? Do you mean no, you weren't doing that or, no, I am not right?

Mr PRINCE: No, they were not all told.

Mr RIPPER: I want to move to the issue that I was considering earlier this morning before I came into possession of the comments of the High Court of Australia on the legality of actions such as those undertaken by the Government, and the issue of whether this Bill can validate all of the titles and interests which were issued during the intermediate period. We have already dealt with the Government's answer to the Chamber in which -

Mr Prince: You said only in relation to the intermediate period, and the answer is yes.

Mr RIPPER: I ask the minister to let me develop my case and then rise to answer, rather than interrupting me. It only makes things more difficult. I want to pursue whether the Bill can validate all the titles that were issued in the intermediate period. The Government has already indicated by written answer that some titles were issued over vacant crown land and they cannot be validated by the Bill before us and must be validated by agreements with indigenous people. I want to examine some of these projects in which titles were issued without reference to the Native Title Act.

Let us take, for example, the direct reduced iron plant of Broken Hill Proprietary Co Ltd at Port Hedland. We must recognise that this titles Bill can validate only intermediate acts. The Native Title Act contains a definition relating to the time during which the acts were committed. It also refers to the tenure of the land over which those acts were committed.

With regard to the BHP DRI plant, it seems as though the acts occurred within the right time lines, but when it comes to examining the tenure, the information we have been given is very vague. Whereas with every other project we have been given a precise description of tenure, for the BHP DRI project, we have simply been told that, in regard to the underlying tenure, BHP undertook extensive land tenure and historical searches and advised that it was confident no native title existed over the land in question. That answer concerns me; it is vague. I wonder whether its vagueness is concealing a problem here. Why would the Government not provide the Opposition, and the Chamber, with precise information about the underlying land tenure for the BHP DRI plant as it has done in all the other cases where indemnity agreements have been instituted and the commonwealth Native Title Act has been avoided?

Mr PRINCE: It is an entire pastoral lease tenure owned by BHP.

Mr RIPPER: That probably dispenses with any question that it cannot be validated by this legislation. Let us look now at the consolidated gold indemnity. The time lines are okay. With regard to the tenure, the applications for mining leases were over existing gold mining leases granted in 1976 and 1977 in one case, and in another case the application for a mining lease was over an existing general purpose lease which was granted in 1985. My reading of those leases is that native title existed. It could not be extinguished by those leases. The indemnity agreement says that there were native title claims over this land. The problem for the Government is that with this sort of tenure the act does not qualify within the definition of the intermediate period act because that definition excludes land over which there is simply a mining lease as the underlying tenure before the act occurred. By this Bill we cannot validate the acts of issuing the interests in the Consolidated Gold NL case.

Mr PRINCE: The situation with regard to the law now is that there is no need to validate that one because it always was valid. It was a mining lease, and another mining lease was put on top of it. We do not even have to go anywhere near the native title process.

Dr Gallop: Why have you put it in here?

Mr PRINCE: The Opposition asked for it.

Mr Ripper: Mining leases do not extinguish native title. If there was an underlying native title, it would not be extinguished by the issue of mining lease.

Mr PRINCE: No.

Mr Ripper: Issuing a mining lease where there is underlying native title potentially raises the question of the act being invalid. That act cannot be validated by this Bill. I hope you can validate it. I would like you to explain how the legislation works so that you can validate this act.

Mr PRINCE: This does not need to be validated; it was a mining lease. If there is native title it is not extinguished. This mining lease was due to expire on 31 December 1996 and another mining lease was put there, which in like fashion would not extinguish native title if it existed. There is no change of tenure, so there is no question of invalidity and, therefore, no question of validation.

Mr Ripper: You are saying that there is no question of invalidity, despite the fact that you did not go through the Native Title Act process and it is not an intermediate period act and cannot be validated by this legislation.

Mr PRINCE: Section 26D of the Native Title Act states -

Excluded mining acts: earlier valid acts

Renewal of valid mining lease etc.

- (1) This Subdivision does not apply to an act consisting of the creation of a right to mine if:
 - (a) the creation of the right is done by:
 - (1) the renewal; or
 - (2) the re-grant or re-making; or
 - (3) the extension of the term;
- of an earlier right to mine . . .

Mr Ripper: It is that section which operates to prevent a problem.

Mr PRINCE: Yes. There is no question of invalidity. One puts an identical tenure on top of an existing tenure. The same applies to renewal of pastoral leases.

Mr RIPPER: I refer the minister to the Chalice project. The time lines are okay and the underlying tenure is a historical pastoral lease. It would appear that that qualifies as an intermediate period act that can be validated. However, if it were a historical pastoral lease, the land was vacant crown land when the mining lease was granted. I would like the minister to confirm that it was in fact from the point of view of the Native Title Act 1993 vacant crown land when the lease was granted, remembering that the 1993 Act did not have the provision that is in the current legislation allowing historical tenures to destroy the status of land as vacant crown land. I do not think native title, if it existed on this land, was extinguished, because it would not have been extinguished by a historical pastoral lease.

Mr Prince: That is debatable.

Mr RIPPER: It is most unlikely that it would be extinguished by a historical pastoral lease. I would like the minister to confirm that, from the point of view of legislation existing at the time, he issued interests over vacant crown land without reference to the Native Title Act.

Mr PRINCE: In 1995 the situation was as clearly understood as it could be - that was not very clearly - and it was believed that leasehold extinguished native title because that is what the Federal Government and the Prime Minister of the day said.

Mr Ripper: Not on historical leases.

Mr PRINCE: That is what the Prime Minister said.

Mr Carpenter: Can you produce the quotes and the statements either side of that remark?

Mr PRINCE: The quotes are very well known. That was the situation at that time. Whether the historical pastoral lease did or did not extinguish was debatable, because there was some degree of uncertainty. There was a request in relation to seven mining leases. It was a matter of getting on with it, and it was done. As the member said, this is covered by the definition of "intermediate period act". If there is any question of invalidity, it is validated.

Mr Ripper: From the point of view of the commonwealth Native Title Act, it was vacant crown land when you issued these interests. That is different from the examples you have been providing, which in your mind justified not issuing section 29 notices.

Mr PRINCE: There had been a historic pastoral lease.

Mr Ripper: But from the point of view of the 1993 Act, that would have been vacant crown land.

Mr PRINCE: One cannot be that strong about it because there had been a historic pastoral lease. The assumption was that that would extinguish native title, but that was debatable.

Mr Carpenter: Who said that?

Mr PRINCE: Mr Keating - the former Labor Prime Minister.

Mr RIPPER: From the point of view of the time lines, the Kookynie Gold project qualifies as an intermediate period act. The Government's description of the underlying land tenure is confusing. It refers to previous mining tenure and pastoral lease. I could not work out whether there was one piece of land over which there was both a mining tenure and a pastoral lease or whether it was two pieces of land, one of which had a mining tenure and one of which had a pastoral lease. If there were two pieces of land, the interest over the land that had the mining tenure cannot be validated by this Bill, and the native title would not have been extinguished. The pastoral lease can be validated, although it must be remembered that it is most unlikely that the native title would have been extinguished. Can the Minister clarify this?

Mr PRINCE: The historical tenure had been a pastoral lease over a large area.

Mr Ripper: All of it?

Mr PRINCE: Yes. It was over a much larger area, well and truly covering the boundaries. That historic tenure extinguished native title by its nature. Within the boundaries of the original pastoral lease there had been historically a number of mining leases, obviously smaller in area. The mining leases granted here in part went over former mining lease areas and in part over areas which had not been former mining leases but which were in the pastoral lease area. It covered a bit of both.

Mr Ripper: But underlying all of it was a pastoral lease.

Mr PRINCE: Yes. There was an underlying pastoral lease and on part of it there had been a number of mining leases. These two mining leases covered both tenure that had been a mining lease and tenure that had not been a mining lease but had been a pastoral lease.

Mr RIPPER: Again the time lines seem okay on the Golden Web project from the point of view of the intermediate period act definition. The underlying land tenure is described as pastoral leases issued between 30 December 1932 and 25 January 1935, without reservation for Aboriginal access. I understand that titles with regard to this project can be validated, but that

native title may not have been extinguished despite the fact that the pastoral leases were issued without reservation. Queensland pastoral leases were issued without reservation -

Mr Prince: But in 1995 the whole of Australia was working on a different assumption.

Mr RIPPER: The minister should stand up and answer me. I understand that native title may not have been extinguished even though the pastoral leases did not have a reservation for Aboriginal people. That was the point of the Wik case. I gather from the indemnities that native title claims had been issued over the land covered by the Golden Web project. I would like the minister to clarify this.

Mr PRINCE: The pastoral leases were issued between December 1932 and January 1935 without reservation to Aboriginal access. It is stretching the issue to say it was similar to Queensland in the sense that Queensland pastoral leases did not have the right of Aboriginal access. It is probably a reasonable similarity; otherwise they are not necessarily the same.

Mr Ripper: They are similar regarding the point I was making.

Mr PRINCE: Yes. In 1995 the assumption that was made, not just in this State but certainly throughout the other States, was that a pastoral lease of that nature would extinguish native title. Wik decided that there could be coexistence. That, of course, was in December 1996. The ore from this lease is critical to the continued operations of the mine. The area of land is situated next door to an open cut pit.

Mr Ripper: I gathered that from the information you gave us. Do you now have a position in which native title may not have been extinguished or native title claims exist over this land and you issued the interest without reference to the Native Title Act?

Mr PRINCE: Yes. However, at that time it was clearly understood that this form of lease extinguished native title.

Mr Carpenter: Was it clearly understood in Western Australia that you had right of access?

Mr PRINCE: Yes, this was one of the leases on which there was no right of access.

Mr Carpenter: It might have been clearly understood by the people from whom you get your advice because they are providing advice you want to hear. I do not recall that being widely understood in Western Australia at all. I recall the opposite being argued in Western Australia.

Mr PRINCE: The member for Willagee did not listen. A statutory right of access was included in the Land Act in 1993. Prior to that amendment some pastoral leases that had been issued had access of rights; some did not. Over any one piece of land, as some of the tenure history shows, particularly in the Kimberley, there would be a lease with no right of access, and at a later date that disappears and another arrives with a right of access and another arrives without and so on. Umpteen leases were issued of different sizes and conditions over 30 or 40 years from about 1890 to 1930. A proper tenure search may reveal that those forms of tenure or one or more of them have extinguished native title. That was the situation we were looking at in 1995. In relation to this we said there was a pastoral lease with no right of access. There are not that many, but there are some and this is one of them. The reasonable assumption was therefore that there cannot be native title. We do not know whether native title exists. That will be determined later if a claim proceeds.

Dr Gallop: There is only one problem with your logic: What about the 3 000 other leases? What sort of land are they on?

Mr PRINCE: Some will be on vacant crown land and some on pastoral leases.

Dr Gallop: So some of it was on pastoral land. You just told us -

Mr PRINCE: This pastoral lease has no right of access. There are not many of those. Clearly this is one that is validated.

Mr Ripper: I agree.

Mr PRINCE: If at some future date native title is found it becomes validated.

Mr Ripper: Can it be validated by this Bill?

Mr PRINCE: Yes; it does not need to be validated unless native title is found at a later date.

Mr RIPPER: I turn now to the next one which is the goldfields gas pipeline laterals. The time lines are okay, but the tenure is a bit complicated. The Leinster and Mt Keith laterals were on Western Mining Corporation pastoral leases. The Parkston lateral crossed the trans-Australia railway line, and road reserves on the Mt Charlotte water pipeline corridor. The Kambalda lateral affected a pastoral lease rail reserve, freehold and nature reserve. Earlier today I might have been mistakenly arguing that a road reserve was vacant crown land. I confess my error and do not want to proceed with that argument.

For an act to qualify as an intermediate act there is a fairly explicit definition of the sort of underlying tenure that existed before the act occurs. Are rail reserves, road reserves and nature reserves the sort of tenures over which an intermediate act, which can be validated by this Bill, can occur?

Mr PRINCE: It is quite clear from the commonwealth Native Title Act as amended that the water pipeline corridor, the road reserve, the rail reserve and freehold obviously, all extinguish native title. Where we have laterals crossing the trans-Australia railway line, road reserves, Mt Charlotte water corridor and freehold it is extinguishment, so there is no question of validation. With regard to the Western Mining Corporation owned pastoral leases and the nature reserve, it is clear that there can be coexistence, so there is a question of validation if native title is found in future and validated.

Mr Ripper: When you say there is a question, are you saying that this Bill will validate it if native title is found?

Mr PRINCE: Yes, in relation to the nature reserve and the pastoral lease.

Mr Ripper: And not in relation to the road and rail reserves and the water pipeline corridor?

Mr PRINCE: It does not need to.

Mr Ripper: Why?

Mr PRINCE: Because the Act changed and those things extinguish native title.

Dr Gallop: What about at that time?

Mr PRINCE: Our conclusion was that it would, but we would have to say there was a degree of uncertainty, which is the reason for the indemnity.

Mr Ripper: Can you direct me to where in the Bill these tenures extinguish native title?

Mr PRINCE: I refer the member to the second and third dot points at the bottom of the page, proposed section 12H at page 7 of the validation Bill and proposed section 12I at page 8.

Mr Ripper: Must the road be constructed for it to be a public work for the purpose of this? Would it simply be a matter of declaring a road a public reserve for the purpose of this legislation?

Mr PRINCE: Yes.

Dr Gallop: That is the whole thing about the pastoral upgrade.

Mr PRINCE: Technically, it does not extinguish until the road is built.

Mr Ripper: Are you not going beyond the common law position with this sort of extinguishment under proposed subsection (2)(b)?

Mr PRINCE: No, this is the common law.

Mr RIPPER: It is worth noting that native title would not have been extinguished over all of the land covered by the goldfields gas pipeline laterals and that native title claims were over this land when the Government issued the approvals for the gas pipeline laterals.

I turn now to the last case; that is, the AGL pipeline in Dongara which is over a road reserve. It was not endorsed until 1997, so it falls outside the intermediate period. I would like the minister to confirm, therefore, that the approvals here cannot be validated by this particular legislation.

Mr PRINCE: No, they cannot, because it is outside the intermediate period. However, if the member looks at the map on the back of the indemnity -

Mr Ripper: It appears to cover vacant crown land.

Mr PRINCE: It covers a road reserve, apart from the eastern end, where there was thought to be a road reserve. There was certainly a constructed road. When officers from the Department of Land Administration went looking for it, they could not be sure that a road reserve had been created, even though the road had been. There is now a road reserve, and under the amendments to the Native Title Act, that extinguished native title.

Mr Brown: Not under the common law position in relation to Mabo, though.

Mr PRINCE: My adviser quite properly makes the point that the creation of the road reserve for that eastern portion where there was some uncertainty has been in accordance with the Native Title Act.

Mr Brown: The new Native Title Act.

Mr PRINCE: Yes, 1997.

Dr Gallop: Tell the Chamber what that means.

Mr PRINCE: Notification of compulsory acquisition to acquire any rights. Members will remember that two years ago we passed amendments to the Public Works Act which were empowered by the commonwealth Native Title Act.

Mr Ripper: A road reserve has been created following the procedures in the commonwealth Native Title Act. That extinguishes native title, if there was any, and therefore no question of invalidity arises.

