

Legislative Assembly

Tuesday, 30 May 2000

ESTIMATES COMMITTEE B

The meeting commenced at 9.00 am.

The CHAIRMAN (Mrs Holmes): For the information of members, this Estimates Committee will be reported by contractors to the Hansard office. The daily proof *Hansard* will be published in two parts tomorrow, part 1 at 9 am and part 2 at 8.30 pm. This year Hansard asked ministers, members and advisers to make their corrections on the daily proof *Hansard*. Hansard will forward the transcript to the minister's office for distribution to advisers. The cut-off date for corrections will be indicated on the transcript.

As has been the practice of previous Estimates Committees, members should not raise questions about matters of general concern which do not have an item of expenditure in the consolidated fund. The Estimate Committee's consideration of the consolidated fund estimates of expenditure will be restricted to discussion of those items for which a vote of money is proposed. We are dealing with estimates of expenditure and that should be the prime focus of this committee. While there is scope for members to examine many matters, questions need to be clearly related to matters of expenditure. For example, members are free to pursue performance indicators which are included in the *Budget Statements* while there remains a clear link between the questions and the estimates.

It will assist in the committee's examination if questions and answers are kept brief without unnecessarily omitting material information. It is the intention of the chairman to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point.

The minister may agree to provide supplementary information to the committee rather than asking that the question be put on notice for the next sitting week. For the purpose of following up the provision of this information, I ask the minister to clearly indicate to the committee which supplementary information he agrees to provide. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the committee Clerk by 14 days from today so members may see it before the report and the third reading stage. If the supplementary information cannot be provided within 14 days, written advice is required of the date by which the information would be made available. Details in relation to supplementary information have been provided to both members and advisers and accordingly I ask the minister to cooperate with those requirements.

I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice with the Clerk's office. Only supplementary information which the minister agrees to provide will be sought within 14 days. It will greatly assist Hansard if when referring to the program, statements, volumes or the consolidated fund estimates members give the page number, the item, program and the amount in preface to their question. I now ask the minister to introduce his advisers to the committee.

[9.10 am]

Division 64: Commissioner for Equal Opportunity, \$1 837 000 -

Ms Holmes, Chairman.

Mr Prince, Minister for Police; Emergency Services.

Ms J.M. Williams, Commissioner for Equal Opportunity.

Mr RIEBELING: I have a quick question in relation to the significant issues and trends section on page 230 of this division. There appears to be in the third dot point a growing number of inquiries regarding sexual preference. Can you tell us what that refers to and how significant the growth is and why the department thinks that there is a growth in that area?

Mr PRINCE: I can only answer part of it and I will ask the Commissioner herself to answer the rest of it. I think that in relation to questions of preference with regard to sexual orientation the Commission issued a paper or a position of some description some little while ago. The Government has not accepted that. As to the remains of your question, I will ask Ms Williams if she can respond.

Ms WILLIAMS: Really it is just people who are alleging that they have been discriminated against because of their sexual preference and we have to write and advise them there is nothing we can do about it because the Act does not cover it.

Mr RIEBELING: That is what I thought, so what sort of numbers are we looking at?

Ms WILLIAMS: Probably only about 20 or 30 a year, but it has grown considerably since we released the report on discrimination on the grounds of homosexuality.

Ms PARKER: Madam Chair, if I could turn to the minister. There is an increasing number of seniors in our society, growing quite rapidly in proportionate terms and also in their expectations of what life might bring them post the year of their 60th birthday. One of the significant issues here mentioned is increasing the employer and community concerns about how to manage mature workers. What initiatives have been undertaken and what movements are you seeking amongst employers in being able to recognise the benefits of having mature aged workers?

Mr PRINCE: There has been a growing amount of work done on the area; not just here, but particularly in Victoria and South Australia as well, from memory, and perhaps somewhere else, but I know about those two. We have been working jointly with them and there has been quite a number of opportunities for the Commission or the staff to be able to deal either with employment groups or with groups of people. Perhaps Ms Williams would care to expand.

Ms WILLIAMS: It is basically a research project with Victoria and South Australia and the Department of Training. There is great concern about employers' attitudes to mature age workers. We are doing paid training courses. When I say "paid", the employer pays for training and next year we intend to include in our schedule of training courses one that says how to improve your workforce by using mature age workers, but that training program will be based on the research that we are doing to establish what employers' attitudes are.

Mr BAKER: Minister, on page 234 under the heading "Major Initiatives for 2000-01", the second dot point, there is reference to the delivery of rights-based awareness sessions across metropolitan and regional Western Australia. Could the minister please indicate when these sessions will commence and in which particular suburbs within the metro area will these sessions be conducted?

Mr PRINCE: It has taken some little while to work up an awareness program. As these things should be done, there have been some good ideas that have been very carefully worked around and involved community groups and agencies and there have been some pilots done. I do not know where. I will ask Ms Williams to respond in a little more detail in a moment, but it does deal with increasing the rate of understanding in the sector, particularly with the community agencies that deal with people who have English as not their first language or who come from a culture which is, in some respects, more divergent than the mainstream Australian culture and consequently, perhaps, come to society with a different background or a different awareness. That also includes people with particular problems; people with disabilities, for example, Aboriginal people, and the program, as I understand it, is to be delivered and evaluated in the next financial year. Perhaps Ms Williams can give us more detail.

Ms WILLIAMS: Thank you. We do not charge for this rights-based training. I have got two members of staff in the Kimberley. They will be there for two weeks going right around, including some of the remote communities. In the metropolitan area we tend to work through migrant resource centres and community centres and that is just an ongoing program, but it is very expensive, of course, in terms of travel and people.

Mr PRINCE: But this is the first year, I think, this has been -

Ms WILLIAMS: We have always done a bit of it, but it is the first year we have done it in a really planned way so that we feel we are getting a decent distribution over the whole state.

Mr BAKER: Minister, on page 235 under this division under the heading "Cost" there is reference to the fact that the targeted average cost per complaint for the next financial year will be reduced by some 20 to 30 dollars per complaint. Can the minister provide an explanation for that anticipated reduction?

Mr PRINCE: I