Mr PRINCE: That is right. In relation to the balance of the pipeline, there certainly was road reserve; therefore, there was no question of a native title. It is only the portion at the eastern end of the pipeline.

Progress reported.

BILLS - RETURNED

1. Taxi Amendment Bill.
2. Carnarvon Banana Industry (Compensation Trust Fund) Repeal Bill.
3. Western Australian Meat Industry Authority Amendment Bill.

Bills returned from the Council without amendment.

4. Soil and Land Conservation Amendment Bill.

Bill returned from the Council with amendments.

ROAD TRAFFIC AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Barnett (Leader of the House), read a first time.

House adjourned at 11.45 pm

QUESTIONS ON NOTICE

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

CO-OPERATIVE RESEARCH CENTRE IN TOURISM, MURDOCH UNIVERSITY

1. Mr BROWN to the Treasurer:
- (1) Has a commitment been made by the State Government to fund a co-operative research centre in tourism at Murdoch University?
- (2) On what date was that commitment given?
- (3) Has the Treasurer had any personal involvement in this commitment or arrangement?
- (4) If so, what was that personal involvement?
- (5) Has the Treasurer had any meetings about this matter?
- (6) If so -
 - (a) what were the dates of the meetings;
 - (b) who attended the meetings; and
 - (c) what was the outcome of the meetings?
- (7) Has an amount of \$100,000 been committed by the Treasurer as reported in the Murdoch University publication?
- (8) If so, was that commitment changed at a later date?
- (9) If so, what were the circumstances giving rise to the change?
- (10) Have all details on the nature and level of any financial support to be provided by the State Government to a co-operative research centre for tourism been provided to the universities from the outset?

Mr COURT replied:

- (1) No.
- (2)-(4) Not applicable.
- (5) I had an informal discussion with Sir Frank Moore, chairman of the CRC for Sustainable Tourism on Thursday 4 September 1997 at the Tourism Industry Council breakfast.
- (6)
 - (a) 4 September 1997.
 - (b) Sir Frank Moore.
 - (c) I agreed for a member of my staff to meet with Sir Frank Moore and forward all the details of his proposal to the Minister for Tourism for advice. I subsequently wrote to Sir Frank Moore on 17 November, 1997 thanking him for inviting the Western Australian Government to join the CRC for Sustainable Tourism as a core partner. I advised him that the Minister for Tourism would be putting forward a proposal, as part of our normal budgetary process to Treasury for funds for this new initiative. I also advised that this project would have to compete with other projects during the budgetary process. On 20 April, 1998 I again wrote to Sir Frank Moore thanking him for the opportunity for the Western Australian Government to be a core participant in the CRC for Sustainable Tourism but that we were not in a position to contribute financially.
- (7) No.
- (8)-(10) Not applicable.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY

Sale of Property

15. Ms MacTIERNAN to the Minister for Fair Trading:
- (1) When did the Ministry of Fair Trading commence investigating the sale of a Government Employees Housing Authority (GEHA) property in Kununurra by Northern Realty to a related company?

- (2) Has that investigation been completed?
- (3) If not, how much longer is it expected to take?
- (4) If yes, what was the outcome?
- (5) Was it established that GEHA had paid a commission to the real estate company?

Mr SHAVE replied:

- (1) 5 June 1996.
- (2) No.
- (3) Not known. The investigation has revealed certain matters which are outside the Ministry's jurisdiction. These matters have been referred to the appropriate authorities and that referral prevents me from making any further comment about the matter, except to say that the Ministry is expecting advice shortly from that agency.
- (4) Not applicable.
- (5) The investigation has not revealed the payment of a commission to the real estate company by GEHA.

DEPARTMENT OF ABORIGINAL AFFAIRS

Credit Card Transactions

40. Mr RIEBELING to the Minister for Aboriginal Affairs:

In relation to the Auditor General's report on Ministerial Portfolios where comment was made about uncertainty over the validity of 183 credit card transactions by staff of the Department of Aboriginal Affairs -

- (a) were these transactions made on authorised credit cards;
- (b) what is the total amount involved in these 183 transactions;
- (c) what steps have been taken to obtain details about purchases made with these credit cards;
- (d) when did this situation come to the Minister's attention; and
- (e) how many Departmental staff are currently authorised to use credit cards?

Dr HAMES replied:

- (a) Yes.
- (b) \$36,391.71.
- (c) Officers were requested to provide documentation. Where this information was not available, substitute dockets were requested detailing date and goods and services provided.
- (d) 17 October 1997.
- (e) 35.

DEPARTMENT OF ABORIGINAL AFFAIRS

Consultants

41. Mr RIEBELING to the Minister for Aboriginal Affairs:

In relation to consultants engaged by the Aboriginal Affairs Department since January 1996 -

- (a) for the years 1996 and 1997 what were the names of the consultants and what was the cost of each of the consultancies; and
- (b) of these consultancies, which ones did not have a contract or letter of engagement drawn up?

Dr HAMES replied:

- | | | |
|-----|---|------------|
| (a) | Name of Consultant | Cost
\$ |
| | AAA Advisory Land Service | 14 374 |
| | Australian Surveying and Land Information Group | 26 080 |
| | Bandt Gatter and Associates | 22 114 |

Barrett and Kaye	104 801
Bonner, Neville	6 429
Broad Arrow Management	38 229
Caricatoes	24 500
Coopers and Lybrand	87 573
English Kretzschmar and Associates	22 905
George, Ian	6 532
Green, Patrick	2 857
John Chaney	5 700
King and Oh Chartered Accountants	35 759
Laures and Paetahi Park	8 000
Lipscombe Keys Consulting	19 580
Liscia and Tavelli	23 463
McCarrey, L.E.	105 542
McEntee, Peter	2 857
Miles Morgan Pty Ltd	21 630
Minter Ellison Northmore Hale	5 925
Ove Arup and Partners	24 837
Peterson, Carol	740
Practical Management and Development Pty Ltd	81 350
Reed Richardson and Associates	12 000
Rust PPK Ltd	3 000
Simpson Norris Pty Ltd	9 574
SJC Heritage Consultants	6 000
Stanton Partners	32 405
Taylor and Associates	7 854

- (b) Bandt Gatter and Associates
English Kretzschmar and Associates
King and Oh Chartered Accountants
Broad Arrow Management
Barrett and Kaye
Caricatoes

DEPARTMENT OF ABORIGINAL AFFAIRS

Consultants

42. Mr RIEBELING to the Minister for Aboriginal Affairs

In relation to the consultancy for the Department of Aboriginal Affairs for over \$50,000 that was contracted out without the approval of the State Supply Commission -

- (a) what was the consultancy for;
(b) what was the actual cost of the consultancy; and
(c) who carried out the consultancy?

Dr HAMES replied:

- (a) Design, build, erect and store an interactive display to educate and realise awareness of Aboriginal culture, issues and achievements.
(b) \$129,301.
(c) Barrett and Kay - \$104,801.
Caricatoes - \$24,500

GOVERNMENT VEHICLES

Personalised Number Plates

69. Mr MASTERS to the Minister for Housing; Aboriginal Affairs; Water Resources:

- (1) Have any of the Government agencies or departments within the Minister's portfolio responsibilities purchased personalised number plates for any of the motor vehicles within their car or truck fleets?
(2) If yes, how many personalised plates have been purchased in each of the past three years and at what cost?

Dr HAMES replied:

- (1) Yes.
(2) 2 sets purchased in 1998 at a cost of \$295.00 each. Nil in 1996 and 1997.

ABORIGINAL WOMEN

Involvement in Decision Making

240. Ms WARNOCK to the Minister for Aboriginal Affairs:

In relation to the Government Two Year Plan for Women (1996-1998)-

- (a) has the Aboriginal Affairs Department involved Aboriginal women in decision making including -
 - (i) community;
 - (ii) regional planning forums;
 - (iii) the Commission of Elders;
 - (iv) regional Aboriginal justice committees; and
 - (v) regional women's forums;
- (b) if yes, will the Minister provide details of the involvement in -
 - (i) community;
 - (ii) regional planning forums;
 - (iii) the Commission of Elders;
 - (iv) regional Aboriginal justice committees; and
 - (v) regional women's forums;
- (c) if not, why not; and
- (d) if not, when will the Government honour its commitment to Aboriginal women?

Dr HAMES replied:

- (a) (i)-(v) Yes.
- (b) (i) The Aboriginal Affairs Department (AAD) and the Women's Policy Development Office jointly coordinated a State Aboriginal Women's Conference to identify priorities and issues in the areas of health, safety and economic development. In the West Kimberley, each major town has Aboriginal women's groups in operation, for example, the Jarndu Yawuru Women's Group in Broome and the Marninwarntikura Women's Group in Fitzroy Crossing. Regional Women's Conferences have been conducted in Carnarvon, Cue, Geraldton and North Midland.
- (ii) In the Pilbara, the AAD facilitates the development of Aboriginal women into Aboriginal community controlled management committees, regional domestic violence committees and land councils. Aboriginal women make up 50% of the membership of the Kimberley Regional Domestic Violence Committee.
- (iii) The State Commission of Elders has a membership of eight women.
- (iv) The West Kimberley Regional Aboriginal Justice Council (RAJC) has eight women members. Women make up almost 30% of the membership of the East Kimberley RAJC. The Murchison/Gascoyne RAJC has three women out of a total of eight members. The Goldfields RAJC currently has a female Chairperson and a number of women members.
- (v) There were four Aboriginal Women's Forum meetings held in the Goldfields between December 1995 and May 1997. The meetings discussed priority issues and identified a number of priority needs for women in the Goldfields. The Murchison/Gascoyne Region has a newly formed Regional Women's Group, the Regional Yamaji Murni Wangga Aboriginal Corporation. Membership is obtained from established women's groups as well as women in the community.
- (c)-(d) Not applicable.

GRAFFITI PROGRAM

261. Ms McHALE to the Premier:

I refer to the Government's Graffiti project and ask -

- (a) how many staff are employed to manage the Government's graffiti project;
- (b) what is the cost of the project;
- (c) who employs the staff involved in the project;
- (d) what are the Government's plans for the management of the community clean up project;

- (e) what are the Government's plan for the management of the "Beyond the Wall" (Urban Art Murals) project; and
- (f) will these programs continue to be run after 30 June 1998?

Mr COURT replied:

- (a) Two full-time staff are directly employed to manage the project. There are currently also 23 redeployed staff working on graffiti cleanup and management as part of the current campaigns being run in conjunction with local government.
- (b) The direct costs for the Graffiti Program are \$353,000 for the current year. Additional costs are incurred in work with the Stirling area and related local government campaigns. Additionally, redeployed staff are seconded to the Graffiti Program to assist with cleanup activities. The numbers vary from time to time, but full-year costs for these redeployed staff are an additional \$700 000.
- (c) Ministry of the Premier and Cabinet, MetroBus, Westrail, WA Department of Training.
- (d)-(e) Plans for the management of the programs are currently being reviewed.
- (f) The programs will continue, subject to the outcomes of the reviews.

ABORIGINAL AFFAIRS DEPARTMENT

Staff Changes

338. Mr BROWN to the Minister for Aboriginal Affairs:

- (1) Further to question on notice 2996 of 1998, why did the Government reduce the number of staff in the Aboriginal Affairs Department in 1997 by around 20%, or from 122 to 99?
- (2) Apart from significant reductions in staff, can the Minister advise why the Department had an extraordinary staff turnover?
- (3) To what extent were the staff changes in 1997 indicative of administrative or other problems in the department?
- (4) What was the cause of such a significant staff turnover?

Dr HAMES replied:

- (1) Due to the ongoing restructuring process, the Department determined not to proceed with advertising of vacant positions until the new structure was finalised.
- (2)-(4) Possible reasons for staff turnover include promotion, transfer, health, alternate career opportunities and secondment.

SEWERAGE

Savery Way, Rockingham

348. Mr McGOWAN to the Minister for Water Resources:

I refer to the Government's decision to extend the sewerage from Savery Way, Rockingham to Lots 66, 67, 68 and 69 Arkwright Road, Rockingham, and ask -

- (a) why was the decision made to extend the sewerage to these lots;
- (b) what will the total cost of this extension be;
- (c) why is the Government extending sewerage from Savery Way and not from either Dixon or Arkwright Road;
- (d) if this is because Lot 67 is Government owned, does the Government believe this is unnecessary favourable treatment;
- (e) will the Government reimburse the owners of Lot 66 for the additional costs of connecting to sewerage or the additional costs of paying for sewerage rates;
- (f) is the Government aware that the owners of Lot 66 have recently negotiated a lease in which they are unable to increase the cost of the lease to meet the additional sewerage charges;
- (g) does the Government regard this as being an unfair imposition; and
- (h) if not, why not?

Dr HAMES replied:

- (a) The developer of Lot 1567, corner of Arkwright and Dixon Roads, Rockingham is required to provide reticulated sewerage to facilitate the subdivision of that lot. West Australian Planning Commission approval of the subdivision (WAPC reference 104080) is conditional on the provision of sewerage. This decision is consistent with the Government Sewerage Policy.
- (b) The Consulting Engineer for the project has advised the Water Corporation that the cost of the sewer extension will be \$28,000.
- (c) The route of the extension conforms to the Corporation's overall scheme planning and provides the best long term solution for the community at minimal cost. To extend the sewer via Dixon and Arkwright Roads would result in the duplication of 210 metres of sewer. This would not only increase the construction cost to approximately \$104,000, but would increase the long term costs of operation, maintenance and ultimately replacement of the asset.
- (d) The servicing requirements for Lot 1567 (assumed to be Lot 67 referred to) are unrelated to the land ownership.
- (e) The owners of Lot 66 have previously been advised by me that the Water Corporation has a number of payment options that may assist in the payment of rates. The cost of connection to sewer is a responsibility of all landowners.
- (f) It is a legislative requirement that when a service is available to a property appropriate rates and charges become payable. The legislation does not make any provision for individual agreements and arrangements between owners and tenants.
- (g)-(h) The owners of Lot 66 Arkwright Road submitted an objection to the proposed works to the Water Corporation. This objection was referred to me for determination. With all factors considered, I have authorised the works to proceed.

TOURISM

National Marketing Expenditure

461. Mr BROWN to the Parliamentary Secretary representing the Minister for Tourism:

- (1) Has the Western Australian Tourism Commission (WATC) prepared a budget for the expenditure provided in the 1998-99 Budget papers for National Marketing (Output 1)?
- (2) If not, why not?
- (3) Does the head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the WATC?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC?

Mr BRADSHAW replied:

- (1) Yes.
- (2) Not applicable.
- (3) The WATC has two program outcomes: The Promotion of Western Australia as a Tourist Destination; and, Tourism Industry Development. A divisional general manager is responsible for key output groups in each of these

programs. The divisional general manager submits a draft operational plan to the WATC's Board of Commissioners for approval.

(4)-(5) (a)-(b) Yes. See below.

1.0 Promotion of Western Australia as a Tourist Destination	1998/99 Budget Estimate \$	1997/98 Budget \$
National Marketing	6,447,435	6,597,946
Retail Information and Booking Service	1,909,000	1,888,946
International Marketing	6,414,000	6,465,081
Event Tourism (including supplementary funding)	6,342,804	7,275,599
Convention and Incentive Travel	1,237,000	1,229,542
Total Promotion of WA as a Tourist Destination	22,350,239	23,457,114
2.0 - Tourism Industry Development		
Research	865,000	889,751
Planning	395,000	295,445
Industry Development	3,468,761	3,306,690
Total Tourism Industry Development	4,728,761	4,491,886
Total Tourism Commission	27,079,000	27,949,000
Plus Purchase Assets/Capital Repayments/ Cash balance Adjustment	333,000 27,412,000	339,000 8,228,000

(4)-(5) (c) Yes. See below.

The following tables are the allocations for the key output areas as listed above:

	1998/99 Budget Estimate \$	1997/98 Budget \$	1997/98 Actual \$
1.1 National			
Market Intelligence	25,000	25,000	18,301
Marketing Strategies Aimed at Raising Consumer Awareness	1,367,729	1,524,500	1,297,231
Marketing Strategies Aimed at Raising Trade Awareness	179,465	221,205	185,474
Strategies aimed at Increasing Incremental Business	305,080	300,000	275,988
Strategic Industry Alliances – Transport Providers	8,700	8,700	5,969
Strategic Industry Alliances – Regional Tourism Associations	1,564,351	1,559,702	1,568,433
Product & Destinalional Information Dist'n	668,000	615,000	187,747
Performance Measurement	30,000	69,000	41,078
Salaries	944,845	894,553	808,105
Administration	743,765	777,675	921,235
	5,836,935	5,995,335	5,309,561
Corporate Services Allocation	610,500	602,611	593,427
	6,447,435	6,597,946	5,902,988
1.2 Retail Information and Booking Service			
Marketing Costs	9,108	7,700	8,517
Revenue	-1,022,000	-820,000	-778,245
Salaries	951,704	941,895	960,234
Administration	1,218,188	994,351	1,165,195
	1,157,000	1,123,946	1,355,701
Corporate Services Allocation	752,000	765,000	752,638
	1,909,000	1,888,946	2,108,339
1.3 International Marketing			
Identification of Core and Future Markets & Market Intelligence		40,000	39,298
Marketing Strategies Aimed at Raising Consumer Awareness	1,729,000	1,618,622	1,936,826
Marketing Strategies Aimed at Raising Trade Awareness	539,000	749,910	669,112
Strategies Aimed at Increasing Incremental Business	431,750	0	0

Strategic Industry Alliances – Transport	12,000	0	7,192
Strategic Industry Alliances – Local Industry Education	0	30,000	13,263
Product & Destinalional Information Distribution	257,000	492,910	464,148
Product Development	0	30,000	0
Strategic Industry Alliances - Wholesale/Retail Industry	0	103,500	38,348
Partnership Australia	190,000	170,000	170,000
Performance Measures	80,000	11,000	10,061
Salaries	1,251,178	1,149,161	1,193,813
Administration	1,258,253	1,392,478	1,293,069
	5,748,181	5,787,581	5,835,130
Corporate Services Allocation	665,819	677,500	665,795
	6,414,000	6,465,081	6,500,925
1.4 Events Tourism			
Attraction of Events to WA	186,000	128,124	197,256
Promotional opportunities for Events Hosted	95,000	7,000	11,937
Cooperative Industry Support	25,000	37,059	60,966
Event Management	4,091,000	5,177,587	5,185,694
Event Product Development	30,000	30,000	30,303
Salaries	492,582	499,691	494,266
Administration	874,097	685,618	594,144
	5,793,679	6,565,079	6,574,566
Corporate Services Allocation	549,125	710,520	550,005
	6,342,804	7,275,599	7,124,571
1.5 Convention & Incentive Travel			
Attraction of Conventions to WA	230,300	224,500	203,395
Attraction of Incentive Travel to WA	289,250	288,250	286,951
Convention & Incentive Market Intelligence	62,000	62,000	46,632
Cooperative Industry & Other Support	-200,000	200,000	-200,818
Salaries	356,031	337,194	341,475
Administration	297,561	311,598	328,583
	1,035,142	1,023,542	1,006,218
Corporate Services Allocation	201,858	206,000	202,634
	1,237,000	1,229,542	1,208,852
2.1 Strategic Market Information			
Strategic Market Information	299,500	316,000	297,605
Market Research	32,500	62,500	61,328
Industry Education – Market Intelligence	5,000	9,018	9,958
Provision of Consultancy Services	0	11,000	8,727
Salaries	224,731	211,181	197,897
Administration	159,354	133,052	128,388
	721,085	742,751	703,903
Corporate Services Allocation	143,915	147,000	144,738
	865,000	889,751	848,641
2.2 Infrastructure and Planning			
Salaries	94,721	74,377	63,683
Administration	240,194	160,538	121,538
	334,915	234,915	185,221
Corporate Services Allocation	60,085	60,530	57,895
	395,000	295,445	243,116
2.3 Product Development			
New Infrastructure Development	320,200	0	67,612
New Attractions & Services Development	1,250,000	424,148	1,290,261
Salaries	738,668	750,106	659,874
Administration	739,893	706,436	747,892
	3,048,761	2,880,690	2,765,639
Corporate Services Allocation	420,000	426,000	419,741
	3,468,761	3,306,690	3,185,380

Please note the 1997/98 Actuals do not reflect carry-forward commitments to the 1998/99 financial year, nor do the 1998/99 figures reflect the carry-forwards.

- (d) A total of \$272,830 contingency is held under the National budget, but is yet to be allocated to any activity.

TOURISM

Retail Information and Booking Services Expenditure

462. Mr BROWN to the Parliamentary Secretary representing the Minister for Tourism:

- (1) Has the Western Australian Tourism Commission (WATC) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Retail Information and Booking Services (Output 2)?
- (2) If not, why not?
- (3) Does the head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the WATC?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC?

Mr BRADSHAW replied:

Please see answer to question on notice 461.

TOURISM

International Marketing Expenditure

463. Mr BROWN to the Parliamentary Secretary representing the Minister for Tourism:

- (1) Has the Western Australian Tourism Commission (WATC) prepared a budget for the expenditure provided in the 1998-99 Budget papers for International Marketing (Output 3)?
- (2) If not, why not?
- (3) Does the head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the WATC?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC?

Mr BRADSHAW replied:

Please see answer to question on notice 461.

TOURISM

Event Tourism Expenditure

464. Mr BROWN to the Parliamentary Secretary representing the Minister for Tourism:

- (1) Has the Western Australian Tourism Commission (WATC) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Event Tourism (Output 4)?
- (2) If not, why not?
- (3) Does the head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the WATC?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC?

Mr BRADSHAW replied:

Please see answer to question on notice 461.

TOURISM

Convention and Incentive Travel Expenditure

465. Mr BROWN to the Parliamentary Secretary representing the Minister for Tourism:

- (1) Has the Western Australian Tourism Commission (WATC) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Convention and Incentive Travel (Output 5)?
- (2) If not, why not?
- (3) Does the head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the WATC?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC?

Mr BRADSHAW replied:

Please see answer to question on notice 461.

TOURISM

Strategic Market Information Expenditure

466. Mr BROWN to the Parliamentary Secretary representing the Minister for Tourism:

- (1) Has the Western Australian Tourism Commission (WATC) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Strategic Market Information (Output 6)?
- (2) If not, why not?
- (3) Does the head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the WATC?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC?

Mr BRADSHAW replied:

Please see answer to question on notice 461.

TOURISM

Strategy and Planning Expenditure

467. Mr BROWN to the Parliamentary Secretary representing the Minister for Tourism:

- (1) Has the Western Australian Tourism Commission (WATC) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Strategy and Planning (Output 7)?
- (2) If not, why not?
- (3) Does the head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the WATC?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC?

Mr BRADSHAW replied:

Please see answer to question on notice 461.

TOURISM

Industry Development Expenditure

468. Mr BROWN to the Parliamentary Secretary representing the Minister for Tourism:

- (1) Has the Western Australian Tourism Commission (WATC) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Industry Development (Output 8)?
- (2) If not, why not?
- (3) Does the head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the WATC?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the WATC?

Mr BRADSHAW replied:

Please see answer to question on notice 461.

EDUCATION

Pre-primary Education Expenditure

469. Mr BROWN to the Minister for Education:

- (1) Has the Education Department of Western Australia (the Department) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Pre-Primary Education (Output 1)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Department?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997/98 Estimated and Actual Expenditure for the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department?

Mr BARNETT replied:

- (1)-(5) In 1997/98 the Western Australian public sector underwent significant financial management reform which included the replacement of program based budgeting with output based budget management. The details of outcomes and output classes along with relevant information is available in the 1998/99 budget papers. The outcome expected from this output category is to provide access to optional part or full-time schooling in government schools for children aged 4 and 5 years. There are numerous programs and initiatives that the Government has introduced to support the achievement of this output objective, many of which are of an on-going operational nature across all sections of the agency. Additional program funding provided in the 1998/99 budget and relevant to this output class has been provided for the following initiatives:

Additional Support Staff in Schools;
Increase in the School Grant; and
Continuing implementation of the Early Childhood Program.

The level of detail requested by the member is not readily available and would require significant resources to manually reconstruct previous years expenditure on a similar basis.

EDUCATION

Primary Education Expenditure

470. Mr BROWN to the Minister for Education:

- (1) Has the Education Department of Western Australia (the Department) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Primary Education (Output 2)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Department?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department?

Mr BARNETT replied:

- (1)-(5) In 1997/98 the Western Australian public sector underwent significant financial management reform which included the replacement of program based budgeting with output based budget management. The details of outcomes and output classes along with relevant information is available in the 1998/99 budget papers. The outcome expected from this output category is to provide access to full-time primary schooling in government schools for persons aged generally from 6 to 12 years. There are numerous programs and initiatives that the Government has introduced to support the achievement of this output objective, many of which are of an on-going operational nature across all sections of the agency. Additional program funding provided in the 1998/99 budget and relevant to this output class has been provided for the following initiatives:

Computers in schools;
Country Incentive Scheme;
Increase in the School Grant;
Languages Other Than English (LOTE);
Additional Support Staff in Schools;
Reduced Class Sizes for Years 1-3; and
Duties Other Than Teaching (DOTT) for Primary Teachers.

The level of detail requested by the member is not readily available and would require significant resources to manually reconstruct previous years expenditure on a similar basis.

EDUCATION

Secondary Education Expenditure

471. Mr BROWN to the Minister for Education:

- (1) Has the Education Department of Western Australia (the Department) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Secondary Education (Output 3)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Department?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department?

Mr BARNETT replied:

- (1)-(5) In 1997/98 the Western Australian public sector underwent significant financial management reform which included the replacement of program based budgeting with output based budget management. The details of outcomes and output classes along with relevant information is available in the 1998/99 budget papers. The outcome expected from this output category is to provide access to full-time or part-time secondary schooling in government schools for persons aged generally 12 years and over. There are numerous programs and initiatives that the Government has introduced to support the achievement of this output objective, many of which are of an on-going operational nature across all sections of the agency. Additional program funding provided in the 1998/99 budget and relevant to this output class has been provided for the following initiatives:

Computers in Schools;
Increase in the School Grant;
Country Incentives Scheme; and
Additional Support Staff in schools.

The level of detail requested by the member is not readily available and would require significant resources to manually reconstruct previous years expenditure on a similar basis.

EDUCATION

Residential Agricultural Education Expenditure

472. Mr BROWN to the Minister for Education:

- (1) Has the Education Department of Western Australia (the Department) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Residential Agricultural Education (Output 4)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Department?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -

- (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
- (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department?

Mr BARNETT replied:

- (1)-(5) In 1997/98 the Western Australian public sector underwent significant financial management reform which included the replacement of program based budgeting with output based budget management. The details of outcomes and output classes along with relevant information is available in the 1998/99 budget papers. The outcome expected from this output category is to provide access to residential agricultural education in government agricultural schools and colleges for persons aged generally 16 or 17 years who meet appropriate selection criteria. There are numerous programs and initiatives that the Government has introduced to support the achievement of this output objective, many of which are of an on-going operational nature across all sections of the agency. Additional program funding provided in the 1998/99 budget and relevant to this output class has been provided for the following initiatives:

Computers in Schools;
Increase in the School Grant; and
Country Incentive Scheme.

The level of detail requested by the member is not readily available and would require significant resources to manually reconstruct previous years expenditure on a similar basis.

EDUCATION

Isolated and Distance Education Services' Expenditure

473. Mr BROWN to the Minister for Education:

- (1) Has the Education Department of Western Australia (the Department) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Isolated and Distance Education Services for students who cannot attend school in person (Output 5)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Department?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department?

Mr BARNETT replied:

- (1)-(5) In 1997/98 the Western Australian public sector underwent significant financial management reform which included the replacement of program based budgeting with output based budget management. The details of outcomes and output classes along with relevant information is available in the 1998/99 budget papers. The outcome expected from this output category is to provide access to isolated and distance education by the School of Isolated and Distance Education and the Schools of the Air for persons normally resident in Western Australia who meet appropriate selection criteria. There are numerous programs and initiatives that the Government has introduced to support the achievement of this output objective, many of which are of an on-going operational nature across all sections of the agency. Additional program funding provided in the 1998/99 budget and relevant to this output class has been provided for the following initiatives:

Computers in Schools;
Increase in the School Grant;
Duties Other Than Teaching (DOTT) for Primary Teachers; and
Additional Support Staff in Schools.

The level of detail requested by the member is not readily available and would require significant resources to manually reconstruct previous years expenditure on a similar basis.

EDUCATION

Education Support Expenditure

474. Mr BROWN to the Minister for Education:

- (1) Has the Education Department of Western Australia (the Department) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Educational Services for students who require a non-integrated education support program (Output 6)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Department?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including-
- (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including-
- (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department?

Mr BARNETT replied:

- (1)-(5) In 1997/98 the Western Australian public sector underwent significant financial management reform which included the replacement of program based budgeting with output based budget management. The details of outcomes and output classes along with relevant information is available in the 1998/99 budget papers. The outcome expected from this output category is to provide access to non-integrated education support education in government education support schools and centres for persons aged generally 6 to 17 years who meet appropriate selection criteria. There are numerous programs and initiatives that the Government has introduced to support the achievement of this output objective, many of which are of an on-going operational nature across all sections of the agency. Additional program funding provided in the 1998/99 budget and relevant to this output class has been provided for the following initiatives:

Computers in Schools;
Increase in the School Grant;
Country Incentive Scheme; and
Additional Support Staff in Schools.

The level of detail requested by the member is not readily available and would require significant resources to manually reconstruct previous years expenditure on a similar basis.

EDUCATION

Senior College Education Expenditure

475. Mr BROWN to the Minister for Education:

- (1) Has the Education Department of Western Australia (the Department) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Senior College Education (Output 7)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Department?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department?

Mr BARNETT replied:

- (1)-(5) In 1997/98 the Western Australian public sector underwent significant financial management reform which included the replacement of program based budgeting with output based budget management. The details of outcomes and output classes along with relevant information is available in the 1998/99 budget papers. The outcome expected from this output category is to provide access to educational services in government senior colleges for international and repeat Tertiary Entrance Examinations (TEE) students and members of the community who meet enrolment criteria. There are numerous programs and initiatives that the Government has introduced to support the achievement of this output objective, many of which are of an on-going operational nature across all sections of the agency. Additional program funding has been provided in the 1998/99 budget for this output class for the Computers in Schools initiative. The level of detail requested by the member is not readily available and would require significant resources to manually reconstruct previous years expenditure on a similar basis.

EDUCATION

Policy and Planning Expenditure

476. Mr BROWN to the Minister for Education:

- (1) Has the Department of Education Services (the Department) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Education Policy and Planning (Output 1)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Department?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department; and

- (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department?

Mr BARNETT replied:

- (1) Yes.
- (2) Not applicable.
- (3) Heads of expenditure are now "Outputs" and are linked to outcomes desired by the community. Program reporting has been superseded by Output Based Management.
- (4)-(5) Heads of expenditure are now "Outputs" and details are contained within the budget papers.

EDUCATION SERVICES EXPENDITURE

477. Mr BROWN to the Minister for Education:

- (1) Has the Department of Education Services (the Department) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Education Services (Output 2)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Department?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Department?

Mr BARNETT replied:

- (1) Yes.
- (2) Not applicable.
- (3) Heads of expenditure are now "Outputs" and are linked to outcomes desired by the community. Program reporting has been superseded by Output Based Management.
- (4)-(5) Heads of expenditure are now "Outputs" and details are contained within the budget papers.

CURRICULUM COUNCIL OF WESTERN AUSTRALIA

Curriculum Implementation and Maintenance Expenditure

478. Mr BROWN to the Minister for Education:

- (1) Has the Curriculum Council of Western Australia (the Council) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Curriculum Implementation and Maintenance (Output 1)?

- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Council?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Council; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Council?

Mr BARNETT replied:

- (1) Yes.
- (2) Not applicable.
- (3) Heads of expenditure are now "Outputs" and are linked to outcomes desired by the community. Program reporting has been superseded by Output Based Management.
- (4)-(5) Heads of expenditure are now "Outputs" and details are contained within the budget papers.

CURRICULUM COUNCIL OF WESTERN AUSTRALIA

Course Development and Approval Expenditure

479. Mr BROWN to the Minister for Education:

- (1) Has the Curriculum Council of Western Australia (the Council) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Course Development and Approval (Output 2)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Council?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Council; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Council?

Mr BARNETT replied:

- (1) Yes.

- (2) Not applicable.
- (3) Heads of expenditure are now "Outputs" and are linked to outcomes desired by the community. Program reporting has been superseded by Output Based Management.
- (4)-(5) Heads of expenditure are now "Outputs" and details are contained within the budget papers.

CURRICULUM COUNCIL OF WESTERN AUSTRALIA

Student Assessment and Certification Expenditure

480. Mr BROWN to the Minister for Education:

- (1) Has the Curriculum Council of Western Australia (the Council) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Student Assessment and Certification (Output 3)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Council?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Council; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Council?

Mr BARNETT replied:

- (1) Yes.
- (2) Not applicable.
- (3) Heads of expenditure are now "Outputs" and are linked to outcomes desired by the community. Program reporting has been superseded by Output Based Management.
- (4)-(5) Heads of expenditure are now "Outputs" and details are contained within the budget papers.

MULTICULTURAL AND ETHNIC AFFAIRS

Expenditure on Policy and Strategic Advice

481. Mr BROWN to the Minister for Citizenship and Multicultural Interests:

- (1) Has the Ministry of Citizenship and Multicultural Interests (the Office) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Policy and Strategic advice, and support to the Government and its agencies (Output 1)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Office?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including-
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;

- (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Office; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including-
- (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Office?

Mr BOARD replied:

- (1) Yes.
- (2) Not applicable.
- (3) Yes.
- (4) (a)-(b) The 1998-99 Budget Statements make provision for classifications of expenditure within the operating statement at an agency level. This level of detail is not required at the output level, and therefore is not available.
- (c)-(d) This level of detail is not prepared at the output level, and therefore is not available. The Budget Papers outline significant issues and trends as well as major initiatives for the year.
- (5) (a) The Office of Multicultural Interests' financial statements detailing areas of expenditure shortly will be submitted to the Office of the Auditor General for its annual audit, and will be tabled in Parliament.
- (b) This level of detail is not prepared at the output level, and therefore is not available.
- (c) The program initiatives and priorities is not cross-tabulated by the above head of expenditure.

MULTICULTURAL AND ETHNIC AFFAIRS

Expenditure on Information to the Community

482. Mr BROWN to the Minister for Citizenship and Multicultural Interests:

- (1) Has the Ministry of Citizenship and Multicultural Interests (the Office) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Information to the Community (Output 2)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Office?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Office; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Office?

Mr BOARD replied:

- (1) Yes.

- (2) Not applicable.
- (3) Yes.
- (4) (a)-(b) The 1998-99 Budget Statements make provision for classifications of expenditure within the operating statement at an agency level. This level of detail is not required at the output level, and therefore is not available.
- (c)-(d) This level of detail is not prepared at the output level, and therefore is not available. The Budget Papers outline significant issues and trends as well as major initiatives for the year.
- (5) (a) The Office of Multicultural Interests' financial statements detailing areas of expenditure shortly will be submitted to the Office of the Auditor General for its annual audit, and will be tabled in Parliament.
- (b) This level of detail is not prepared at the output level, and therefore is not available.
- (c) The program initiatives and priorities are not cross-tabulated by the above head of expenditure.

MULTICULTURAL AND ETHNIC AFFAIRS

Expenditure on Support to Community Activities

483. Mr BROWN to the Minister for Citizenship and Multicultural Interests:

- (1) Has the Ministry of Citizenship and Multicultural Interests (the Office) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Support to community activities (Output 3)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Office?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Office; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Office?

Mr BOARD replied:

- (1) Yes.
- (2) Not applicable.
- (3) Yes.
- (4) (a)-(b) The 1998-99 Budget Statements make provision for classifications of expenditure within the operating statement at an agency level. This level of detail is not required at the output level, and therefore is not available.
- (c)-(d) This level of detail is not prepared at the output level, and therefore is not available. The Budget Papers outline significant issues and trends as well as major initiatives for the year.
- (5) (a) The Office of Multicultural Interests' financial statements detailing areas of expenditure shortly will be submitted to the Office of the Auditor General for its annual audit, and will be tabled in Parliament.
- (b) This level of detail is not prepared at the output level, and therefore is not available.
- (c) The program initiatives and priorities are not crossed tabulated by the above head of expenditure.

MULTICULTURAL AND ETHNIC AFFAIRS

Financial Assistance to Non-government Organisations

484. Mr BROWN to the Minister for Citizenship and Multicultural Interests:

- (1) Has the Ministry of Citizenship and Multicultural Interests (the Office) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Financial assistance to non-government organisations (Output 4)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Office?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Office; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Office?

Mr BOARD replied:

- (1) Yes.
- (2) Not applicable.
- (3) Yes.
- (4) (a)-(b) The 1998-99 Budget Statements make provision for classifications of expenditure within the operating statement at an agency level. This level of detail is not required at the output level, and is therefore not available.
- (c)-(d) This level of detail is not prepared at the output level, and therefore is not available. The Budget Papers outline significant issues and trends as well as major initiatives for the year
- (5) (a) The Office of Multicultural Interests' financial statements detailing areas of expenditure shortly will be submitted to the Office of the Auditor General for its annual audit, and will be tabled in Parliament.
- (b) This level of detail is not prepared at the output level, and therefore is not available.
- (c) The program initiatives and priorities are not cross-tabulated by the above head of expenditure.

MULTICULTURAL AND ETHNIC AFFAIRS

Expenditure on Support for the Premier as Head of Government

485. Mr BROWN to the Premier:

- (1) Has the Ministry of the Premier and Cabinet (the Ministry) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Support for the Premier as Head of Government (Output 1)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Ministry?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;

- (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Ministry; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
- (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Ministry?

Mr COURT replied:

- (1) Yes.
- (2) Not applicable.
- (3) In July 1996, Cabinet approved the implementation of Output Based Management to replace Program Management. Accordingly budget information is now provided on the basis of outputs and outcomes instead of programs and sub-programs. For 1998/99 each head of expenditure was provided for outputs of the Ministry.
- (4) (a) The Ministry categorises expenditure under the following head of expenditure:
 - Salaries and Allowances;
 - Other staffing costs;
 - Communications;
 - Services and Contracts;
 - Other Operating Costs.
- (b)-(d) See paper No 379.
- (5) (a) As per (4)(a).
- (b)-(c) See paper No 379.

MINISTRY OF PREMIER AND CABINET

Expenditure on Management of Matters of State

486. Mr BROWN to the Premier:

- (1) Has the Ministry of the Premier and Cabinet (the Ministry) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Management of matters of State (Output 2)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Ministry?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Ministry; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Ministry?

Mr COURT replied:

Please refer to the answer given in reply to question on notice 485 of 12/8/98.

MINISTRY OF PREMIER AND CABINET

Expenditure on Support for the Premier as Minister for Public Sector Management

487. Mr BROWN to the Premier:

- (1) Has the Ministry of the Premier and Cabinet (the Ministry) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Support for the Premier as Minister for Public Sector Management (Output 3)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Ministry?
- (4) Will the Premier provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Ministry; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Premier provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Ministry?

Mr COURT replied:

Please refer to the answer given in reply to question on notice 485 of 12/8/98.

MINISTRY OF PREMIER AND CABINET

Expenditure on Policy Development, Coordination and Advice

488. Mr BROWN to the Premier:

- (1) Has the Ministry of the Premier and Cabinet (the Ministry) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Policy Development, co-ordination and advice (Output 4)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Ministry?
- (4) Will the Premier provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Ministry; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Premier provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Ministry?

Mr COURT replied:

Please refer to the answer given in reply to question on notice 485 of 12/8/98.

MINISTRY OF PREMIER AND CABINET

Expenditure on Redeployees

489. Mr BROWN to the Premier:

- (1) Has the Ministry of the Premier and Cabinet (the Ministry) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Redeployees (Output 5)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Ministry?
- (4) Will the Premier provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Ministry; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Premier provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Ministry?

Mr COURT replied:

Please refer to the answer given in reply to question on notice 485 of 12/8/98.

MINISTRY OF PREMIER AND CABINET

Expenditure on Royal and other Commissions of Inquiry

490. Mr BROWN to the Premier:

- (1) Has the Ministry of the Premier and Cabinet (the Ministry) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Royal and other Commissions of Inquiry (Output 6)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Ministry?
- (4) Will the Premier provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Ministry; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Premier provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Ministry?

Mr COURT replied:

Please refer to the answer given in reply to question on notice 485 of 12/8/98.

STATE SUPPLY COMMISSION'S EXPENDITURE

491. Mr BROWN to the Minister for Services:

- (1) Has the State Supply Commission (the Commission) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Procurement, disposal and best practice guidelines policy advice, development and evaluation (Output 1)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Commission?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission?

Mr BOARD replied:

I am advised that:

- (1) Yes.
- (2) Not applicable.
- (3) The 1998/99 budget statements provide details of significant issues, trends and major initiatives for outputs.
- (4) The 1998/99 budget statements provide details of the State Supply Commission's outputs as well as a consolidated Operating Statement. All funding is allocated across the outputs, no unallocated amounts exist.
- (5) Details of the State Supply Commission actual 1997/98 expenditure in the form of its Annual Financial Statements are due to be submitted to the Office of the Auditor General and included in the State Supply Commission Annual Report which is subsequently tabled in Parliament.

STATE SUPPLY COMMISSION'S EXPENDITURE

492. Mr BROWN to the Minister for Services:

- (1) Has the State Supply Commission (the Commission) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Services to the Contracts Referee (Output 3)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Commission?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission; and

- (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission?

Mr BOARD replied:

I am advised that:

- (1) Yes.
- (2) Not applicable.
- (3) The 1998/99 budget statements provide details of significant issues, trends and major initiatives for outputs.
- (4) The 1998/99 budget statements provide details of the State Supply Commission's outputs as well as a consolidated Operating Statement. All funding is allocated across the outputs, no unallocated amounts exist.
- (5) Details of the State Supply Commission actual 1997/98 expenditure in the form of its Annual Financial Statements are due to be submitted to the Office of the Auditor General and included in the State Supply Commission Annual Report which is subsequently tabled in Parliament.

STATE SUPPLY COMMISSION'S EXPENDITURE

493. Mr BROWN to the Minister for Services:

- (1) Has the State Supply Commission (the Commission) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Accreditation model management, buying practice assessments, investigation and complaint management and advice (Output 2)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Commission?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission?

Mr BOARD replied:

I am advised that:

- (1) Yes.
- (2) Not applicable.
- (3) The 1998/99 budget statements provide details of significant issues, trends and major initiatives for outputs.
- (4) The 1998/99 budget statements provide details of the State Supply Commission's outputs as well as a consolidated Operating Statement. All funding is allocated across the outputs, no unallocated amounts exist.

- (5) Details of the State Supply Commission actual 1997/98 expenditure in the form of its Annual Financial Statements are due to be submitted to the Office of the Auditor General and included in the State Supply Commission Annual Report which is subsequently tabled in Parliament.

STATE SUPPLY COMMISSION'S EXPENDITURE

494. Mr BROWN to the Minister for Services:

- (1) Has the State Supply Commission (the Commission) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Secretariat services to the Commission (Output 4)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Commission?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission?

Mr BOARD replied:

I am advised that:

- (1) Yes.
- (2) Not applicable.
- (3) The 1998/99 budget statements provide details of significant issues, trends and major initiatives for outputs.
- (4) The 1998/99 budget statements provide details of the State Supply Commission's outputs as well as a consolidated Operating Statement. All funding is allocated across the outputs, no unallocated amounts exist.
- (5) Details of the State Supply Commission actual 1997/98 expenditure in the form of its Annual Financial Statements are due to be submitted to the Office of the Auditor General and included in the State Supply Commission Annual Report which is subsequently tabled in Parliament.

STATE SUPPLY COMMISSION'S EXPENDITURE

495. Mr BROWN to the Minister for Services:

- (1) Has the State Supply Commission (the Commission) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Procurement reform advice, awareness raising and implementation of Buying Wisely (Output 5)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Commission?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission; and

- (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission?

Mr BOARD replied:

I am advised that:

- (1) Yes.
- (2) Not applicable.
- (3) The 1998/99 budget statements provide details of significant issues, trends and major initiatives for outputs.
- (4) The 1998/99 budget statements provide details of the State Supply Commission's outputs as well as a consolidated Operating Statement. All funding is allocated across the outputs, no unallocated amounts exist.
- (5) Details of the State Supply Commission actual 1997/98 expenditure in the form of its Annual Financial Statements are due to be submitted to the Office of the Auditor General and included in the State Supply Commission Annual Report which is subsequently tabled in Parliament.

STATE SUPPLY COMMISSION'S EXPENDITURE

496. Mr BROWN to the Minister for Services:

- (1) Has the State Supply Commission (the Commission) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Education and facilitation of buying skills (Output 7)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Commission?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission?

Mr BOARD replied:

I am advised that:

- (1) Yes.
- (2) Not applicable.
- (3) The 1998/99 budget statements provide details of significant issues, trends and major initiatives for outputs.
- (4) The 1998/99 budget statements provide details of the State Supply Commission's outputs as well as a consolidated Operating Statement. All funding is allocated across the outputs, no unallocated amounts exist.

- (5) Details of the State Supply Commission actual 1997/98 expenditure in the form of its Annual Financial Statements are due to be submitted to the Office of the Auditor General and included in the State Supply Commission Annual Report which is subsequently tabled in Parliament.

STATE SUPPLY COMMISSION'S EXPENDITURE

497. Mr BROWN to the Minister for Services:

- (1) Has the State Supply Commission (the Commission) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Supply information management (Output 6)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Commission?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission?

Mr BOARD replied:

I am advised that:

- (1) Yes.
- (2) Not applicable.
- (3) The 1998/99 budget statements provide details of significant issues, trends and major initiatives for outputs.
- (4) The 1998/99 budget statements provide details of the State Supply Commission's outputs as well as a consolidated Operating Statement. All funding is allocated across the outputs, no unallocated amounts exist.
- (5) Details of the State Supply Commission actual 1997/98 expenditure in the form of its Annual Financial Statements are due to be submitted to the Office of the Auditor General and included in the State Supply Commission Annual Report which is subsequently tabled in Parliament.

STATE SUPPLY COMMISSION'S EXPENDITURE

498. Mr BROWN to the Minister for Services:

- (1) Has the State Supply Commission (the Commission) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Contract preparation, advice and management (Output 8)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or the Commission?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission; and

- (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or the Commission?

Mr BOARD replied:

I am advised that:

- (1) Yes.
- (2) Not applicable.
- (3) The 1998/99 budget statements provide details of significant issues, trends and major initiatives for outputs.
- (4) The 1998/99 budget statements provide details of the State Supply Commission's outputs as well as a consolidated Operating Statement. All funding is allocated across the outputs, no unallocated amounts exist.
- (5) Details of the State Supply Commission actual 1997/98 expenditure in the form of its Annual Financial Statements are due to be submitted to the Office of the Auditor General and included in the State Supply Commission Annual Report which is subsequently tabled in Parliament.

WESTLINK COMMUNICATION SERVICES' EXPENDITURE

499. Mr BROWN to the Minister for Works:

- (1) Has the Department of Contract and Management Services (CAMS) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Westlink Communication Services (Output 1)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or CAMS?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or CAMS; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or CAMS?

Mr BOARD replied:

I am advised that:

- (1) Yes.
- (2) Not applicable.
- (3) The 1998/99 budget statements provide details of significant issues, trends and major initiatives for outputs.
- (4) The 1998/99 budget statements provide details of the CAMS outputs as well as a consolidated Operating Statement. All funding is allocated across the outputs, no unallocated amounts exist.

- (5) Details of the CAMS actual 1997/98 expenditure in the form of its Annual Financial Statements are due to be submitted to the Office of the Auditor General and included in the Departments Annual Report which is subsequently tabled in Parliament.

GOVERNMENT CONTRACTS, EXPENDITURE

500. Mr BROWN to the Minister for Works:

- (1) Has the Department of Contract and Management Services (CAMS) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Government contracts (Output 2)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or CAMS?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
- (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or CAMS; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
- (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or CAMS?

Mr BOARD replied:

- (1) Yes.
- (2) Not applicable.
- (3) The 1998-99 Budget Statements provide details of the significant issues, trends and major initiatives for this output.
- (4) Because of the change to 1998-99 budget information is not available in the form requested. However, detail of the 1998-99 budget is provided for this output as indicated at (3) above.
- (5) Details of CAMS' 1997-98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department of Contract and Management Services Annual Report and subsequently will be tabled in Parliament.

GOVERNMENT CONTRACTS, EXPENDITURE

501. Mr BROWN to the Minister for Works:

- (1) Has the Department of Contract and Management Services (CAMS) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Agency Specific Contracts (Goods and Services) (Output 3)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or CAMS?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
- (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or CAMS; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?

- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
- (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or CAMS?

Mr BOARD replied:

- (1) Yes.
- (2) Not applicable.
- (3) The 1998-99 Budget Statements provide details of the significant issues, trends and major initiatives for this output.
- (4) 1998-99 budget information is not available in the form requested. However, detail of the 1998-99 budget is provided for this output as indicated at (3) above.
- (5) Details of CAMS' 1997-98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department of Contract and Management Services Annual Report and subsequently will be tabled in Parliament.

GOVERNMENT CONTRACTS, EXPENDITURE

502. Mr BROWN to the Minister for Works:

- (1) Has the Department of Contract and Management Services (CAMS) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Warehousing and furniture purchasing (Output 4)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or CAMS?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or CAMS; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or CAMS?

Mr BOARD replied:

- (1) Yes.
- (2) Not applicable.
- (3) The 1998-99 Budget Statements provide details of the significant issues, trends and major initiatives for this output.
- (4) 1998-99 budget information is not available in the form requested. However, detail of the 1998-99 budget is provided for this output as indicated at (3) above.
- (5) Details of CAMS' 1997-98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department of Contract and Management Services Annual Report and subsequently will be tabled in Parliament.

YOUTH POLICY DEVELOPMENT AND COORDINATION EXPENDITURE

503. Mr BROWN to the Minister for Works:

- (1) Has the Department of Contract and Management Services (CAMS) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Youth policy development and co-ordination (Output 5)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or CAMS?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or CAMS; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure; and
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or CAMS?

Mr BOARD replied:

- (1) Yes.
- (2) Not applicable.
- (3) The 1998-99 Budget Statements provide details of the significant issues, trends and major initiatives for this output.
- (4) 1998-99 budget information is not available in the form requested. However, detail of the 1998-99 budget is provided for this output as indicated at (3) above.
- (5) Details of CAMS' 1997-98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department of Contract and Management Services Annual Report and subsequently will be tabled in Parliament.

YOUTH PROGRAMS AND INITIATIVES EXPENDITURE

504. Mr BROWN to the Minister for Works:

- (1) Has the Department of Contract and Management Services (CAMS) prepared a budget for the expenditure provided in the 1998-99 Budget papers for Youth programs and initiatives (Output 6)?
- (2) If not, why not?
- (3) Does each head of expenditure make provision for certain programs, initiatives and priorities of the Government and/or CAMS?
- (4) Will the Minister provide details of the 1998-99 Budget Estimate of the costings, including -
 - (a) a list of each head of expenditure;
 - (b) the amount allocated to each head of expenditure;
 - (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or CAMS; and
 - (d) the amount that has not as yet been allocated to any program, initiative or priority?
- (5) Will the Minister provide details of the 1997-98 Estimated and Actual Expenditure for the costings, including -

- (a) a list of each head of expenditure;
- (b) the amount allocated to each head of expenditure; and
- (c) the amount allocated in each head of expenditure to programs, initiatives, and priorities of the Government and/or CAMS?

Mr BOARD replied:

- (1) Yes.
- (2) Not applicable.
- (3) The 1998-99 Budget Statements provide details of the significant issues, trends and major initiatives for this output.
- (4) 1998-99 budget information is not available in the form requested. However, detail of the 1998-99 budget is provided for this output as indicated at (3) above.
- (5) Details of CAMS' 1997-98 actual expenditure have been submitted to the Office of the Auditor General for auditing. These Financial Statements will be included in the Department of Contract and Management Services Annual Report and subsequently will be tabled in Parliament.

MINISTERIAL OFFICES

Staff, Vehicles, Mobile Phones and Credit Cards

556. Mr RIPPER to the Minister for Police:

With respect to the Minister's Office -

- (1) Will the Minister indicate for each staff person working in the Minister's office as at 11 August 1998 the following details -
 - (a) name;
 - (b) level; and
 - (c) type of employment contract?
- (2) How many vehicles are attached to the office and what are the names of the staff to which they are allocated?
- (3) How many mobile phones are available at the Minister's office and to which staff are they allocated?
- (4) How many Government credit cards have been authorised for use in the Ministerial office and to which officers have they been allocated?

Mr PRINCE replied:

- | (1) | (a) | (b) | (c) |
|-----|-----------------|-----------|-----------------------------|
| | Mr K Humfrey | A/Level 8 | Public Servant |
| | Mr Blair McGlew | A/Level 5 | Term of Government Contract |
| | Ms K Stoney | Level 6 | Term of Government Contract |
| | Ms B Rhodes | A/Level 4 | Public Servant |
| | Ms C Yii | A/Level 4 | Public Servant |
| | Ms V Liakos | A/Level 4 | Public Servant |
| | Mr D Woollorton | Level 4 | Ministerial Contract |
| | Mrs J Bowman | A/Level 2 | Public Servant |
| | Ms A Donnelly | Level 2 | Ministerial Contract |
| | Mrs T Lawry | Level 2 | Ministerial Contract |

(2)-(4)

	Vehicles	Mobile Phones	Credit Cards
Mr K Humfrey	Yes	Yes	Yes (x1)
Mr Blair McGlew	Yes	Yes	No
Ms K Stoney	Yes	Yes	Yes (x1)
Ms B Rhodes	No	Yes	Yes (x2)
Ms C Yii	No	No	Yes (x2)
Mr D Woollorton	No	Yes	No
Mrs J Bowman	No	No	Yes (x1)
Ms A Donnelly	No	No	Yes (x1)
Mrs T Lawry	No	No	Yes (x1)
*Office Vehicle	Yes		

* Not allocated to any particular staff member.

HOMESWEST

Mandurah

594. Mr NICHOLLS to the Minister for Housing:

- (1) How many people/families have been provided with rental accommodation by Homeswest in Mandurah for each of the last five years?
- (2) How many of these people/families were -
 - (a) seniors;
 - (b) families;
 - (c) single; and
 - (d) other?

Dr HAMES replied:

- (1)-(2) The information provided below relates to accommodation allocated by Homeswest's Mandurah office and includes allocations made in the following areas;

Coodanup, Greenfields, Mandurah and Pinjarra.

	1994	1995	1996	1997	1998*
Seniors	66	30	35	34	34
Families	87	90	95	77	61
Singles	0	6	1	11	12
Others	10	1	3	2	1
Total	163	127	134	124	108

* 1998 figures are to 31/10/98

MARY MARTINI AND ASSOCIATES

682. Mr RIEBELING to the Premier:

- (1) Has the company Mary Martini and Associates received any advertising or public relations contracts with the Government?
- (2) If yes, who were the contracts with and what were the value of the contracts?

Mr COURT replied:

I am advised that:

Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

Ministry of the Premier and Cabinet: A search of the Ministry of the Premier and Cabinet's records has failed to provide any evidence of contracts with Mary Martini and Associates.

Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

The Department of Commerce and Trade

(1) Yes.

(2) The Department of Commerce and Trade's Office of Aboriginal Economic Development contracted Mary Martini and Associates to conduct Western Australia's inaugural Indigenous Business Awards. The value of the contract was \$49 000. The company was selected from the Department of Contract and Management Services' Panel Period Contract for Media and Public Relations (No.231B1996).

Minister for Primary Industry; Fisheries:

(1)-(2) Advice received from all agencies and departments under my control indicate that there have been no dealings with the company Mary Martini and Associates.

Minister for the Environment; Labour Relations:

WorkSafe Western Australia:

(1) Yes.

(2) WorkSafe Western Australia paid the Martini Group (Mary Martini and Associates) \$3,000 for a display booth at the Joy '98 expo. This was an Office of Youth Affairs initiative held on The Esplanade in March 1998.

Minister for Housing, Aboriginal Affairs, Water Resources:

(1) Yes.

(2) The Aboriginal Affairs Department had contracts with Mary Martini Associates during the 1995/96 financial year. The value of these contracts were:-

- (i) \$4,499.00
- (ii) \$4,000.00
- (iii) \$750.00

Minister for Works; Services; Citizenship and Multicultural Interests; Youth:

Office of Youth Affairs

(1)-(2) Mary Martini and Associates received a contract from the Office of Youth Affairs. The value of the contract was \$50 000 plus commissions. Total commissions paid were \$26 253. This was not, however, for advertising or a public relations project but for the organisation of the four day JOY 98 festival which was held in March this year. JOY 98 was a forum for State, Commonwealth and local government agencies, along with the private sector, to promote their products and services to young people, parents, teachers, youth workers and others in the community. There were more than 80 exhibitors providing a vast array of information which ranged from career advice to community services. A highlight of JOY 98 was the Cadet Parade through the streets of Perth. The Governor of Western Australia took the salute from more than 1,000 cadets from the Emergency Services Cadet Corps, Police Rangers, Air Training Corps, Naval Reserve Cadets and Army Cadet Corps.

GOODS AND SERVICES TAX

Disclosure of Amount on Products

711. Mr BROWN to the Premier:

- (1) Is the Premier aware if the Goods and Services Tax (GST) proposed by the Howard Federal Government will be transparent in that it will be shown on all products sold in supermarkets, local convenience stores and elsewhere?
- (2) In pricing products, will the seller be required to disclose to the purchaser the amount of GST in each product?
- (3) Is it true that under the proposed changes sellers would only be required to display the selling cost of the product and not be required to disclose the amount of GST on each product?
- (4) Is it true that products will have a price which contains the GST and not a price which requires the retailer to add the GST on the purchase price?

Mr COURT replied:

- (1) The details on how GST will be presented, in terms of the price of goods and services, are unclear at this stage but are expected to be addressed in the Commonwealth legislation. Nevertheless, it is our understanding that the Commonwealth has stated that displayed prices will include any GST payable. The Commonwealth's proposal involves the Australian Competition and Consumer Commission (ACCC) being given strengthened powers to counter consumer exploitation and excessive profit taking from twelve months prior and two years after introduction of the GST.
- (2) Registered businesses will charge GST when they sell (supply) taxable goods and services to another business or consumer. Businesses will claim credits on the GST they have paid on their inputs. In this way, tax will be collected only on the value added by each business in the production and distribution chain, with the tax being ultimately borne by the final consumer.
- (3)-(4) Sellers will be required to collect the GST on all sales. A limited range of services will be GST free (e.g. exports, health, education, child care, local government and water rates), and a 10% GST will apply to all other products.

SAFER WESTERN AUSTRALIA CAMPAIGN

769. Dr CONSTABLE to the Premier:

- (1) What funding has been allocated to the Safer Western Australia Campaign?
- (2) Who are the members of the Safer Western Australia Council?

Mr COURT replied:

- (1) \$500 000 initial allocation.
- (2) Mr Robert Falconer APM
Mr Robert Fisher
Mr John Hudson OAM
Mrs Esther Roadnight
Mr Garth Eichhorn
Cr. John Hyde
Mrs Glynis Sibosado
Mr Grant Jones
Mrs June van de Klashorst MLA
Mr Alan Piper
Mr John Lynch
Mr Stephen Wood
Mr Hayden Lowe

VICTORIA QUAY DEVELOPMENT

784. Mr BROWN to the Premier:

- (1) Who is responsible for seeking public opinion during the consultation period for the Victoria Quay proposal?
- (2) Is this responsibility a component of any contract tendered by the Government Property Office?
- (3) Will public concerns be published in a report at the end of the consultation period?
- (4) Has the Government Property Office consulted with local property and real estate developers with regard to commercial proposals for the Victoria Quay development and, if so, which developers?
- (5) What proposals have been received with regard to the commercial development of aspects of the Victoria Quay precinct, and from whom?
- (6) What estimates have been made of leasable area within the Victoria Quay precinct as a result of the development?
- (7) Which educational institutions, if any, have been consulted, or have indicated an interest in the Victoria Quay development?

Mr COURT replied:

- (1) The Government Property Office is responsible for seeking public opinion and has engaged the firm of Urban Planners, Cox Howlett & Bailey Woodland to undertake this role.
- (2) The tendered Urban Planning consultancy awarded to Cox Howlett & Bailey Woodland requires the consultant to liaise with relevant stakeholders in the development of a masterplan for the west end of Victoria Quay.

- (3) Yes.
- (4) Only informal consultation in broad terms has occurred.
- (5) No proposals have been sought at this stage.
- (6) It is too early for this level of detail to be determined. This information will only be available after the finalisation of the masterplan.
- (7) Some discussions have taken place with South Metropolitan College of TAFE, John Curtin Senior High School and Notre Dame, Murdoch and Curtin Universities.

REAL ESTATE COMPLAINTS

970. Ms MacTIERNAN to the Minister for Fair Trading:

In regard to complaints received by the Housing and Real Estate Policy Directorate of the Ministry of Fair Trading -

- (a) how many complaints have been received in the last financial year;
- (b) how many of these complaints have been referred to -
 - (i) the Real Estate Agents Supervisory Board; and
 - (ii) the Settlement Agents Supervisory Board;
- (c) how many of these complaints have resulted in disciplinary proceedings; and
- (d) how many complaints have involved an application to the fidelity fund?

Mr SHAVE replied:

I am advised by the Ministry of Fair Trading that on 30 April 1998 the functions of the Housing and Real Estate Policy Directorate were transferred as follows:

Housing - incorporated into the Housing, Travel and Service Industries Directorate; and
Real Estate Policy - incorporated into the Legal, Competition and Real Estate Policy Directorate.

The Ministry of Fair Trading has therefore provided the following response for the period 1 July 1997 to 30 April 1998:

- (a) 802.
- (b) (i) 1.
(ii) None.
- (c) 1.
- (d) 7.

Complaints relating to housing matters are not referred to either the Real Estate or Settlement Agents Supervisory Boards as they are outside these Board's jurisdictions. Complaints relating to Real Estate or Settlement Agents are initially directed to the Real Estate Industry Business Unit of the Ministry of Fair Trading and then, after investigation and where appropriate, to the Real Estate or Settlement Agents Supervisory Boards.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1049. Mr RIEBELING to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

- (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 SHAVE replied:

LANDCORP, MINISTRY OF FAIR TRADING, WAEC

- (1) No.
- (2)-(4) Not applicable.

DOLA

- (1) Yes.
- (2)
 - (a) Provide advice on disciplinary investigation process under the Public Sector Management Act.
 - (b) Contracted as the "Disciplinary Inquirer" under the Public Sector Management Act.
 - (c) Public Sector Standards Selection Review.
- (3)
 - (a) Caroline Hudson.
 - (b) John Negus.
 - (c) Marie Stokes.
- (4)
 - (a) \$1,110
 - (b) \$960
 - (c) \$439.50

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1119. Mr KOBELKE to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

- (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?

Mr SHAVE replied:

LANDCORP, DOLA, WAEC

- (1) No.
- (2) Not applicable.

MINISTRY OF FAIR TRADING

- (1) Yes.
- (2)
 - (a) Real Estate and Business Agents Supervisory Board.
 - (b) Real Estate Institute of Western Australia.
 - (c) To conduct professional development training for agents and their employees, to assist in the purchase of training aids, and to subsidise the qualification course for non-metropolitan sales representatives for cost equalisation.
 - (d) \$231,993.73
 - (a) Settlement Agents Supervisory Board.
 - (b) Australian Institute of Conveyancers.
 - (c) To conduct professional development training for agents and the development of industry practice manual.
 - (d) \$14,499.68

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1127. Mr KOBELKE to the Minister for Police; Emergency Services:

- (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?

Mr PRINCE replied:

- (1) No.
- (2) Not applicable.

ARGYLE DIAMOND INQUIRY

1147. Mrs ROBERTS to the Minister for Police:

- (1) Will the Minister please advise if he is satisfied with the professionalism of the police service, relating to the overall investigation of the Argyle Diamond Mine matter?
- (2) In all how many complaints have been made out against Sergeant Noye?
- (3) What are the reasons for the withdrawal of all the complaints against Sergeant Noye?
- (4) Has the officer who originated the complaints and charges in the Argyle Diamond inquiry been promoted?
- (5) How many statements did Sergeant Thoy take during his investigation of this matter?
- (6) In view of the Federal Police report and constant documentation suggesting a member of the Argyle inquiry be investigated, why has it taken police years to act on a matter brought to their attention?
- (7) Was Mrs Crimmins considered a major prosecution witness in this inquiry?
- (8) Did Mrs Crimmins make a complaint against police protective services during this inquiry?
- (9) Was the matter complained about considered serious?
- (10) What was the outcome of the complaint made against police?
- (11) As the result of Mrs Crimmins making a complaint were there any charges made by police relative to this matter?

Mr PRINCE replied:

- (1) Yes. The three investigations into matters relating to Argyle Diamond Sales Pty Ltd were historical in nature and do not reflect the current investigative practices employed by the Police Service. The Commissioner of Police, on advice made available to him, appointed the Australian Federal Police (AFP) Taskforce to investigate the previous investigations.
- (2) Detective Senior Sergeant Noye was committed on six charges.
- (3) This question requires response by the Office of the Director of Public Prosecutions.
- (4) Specific advice of the name of the officer referred to in the question is required as a number of officers were involved in the investigation.
- (5) A review of records indicates that no statements were taken by former Detective Senior Sergeant Thoy.
- (6) The AFP Argyle Report was tabled in Parliament in September 1996. Officers from the Internal Investigations Unit launched an investigation shortly after this date. The investigation was stopped and held in abeyance after advice was received from the Director of Public Prosecutions (DPP) that he was considering the issuance of an indictment against Detective Senior Sergeant Noye in relation to the matter central to the complaint. At that time, ie, September 1996, Detective Senior Sergeant Noye had already been committed for trial for a criminal offence relating to the matter central to the complaint. On receipt of advice, in December 1997, that the DPP had entered a nolle prosequi in respect of the matter the internal investigation was re-commenced. When the investigation was concluded a criminal charge was preferred against Detective Sergeant Gwilliam.
- (7) This question should be referred to the DPP.
- (8) Mrs Crimmins made a number of complaints, however none were directed against the Police Protective Services Counter Terrorist Unit. A complaint by Mrs Crimmins was made against a former member of the then Witness Protection Unit.
- (9) The allegation by Mrs Crimmins was of a serious nature and was investigated.
- (10) The allegation was not sustained. Assessment by the Office of the Parliamentary Commissioner for Administrative Investigations found that the matters raised by Mrs Crimmins had been adequately investigated.
- (11) No.

EUCLA POLICE STATION - SECURITY VEHICLE

1148. Mrs ROBERTS to the Minister for Police:

- (1) Is it the case that Eucla Police Station has two Holden sedans used for traffic duties including a 4 x 4 vehicle which doubles as a rescue facility and a Mazda security vehicle which is frequently utilised to transport prisoners?

- (2) Is the Police Service intending to remove the security vehicle from Eucla without a suitable replacement ?
- (3) Should Eucla be deprived of a security vehicle, will this reduction of a support vehicle require an additional police officer to accompany prisoners when being conveyed to other detention areas?
- (4) In the event of Eucla Police Station losing the use of a security vehicle what will the additional cost be in hours to supply extra police as escorts and what will be the financial cost of this per year?

Mr PRINCE replied:

- (1) Yes.
- (2) No. The Central Region Commander does intend to remove the Mazda security vehicle from Eucla to another location, however, not until a similar security cage is placed into the second 4 x 4 vehicle at that location.
- (3) Not applicable. Eucla will have a security vehicle as outlined in question 2.
- (4) Not applicable.

POLICE - DRIVER TESTING OF PRISONERS

1149. Mrs ROBERTS to the Minister for Police:

- (1) Will the Minister advise if Government is intending to allow police resources to be utilised to undertake driver testing of prisoners in this State?
- (2) Are police officers being seconded to these duties?
- (3) Are all persons conducting driver testing accredited to do so?
- (4) What is the estimated cost to the taxpayer should this driver testing be carried out by police?
- (5) What are the details of the vehicles to be used for driver testing duties?
- (6) Should Government vehicles be used, are these vehicles insured against damage and what liability will the Government undertake should a prisoner be injured, or injure a member of the public prior to obtaining a driver's license?
- (7) What is the Government liability should a prisoner use the driver training vehicle to escape?
- (8) Who pays for the motor drivers license should the driver pass the driving test?

Mr PRINCE replied:

- (1) The partnership between police and Ministry of Justice is planned to continue in the Albany and Northam Police Districts. No other area in the Southern Region is involved in this issue.
- (2) In the Albany Police District staff from Mount Barker Police Station currently undertake driver testing of prisoners. In the Northam District officers spent a total of 13 hours on this function between 9/96 and 9/97 and 8 hours between 9/97 and 9/98 (less than one hour per month).
- (3) By virtue of their office. In the Albany and Northam Districts Police have conducted and continue to conduct Motor Drivers License Tests and have done so for many years.
- (4) Each driving test at Mount Barker takes approximately 20 minutes and is conducted by a 1st Class Constable or Senior Constable. Costs incurred in each instance range from \$6.50 to \$7.00. In the Northam District total salary cost 9/97-9/98 for prior testing is about \$160.00.
- (5)-(7) In both areas Police vehicles are not used, driving school vehicles are provided.
- (8) Prisoner.

GOVERNMENT DEPARTMENTS AND AGENCIES - ANNUAL REPORTS, COSTS

1192. Mr BROWN to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

- (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?

Mr SHAVE replied:

DOLA

- (1)
 - (a) Artwork was done in-house and was not separately costed.
 - (b) A printing quotation has been accepted for \$8,877.00.
 - (c) Postage is estimated to be \$395.00.
 - (d) The report was written in-house and has not been separately costed.
- (2)
 - (a) Artwork was done in-house and was not separately costed.
 - (b) \$5,880.00
 - (c) Postage is estimated at \$375.00.
 - (d) The report was written in-house and has not been separately costed.
- (3) No.
- (4)
 - (a) Printing.
 - (b) A quotation of \$8,877.00 has been accepted.
- (5) No.
- (6)
 - (a) Printing.
 - (b) \$5,880.00.
- (7) Lamb Printers Pty Ltd will print the 1997-98 Annual Report.
- (8) Lamb Printers Pty Ltd.
- (9) 700 will be printed.
- (10) 650

MINISTRY OF FAIR TRADING

- (1)
 - (a) \$944.
 - (b) \$14,969.
 - (c) Postage is estimated to be \$324.
 - (d) Nil.
- (2)
 - (a) \$720.
 - (b) \$16,000.
 - (c) Postage is estimated to be \$324.
 - (d) Nil.
- (3) No.
- (4)
 - (a) Photography, design, typesetting and printing.
 - (b) \$15,913.
- (5) No.
- (6)
 - (a) Photography, design, typesetting and printing.
 - (b) \$16,720.

(7)-(8) Planet Creative Media.

(9)-(10) 500 copies.

(10) 500 copies.

LANDCORP

(1) The cost of artwork and production for the 1997/98 Annual Report has not yet been fully incurred but is estimated at \$25,000. Distribution costs are estimated to be in the order of \$700.

(2) \$25,000

(3) The 1997/98 Annual Report was written internally, and produced externally.

(4) (a) Artwork, design, production and publication.
(b) \$25,000

(5) The 1996/97 Annual Report was written internally, and produced externally.

(6) (a) Artwork, production and publication.
(b) \$25,000

(7) Egg Design Group.

(8) Eclipse Corporation.

(9) 1000 copies.

(10) 800 copies.

WAEC

(1) (a) \$2,945 (artwork) plus \$2,940 (negatives); total \$5885
(b) \$4425
(c) \$200
(d) All writing done within the Western Australian Electoral Commission.

Total Cost of 1997-98 Annual Report: \$10,310.

(2) (a) \$5,632
(b) \$6,434
(c) \$150.

Total Cost of 1996-97 Annual Report: \$12,066.

(3) Yes.

(4) (a)-(b) Not applicable.

(5) Yes.

(6) (a)-(b) Not applicable.

(7) Scott Four Colour Print.

(8) Supreme Printers.

(9)-(10) 500.

BIKIE GANGS - POLICE PRESENCE OUTSIDE HEADQUARTERS

1207. Mrs ROBERTS to the Minister for Police:

Will the Minister advise with respect to 23 October 1998 -

- (a) what was the number of police officers, vehicles and ancillary support present outside the headquarters of the Coffin Cheaters bikie gang;
- (b) what was the number of police officers, vehicles and ancillary support present outside the headquarters of the Club Deroes bikie gang on the same date; and
- (c) what was the total cost of the operation?

Mr PRINCE replied:

- (a) There were sufficient resources provided to undertake roadblock and random breath testing activities outside premises of the Coffin Cheaters Outlaw Motor Cycle Gang.
- (b) The Western Australia Police Service has in place a number of strategies to monitor the activities of Outlaw Motor Cycle Gangs as part of an ongoing operation known as Task Force Gallipoli. It is inappropriate to enlarge on those strategies at this time.
- (c) Costs of the operation are ongoing and no specific details of this segment of the operation are available at this time.

CRIME CONFERENCE - COSTS

1208. Mrs ROBERTS to the Minister for Police:

- (1) Will the Minister detail the expenditure involved in the last Crime Conference held in Perth at the Hyatt Hotel?
- (2) What was the cost of the lunches supplied to the partners of the attending police representatives?
- (3) How many hours did members of 79 Division expend driving delegates' partners to restaurants for lunch and waiting outside these restaurants while spouses consumed meals?
- (4) Will the Minister advise -
 - (a) which restaurants were utilised for this purpose;
 - (b) how many people dined at each restaurant;
 - (c) what was the bill at each restaurant; and
 - (d) who met the cost?
- (5) How many officers from 79 Division were involved?
- (6) Is it normal to utilise operational Police Response Units to undertake driving duties, for what may be termed social outings?
- (7) Is this a normal practice within the current Police Service to utilise Police operational resources in this manner ?

Mr PRINCE replied:

If the member is referring to the Australasian Crime Conference and Seminar ("the Conference"), I am advised the 1997 Conference was held in Brisbane and hosted by the Queensland Police Service. The Western Australia Police Service hosted the 1996 Conference which was held between November 18 and 22, 1996 at the Langley Plaza Hotel. To my knowledge, the Police Service has not hosted a conference at the Hyatt Hotel.

POLICE FIREARMS - THEFT FROM SECURITY SAFE

1210. Mrs ROBERTS to the Minister for Police:

- (1) Will the Minister advise on the circumstances relating to the theft of a firearm from a locked and approved firearm security safe, as reported in *The West Australian* between 5 and 9 October 1998?
- (2) Are the current firearm security safes adequate?
- (3) On an average month how many police officers take police issue firearms home?
- (4) Is there an administrative control or recording centre which records or identifies police issue firearms held in private premises overnight, or during times when authorised police officers have firearms in their possession during weekly leave, or days off duty?
- (5) What security is provided for police officers who take service firearms to their private premises overnight?

Mr PRINCE replied:

- (1) The owners were away in Perth attending an eighteenth birthday party when offenders entered their residence through an unlocked rear door. Once inside the residence, the offenders searched through drawers and cupboards in the premises and located the key to the firearms storage cabinet.
- (2) Yes.

- (3)-(4) Police officers do not take their police issue firearms home on a regular basis. There may be certain, exceptional circumstances where police officers are required to take firearms home, however, they must have approval from their Superintendent In Charge and they must be able to demonstrate that they have suitable storage and security in their home in accordance with the Firearm Regulations.
- (5) In circumstances where police officers take their police issue firearms home, the Western Australia Police Service provides a storage cabinet which complies with the Firearm Regulations.

POLICE SEARCH - MR RONALD JONKER

1211. Mrs ROBERTS to the Minister for Police:

- (1) What Police resources and/or other resources were devoted to the search for Ronald Jonker and his three children on 22 October 1998?
- (2) What was the total cost of the search?
- (3) At what time and on what date was the Royal Australian Air Force asked to assist?
- (4) Was consideration given to the use of the FLIR camera and if so, why wasn't it used?

Mr PRINCE replied:

At the present time, the murder/suicide of Ronald Jonker and his three children is the subject of a Coroners Investigation. It would be improper to comment on any issue relating to this incident until the Coroner releases his findings on the evidence which will be presented to him.

POLICE OPERATION - OLD COAST ROAD, MANDURAH

1212. Mrs ROBERTS to the Minister for Police:

- (1) Will the Minister advise the circumstances relating to a Police operation during 10 and 11 October 1998 on the South West Highway involving up to 84 Police officers, including members of the Tactical Response Group on the Old Coast Road near Mandurah ?
- (2) Did police stop vehicles and conduct random searches of vehicles?
- (3) What were the circumstances which caused the police to effect a random search of vehicles?
- (4) Under what section of what legislation were the vehicles in question searched?

Mr PRINCE replied:

- (1) Traffic management and road safety is one of five core functions carried out by the Western Australia Police Service. Traffic density utilising the Old Coast Road near Mandurah is becoming extremely high and has been subject to many fatal and serious traffic crashes in the past. In an effort to conduct a proactive response to the alarming trend of serious and fatal traffic crashes, the Bunbury Police District conducted two simultaneous road block operations, in Mandurah and Waroona, with focus on: speeding vehicles, drink drivers, vehicle and driver licence validity and vehicle roadworthiness. "Operation Synergy" as it was termed, due to its two-pronged approach, utilised extra resources from Perth to complement local resources. Utilisation of the Tactical response Group had several benefits. The group was available on the dates requested, the operation was treated as a deployment training exercise and it provided multiskilling for officers in proactive and traffic related policing, (who otherwise are engaged in other crime related duties).
- (2) Police did not conduct random searches of vehicles.
- (3) Police did, through the normal course of the operation, have occasion to check the roadworthiness of some vehicles stopped at the roadblock as deemed necessary. This duty can often necessitate some access to the vehicle, dependent on the vehicle fault.
- (4) Vehicle roadworthiness checks were carried out under the provisions of Regulation 109 of the Road Traffic (Vehicle Standards) Regulations 1977.

POLICE - OFFICE EQUIPMENT

1213. Mrs ROBERTS to the Minister for Police:

- (1) Will the Minister advise the circumstances relating to the financial support given to the Police Service regarding stationery and similar items?

- (2) Is it a fact that supplies such as paper punches are shared between officers stationed kilometres apart?
- (3) What section of the Police Service issued the instruction to share office equipment?
- (4) Will the Minister table any such instructions or advice?

Mr PRINCE replied:

- (1) An expenditure total relating to the purchase of stationery items is not available from the agency financial management system. However the financial category covering stationery as well as other related items is Consumables, where agency expenditure in 97/98 totalled \$3.3m.
- (2)-(4) I am not aware of any situations where paper punches or similar items are shared by officers stationed kilometres apart. Should the member of Midland be able to provide further information, further investigation will be undertaken.

WHITEMAN PARK - FEES FOR SPORTS CLUBS

1222. Mr BROWN to the Minister for Planning:

- (1) How many sports clubs/groups have facilities at Whiteman Park?
- (2) Are any of the clubs/groups charged for the facilities?
- (3) How much does each club pay?
- (4) What formula does the Government use in setting fees?
- (5) When were the fees last set for each club?

Mr KIERATH replied:

- (1) There are 24 sports and other clubs and groups of a voluntary nature with facilities within Whiteman Park.
- (2) Yes.
- (3) The current annual income from each group is as follows:-
 WA Light Railway Preservation Association Inc - \$140 + 5% of turnover
 Perth Electric Tramway Society Inc - \$110 + 5%
 WA Model Aircraft Sport Centre Inc (Representing 5 groups) - \$923
 Tractor Museum of WA Inc - 15% of turnover
 Motor Museum (Combined Car Clubs) - 40% of turnover
 Whiteman Park Pottery Association Inc - \$3750 + 5%
 Whiteman Park Crafts Association Inc - \$3350 + 5%
 Woodmagic Inc - \$2250 + 5%
 Bus Museum of Western Australia Inc - \$1200
 Astronomical Society of Western Australia Inc - \$174
 Model Off Road Buggy Club Inc - \$50
 Horseman's Pony Club Inc - \$593
 Perth Regional Appaloosa Club Inc - \$190
 WA Shooting Association Inc (Representing 7 groups) - Nil.
- (4) Lease payments are calculated as a 4% per annum return on the assessed market value of the land area or building occupied, based on the existing use, this valuation being done by an external independent property valuation consultant. Where a group makes use of an area of the park but does not have or need exclusive access to that land, such as the area over-flown by the model aircraft, and some horse riding areas, a licence fee is charged in lieu of lease rental, at 20% of the equivalent lease payment for that area. Organisations that sell a product or service are charged a licence fee of 5% of turnover in addition to lease rental.
- (5) Rentals and licence fee rates were last set for all of these groups effective from 1 July 1996, being the commencement date of the leases.

ROCKINGHAM POLICE STATION - REDUCTION OF POLICE NUMBERS

1224. Mr McGOWAN to the Minister for Police:

- (1) Has there been a net reduction in the number of police officers based at the Rockingham Police Station or District?
- (2) Has there been a loss of officers from the Rockingham CIB?
- (3) Are these officers going to be replaced?

- (4) If not, why not?
 - (5) Does the Government recognise Rockingham's enormous population growth and the need for more police officers?
- Mr PRINCE replied:
- (1)-(2) No.
 - (3)-(4) Not applicable.
 - (5) The Government is well aware of the population growth in the 'southern corridor' in the Rockingham City area. Government agencies including the Western Australian Planning Commission are involved in projects and planning for the area. The Police Service are also aware of the expanding population and planning for another police station to be constructed in the southern area of Rockingham City has commenced.

PORT KENNEDY DEVELOPMENT - DAMAGE TO ENVIRONMENT

1264. Dr EDWARDS to the Minister for Lands:

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?

Mr SHAVE replied:

- (a) Yes.
- (b) Not applicable.
- (c) No.

FINANCE BROKING INDUSTRY DEREGULATION - SUBMISSIONS TO MINISTRY OF FAIR TRADING

1268. Ms MacTIERNAN to the Minister for Fair Trading:

- (1) Has the Minister or the Ministry of Fair Trading received any representations from the Real Estate Industry of Western Australia concerning the deregulation of the finance broking industry -
- (2) If the answer to (1) above is yes -
 - (a) when were they made;
 - (b) to whom were the submissions made; and
 - (c) will the Minister table those submissions?

Mr SHAVE replied:

- (1) No. In a letter dated 8 October 1998, the Real Estate Institute of Western Australia (REIWA) advised the Ministry of Fair Trading that as financial services are not directly connected with REIWA itself, it would not necessarily be appropriate for REIWA to make comment on the proposed amendments to legislation affecting the mortgage and financial services industry.
- (2) Not applicable.

QUESTIONS WITHOUT NOTICE

STIRLING HIGHWAY, REMOVAL OF POWER POLES

361. Mr McGOWAN to the Minister for Energy:

I refer to the minister's media statement issued on Monday announcing the removal of steel power poles and the sinking of power lines along Stirling Highway.

- (1) What is the total cost of this portion of the Government's underground power program?
- (2) What contribution will local government, local residents or local businesses be making to the sinking of power lines along Stirling Highway?
- (3) If local government, residences or businesses are not contributing to the cost, why not?
- (4) Is it only a coincidence that this project is taking place in the minister's electorate and the Premier's electorate?

Mr BARNETT replied:

- (1)-(4) No. The member for Rockingham has a peculiar interest in my electorate of Cottesloe. I appreciate his commitment and interest. Although he has such an acute interest in the Cottesloe electorate, he shows little knowledge of it. Had he paid attention to previous statements, including that one, he would have understood that as each residential area along Stirling Highway is done according to the objective criteria of the program and the objective selection criteria, the steel poles will disappear as a part of that program. The first part to be done, in which the steel poles will disappear, will be the section through Cottesloe because the east ward of Cottesloe is about to have underground power. That will also happen as the work progressively reaches Claremont. Over a five-year period those powers lines and the poles will all disappear along Stirling Highway. Stirling Highway is probably the main thoroughfare and the most popularly travelled route between Perth and Fremantle. That cost will be shared between the State Government, Western Power, local government and residences, as with all underground power programs; however, I anticipate that Main Roads or the Department of Transport will also contribute because it could be argued that the power lines and poles should have been removed when the trolley bus service was discontinued 20 years ago.

WANNEROO ELECTORATE, YOUTH FACILITIES

362. Mr MacLEAN to the Minister for Youth:

My electorate of Wanneroo has the highest proportion of young people in any area of Perth. What is the State Government doing to assist with youth facilities in this region?

Mr BOARD replied:

I thank the member for some notice of this question. Two weeks ago the Australian Bureau of Statistics and the National Youth Affairs Research Scheme - which is chaired by the Western Australian Office of Youth Affairs - launched a publication which provides the most up-to-date information available on youth in Western Australia. It is the first time that the ABS figures have been published on the basis of local government authorities. It outlined that the Wanneroo-Joondalup area has the largest number of young people of all Western Australian authorities. That is not surprising considering that these are large local government authorities in growing areas on the outskirts of the metropolitan region. Therefore, it is incumbent on the Government to ensure that as many facilities as possible are provided for young people there. The State, in conjunction with local authorities, is providing those facilities. This very morning I opened another skateboard facility in the Wanneroo area. This facility is unique as young people have played a strong role in its design concept. It is portable and can be used for exhibitions or taken to other locations for skateboarding purposes. The insurance problems which have surrounded other skateboard facilities have been overcome. This is the eleventh new skateboard facility in Western Australia, 10 of which were funded through the Office of Youth Affairs in conjunction with local authorities. The Government has a strong commitment to assist local authorities and youth groups in providing youth facilities. I commend the member for Wanneroo for his involvement in this innovative facility as young people had a strong input to its design and provided labour in its construction. I urge all members to become aware of this program and to look at youth facility requirements in their electorates.

PUBLIC UTILITIES, RECORDS

363. Ms McHALE to the Premier:

Under the proposed new record keeping legislation, the State's public utilities of the Water Corporation, AlintaGas and Western Power will be exempt from providing documents required to investigate the circumstances surrounding a public disaster.

- (1) Why are public utilities quarantined from full public scrutiny in the light of the Sydney Water contamination crisis and the Longford gas plant explosion, for which records proved to be essential in subsequent investigations?
- (2) In the light of those disasters, is there not an argument for more, not less, accountability for our water, gas and electricity utilities?

Mr COURT replied:

I thank the member for some notice of this question. I cannot give the member the specific answer outlining which bodies are exempt from document provision. I am aware that some of the regulatory bodies are not exempt. I will take that question on notice and provide a response later.

PLANNING INITIATIVES OF THE STATE GOVERNMENT

364. Mr JOHNSON to the Minister for Planning:

The Leader of the Opposition has accused the Government of focusing solely on the Perth central business district. Can the Minister for Planning inform the House of any initiatives which show this claim to be patently false?

Mr KIERATH replied:

The Opposition sometimes, in an attempt to look like an Opposition, opposes the Government's actions without considering the issues involved. I made that point to the member for Maylands on a previous occasion when the Opposition ignored certain issues. In a previous question time in which the Premier informed the House of improvements to the city of Perth, the ALP accused him of not caring about the rest of the State. That claim is so far from the truth that it could only have come from the Australian Labor Party. The Government has made a number of exceptional planning initiatives - some members opposite would agree - a prominent example of which is the livable neighbourhoods project. I informed the House on a previous occasion of this initiative. Members opposite were either not paying attention or were playing cheap politics at the time; it was one or the other. The aim of the livable neighbourhoods program is to foster a greater sense of community, rather than dividing communities. That program has direct and indirect advantages: It includes flexibility in living and working lifestyles, and involves the better provision of essential services. The initiative is designed to make the streets less friendly to crime, or anti-crime.

Several members interjected.

Mr KIERATH: Members of the Opposition would have a few friends in that category.

The livable neighbourhoods initiative is a response to the changing lifestyles and work patterns of many Western Australians. It is a progressive policy. It can be piloted in new developments and redevelopments, if that is what people want. It is going extremely well. Most of the development community and the general community are responding to livable neighbourhoods in a good way. This government initiative shows how hollow are the opposition accusations. What did the Opposition do in its 10 years in government? In opposition all it can do is criticise the Government for trying to make Western Australia a better place in which to live.

Ms MacTiernan interjected.

The SPEAKER: The member for Armadale has a lot to say today.

DISABILITY SERVICES - FUNDING

365. Mr CARPENTER to the Minister for Disability Services:

How is the minister addressing the apparently urgent funding situation for people with disabilities which sees 400 Disability Services Commission staff threatening industrial action over a pay claim - today they may have made a decision to take that action; services and staff cut as a result of budget blowouts; and two-thirds of those who meet the most critical crisis criteria, often involving the complete breakdown of family support structures, having their applications for accommodation funding rejected?

Mr OMODEI replied:

The member for Willagee knows that this Government has done more in the disability field than any Government in this State.

Mr Carpenter: What is the minister doing today?

Mr OMODEI: There have been some budgetary problems in some regions. The acting chief executive officer of the Disability Services Commission has responded to the media on those issues, as has Paul Bartholomew. We are working through a number of measures to resolve those issues. At the same time the organisation is in the process of restructuring, in line with the recommendations made at the time the new legislation was promulgated in 1993. We are currently reviewing

the legislation as well as a number of other matters. This year \$35m more will be spent on recurrent expenditure for people with disabilities than when we started the business plan. Yes, 11 people with critical needs - that is, priority 1 needs, which I mentioned in response to a question the other day - are awaiting accommodation and respite funding. Those needs will be assessed at the end of November. Should they not be accommodated within the Disability Services budget, I will go to Cabinet with a recommendation to fund those people in urgent need. The industrial relations issues are being negotiated by the Disability Services Commission, which is appropriate. We will continue as we have in the past.

Not only does the five-year business plan put \$125m more into the budget than before the business plan existed, but also we are already in the process of negotiating with Treasury for the second five-year business plan. That is a lot more than the Labor Party did in its time in government.

PREMIER - TRIP TO CHINA

366. Mr OSBORNE to the Premier:

What is the significance to Western Australia of the Premier's recent visit to China?

Mr COURT replied:

It was my intention to make a ministerial statement at the beginning of proceedings today. However, the Leader of the Opposition and I were present at the remembrance day function at Kings Park, so I will table a statement.

[See paper No 380.]

Mr COURT: Over the past 12 months the State Government has worked with the Chinese Government to incorporate liquefied natural gas into its energy mix as an official policy. Three very successful meetings were held in that country, the first two with Vice President Zhu Rongji, the earlier with him in his role as the Premier and the key economic decision maker. Liquefied natural gas has now been incorporated as one of the energy options in China for the future for the coastal provinces. Currently, 73 per cent of energy generation in China comes from coal and it is now mining 1.4 billion tonnes of coal a year. Members can imagine the environmental issues that creates. Premier Zhu Rongji outlined that LNG is now part of China's energy mix for the future, and they have chosen Guangdong Province as the first province in which a project will be built. China wants the starting point for the project to be at least three million tonnes - roughly one LNG train - and possibly six million tonnes a year. The second area will be in the Zhejiang Shanghai area. The port will be in Zhejiang and will supply both that province and Guangdong Province.

The issue now is that every LNG supplier in the world will try to get that business, and Western Australia will have a tough battle to win the business in China. The good news is that the Chinese market will open up to LNG, and the battle will get under way to position Australian LNG to go into that market. WA will start dealing directly with Guangdong Province. There is much work to be done and I hope Western Australia will become an LNG supplier into that market. Without doubt, it will become one of the largest LNG markets in the world.

LISTENING DEVICES, CURTIN HOUSE

367. Mrs ROBERTS to the Minister for Police:

- (1) How many listening devices has the Commissioner of Police, or someone deputised to act on his behalf, authorised or given consent to for placement in Curtin House in each of the past three years, including 1998?
- (2) How many listening devices have been discovered at the organised crime unit in the past month?
- (3) Who was responsible for the placement of listening devices at the organised crime unit?

Mr PRINCE replied:

- (1),(3) As the member undoubtedly knows, listening devices can be very valuable and useful as an investigative tool when investigating allegations of crime, criminal behaviour, corrupt conduct and so forth. It would prejudice any investigation, present or future, if the questions asked by the member were to be answered. Consequently, I am not prepared publicly either to confirm or deny whether listening devices were placed in Curtin House.
- (2) None.

WESTERN AUSTRALIAN BUSINESS ENTERPRISE CENTRE NETWORK

368. Mr BAKER to the Minister for Small Business:

What is the role of the Western Australian Business Enterprise Centre Network in assisting the start-up of new businesses during the 1997-98 financial year, the estimated number of full-time and part-time jobs created as a result, and the number of new businesses and full-time and part-time jobs created in the north metropolitan area of Perth?

Mr COWAN replied:

I thank the member for some notice of this question. I am advised through the Small Business Development Corporation, which has responsibility for the business enterprise centres, that during the 1997-98 financial year 2 147 full-time jobs and 909 part-time jobs were created by the BECs. These are provisional figures because the BECs do not report until 31 October each year and as a consequence I do not have the final figures. With specific reference to the north metropolitan area, which incorporates the Stirling, Wanneroo and Malaga BECs, 150 new businesses, 251 full-time jobs and 79 part-time jobs have been created.

POLICE OFFICERS, NUMBER**369. Mrs ROBERTS to the Minister for Police:**

- (1) How many police officers resigned, retired or retired medically unfit between 1 January and 31 October 1998?
- (2) How many police officers have graduated from the Western Australian Police Academy this year?
- (3) How many police officers graduated from the WA Police Academy in 1997?
- (4) How many fewer police officers were in the WA Police Service on 31 October 1998 than on 1 January 1998?

Mr PRINCE replied:

- (1) There were 142 resignations, retirements and medical retirements between 1 January and 31 October 1998, which equates to an attrition rate of about 3.7 per cent, which is one of the lowest in Australia.
- (2) Eighty-one police officers graduated from the Western Australian Police Academy between 1 January and 31 October 1998. Eighty recruits are currently in training.
- (3) 379 police officers graduated from the academy in 1997.
- (4) There were 36 fewer police officers on 31 October than on 1 January 1998. However, the staffing levels remain consistent with approved strengths. Sixteen recruits will be graduating from the academy on 18 December, and 16 more will graduate on 15 January next year. An intake of 16 recruits will commence on 30 November, and another intake of 32 recruits will commence in December 1998. The 1997 program included the graduation of academy intakes recruited in the 1996 "500" program.

LOCAL GOVERNMENT ELECTIONS, POSTAL VOTING**370. Mr TUBBY to the Minister for Local Government:**

I understand that five councils either wholly or partly within the Roleystone electorate have committed to having their 1999 elections conducted fully with postal voting and undertaken by the Western Australian Electoral Commission. Can the Minister advise of the extent of commitment by other councils to date?

Mr OMODEI replied:

I thank the member for some notice of the question. I have noticed that within the electorate of Roleystone, the Cities of Armadale and Rockingham, the Town of Kwinana and the Shires of Kalamunda and Serpentine-Jarrahdale have all resolved to move to postal voting elections in 1999. Those councils are to be commended. As members would know, I have been a very strong proponent for postal voting in local government elections, and the voter turnout has increased quite markedly since the introduction of postal voting. To date, 26 councils, which account for 534 000 electors, have committed to postal voting, and a further seven councils, with an additional 45 000 electors, have it under active consideration. I am delighted with those figures and encourage members to support the initiative.

MR TREVOR BOUCHER, INVESTIGATION OF COMPLAINTS AGAINST ACC**371. Dr GALLOP to the Premier:**

I refer to Cabinet's appointment on 27 July 1998 of Mr Trevor Boucher as a special inquirer to investigate complaints against members and officers of the Anti-Corruption Commission and ask -

- (1) Did Mr Boucher report back to Cabinet by the end of October in accordance with the Cabinet decision; and, if so, when will the Premier table his report?
- (2) If not, when will Mr Boucher complete his report; and will the Premier give a commitment to table it in this House?

Mr COURT replied:

- (1)-(2) I thank the Leader of the Opposition for the question. Mr Boucher has asked for a short extension of that time. I cannot give the specific time, but I will try to have the information by the end of question time.

Dr Gallop: Will you table his report?

Mr COURT: Again, I will need to seek advice on that, but I will get that information for the Leader of the Opposition.

DUNSBOROUGH BOATING FACILITIES

372. Mr MASTERS to the minister representing the Minister for Transport:

For some years there has been a need to provide boat harbour or other berthing facilities for professional fishers and other users of larger boats in the Dunsborough area. Last December's sinking of the HMAS *Swan* as a dive wreck is proving very popular, and I am concerned about the dangers and inconvenience posed to the 15 000 to 20 000 tourist divers by the lack of adequate facilities. Can the minister please advise what studies on berthing facilities in the western part of Geographe Bay are currently being undertaken and what progress has been made in these studies? Also, when will a recommendation be made to government on the various options available in the Dunsborough-Quindalup area for a harbour or other service facility for small to medium size boats?

Mr OMODEI replied:

The Minister for Transport has provided the following response -

The boating facilities study for the Shire of Busselton was completed in July 1995. That study recommended a boat harbour at or near Quindalup, which was accepted by the shire. However, the shire indicated in April 1997 that local residents opposed that location and requested that another site be identified. On 23 September 1998 Transport received a document from the shire entitled "Boating Needs Assessment for the Western Sector of the Shire", in which five possible sites were identified for the location of a service jetty between Quindalup and Dunsborough. The shire identified a jetty at Dunn Bay Road as its preferred option. Transport is currently preparing a response to that document.

DRUG ABUSE VICTIMS

373. Mr BROWN to the Minister for Family and Children's Services:

The minister is responsible for the Government's drugs strategy. People in my electorate are sick to death of being assailed by people who have been sniffing glue or other substances and of constantly being told by authorities that police have no power to act. I ask -

- (1) Why should my constituents have to put up with being abused and harassed?
- (2) What steps does the minister intend to take to protect those residents?
- (3) When will those steps be taken?
- (4) Are police and other agencies correct to advise the public that they have no power to deal with the problem?

Mrs PARKER replied:

- (1)-(4) Glue-sniffing is a difficult issue. It causes grief to all of us who witness it in our electorates and to those who see it affecting people whom they know. It would be more appropriate for the member to direct that question to the Minister for Police and -

Mr Brown: The police have no power to act, as they tell my constituents every day.

Mr Bloffwitch: They can act in Geraldton, so they can act in Bassendean.

Mr Brown: That is what they say, but nothing happens.

Mr Bloffwitch: Get the name of the police.

Mr Brown: Nothing happens.

The SPEAKER: Order! I formally call the member for Geraldton to order for the first time and I also call the member for Bassendean to order for the first time.

Mrs PARKER: The member might direct the question to the Minister for Police. The intoxicated persons Bill, which is in the process of being drafted, is relevant to the member's question. Therefore, it is more appropriate for him to discuss the matter with the Minister for Police.

DRUG ABUSE VICTIMS

374. Mr BROWN to the Minister for Family and Children's Services:

As a supplementary question, what action does the minister advise my constituents to take tomorrow in the event of their being further harassed by people who have been sniffing glue and other substances?

Mrs PARKER replied:

Several things can be done. The member for Bassendean wants something to be done tomorrow. I recommend that they have good contact with the police and that they talk about those issues. Matters relating to the police and their powers are being addressed in the intoxicated persons Bill. Several things have been done by the community for the community. Local drug action groups have taken the initiative and developed a drug aware business program throughout the State. Businesses sign a code of conduct relating to the sale of articles that are used for glue-sniffing. Although the Government can legislate to provide as many protections as possible, the community can take responsible action. It is important that hardware stores take a responsible attitude to retailing such products.

Ms MacTiernan: What has your department done?

Mrs PARKER: As the member for Armadale will know, a significant number of responsible businesses in her electorate have joined the drug aware businesses program. The intoxicated persons Bill will increase the ability of the police to respond to such situations. I challenge the member for Bassendean's community to have a good relationship with the police, to talk to retail outlets from which children buy products, to become involved in the local drug action project, and to take responsibility, just as other communities in the State have done.

RADAR DETECTION DEVICES**375. Mrs HOLMES to the minister representing the Minister for Transport:**

What, if any, action is expected to be taken over the use of radar detection in Western Australia; and what, if any, are the advantages for the local community that come from this position?

Mr OMODEI replied:

The Minister for Transport has provided the following response.

The Road Safety Council recently examined the use of radar detectors, which warn motorists of approaching speed-check sites or police vehicles. It recommended that the use of radar detectors be made illegal in Western Australia. Speeding is a major contributor to road trauma in Western Australia. Recent research released by the Federal Office of Road Safety showed that in urban areas with a speed limit of 60 kilometres per hour, the risk of casualty crashes doubled with every 5 kmh increase in travelling speed above 60 kmh. Research also shows that the primary motivation for drivers not to speed is the risk of detection, with the associated penalties. Enforcement, particularly with the use of speed cameras, is an effective way of reducing speeding behaviour. The use of radar detectors allows some members of the community to speed, posing a higher risk to other road users and themselves, without the moderating influence of detection.

TEACHERS IN RURAL AND REMOTE AREAS**376. Mr RIPPER to the Minister for Education:**

In the new country incentives package the minister recognises that granting permanency to teachers is one of the most powerful incentives for them to accept positions in schools in rural and remote areas. In the light of this acknowledgment, will the minister guarantee that this offer of permanency will be extended to those teachers who are already working in schools in rural and remote areas; and, if so, will the time already served by those teachers be taken into account so that they, like teachers who enter the new scheme, can achieve permanency after three years of service?

Mr BARNETT replied:

I cannot give that guarantee. As the Deputy Leader of the Opposition will know, teachers have been appointed under a whole range of different conditions over the years. Through the department, I have set about normalising all the conditions of the employment, promotion and transfer of teachers. Historically all sorts of schemes have been set in place at different times. The country incentives package has been widely acclaimed as being a very good way of, firstly, encouraging teachers -

Mr Ripper: Haven't teachers opposed that?

Mr BARNETT: The member knocks it. I think it is a damn good thing if teachers get \$6 000 or \$7 000 extra, after tax, by agreeing to go into some of the hard-to-staff schools, agreeing to take on a three-year appointment and being guaranteed permanency and relocation to a city position after that. This is very desirable. I cannot solve all of the anomalies in teacher employment conditions for 25 000 teachers overnight; however, for the first time in two to three decades we are sorting out teacher conditions systemically. Many teachers are in part-time positions in country schools and many do not necessarily accept transfers to other areas. This has been a big step forward in teacher appointment and promotion.

Mr Carpenter: Are teachers part of the widely acclaimed group?

Mr BARNETT: Yes, they are. Opposition members would do well to visit a few country schools.

Dr Gallop: We do.

Mr BARNETT: Next time they do, they should walk into a staffroom and ask the teachers what they think about the country incentives program.

Dr Gallop: I went around last week.

Mr BARNETT: Overwhelmingly they support it strongly.

FORFEITURE LEGISLATION

377. Mr BAKER to the minister representing the Attorney General:

Can the minister provide the House with a further progress report on the drafting of the non-conviction based forfeiture legislation foreshadowed by the Attorney General several months ago?

Several members interjected.

The SPEAKER: Order! Perhaps the Minister for Police might give the answer. I am trying to extend question time, but I will call it off unless we can get going.

Mr PRINCE replied:

The Attorney General has provided me with the following reply.

Mr Carpenter: On the back of a postcard!

Mr PRINCE: He gave it to me last week before he left.

Several members interjected.

Mr PRINCE: That really is not terribly amusing. He came back early yesterday morning and he spent a full day in the Legislative Council yesterday.

Mr Brown: Isn't he a good minister; a full day!

Mr PRINCE: Let us give credit where it is due. Members opposite are hopeless, absolutely hopeless.

Several members interjected.

The SPEAKER: Order! I call on the Minister for Police.

Ms MacTiernan: It will take a long time to get over that one!

The SPEAKER: Order! I formally call the member for Armadale to order for the first time.

Mr PRINCE: As I have said, the Attorney General has provided me with a reply. Drafting instructions have been given to parliamentary counsel, who are working on it now. The Director of Public Prosecutions is also involved in the development of the drafting and his office is supplying information now.

MR TREVOR BOUCHER, INVESTIGATION OF COMPLAINTS AGAINST ACC

Mr COURT: Earlier in reply to a question from the Leader of the Opposition I said that if I had some information by the end of question time on the matter he raised, I would provide it. Mr Boucher sought an extension of time in which to submit his report until 20 November. He delivered the report to my office yesterday. I have not seen the report yet and I imagine I will send it to the joint standing committee overseeing the operations of the Anti-Corruption Commission.

Mr Ripper: When?

Mr COURT: When I have read it. Then a decision will be made about its being tabled, I presume, by that committee.
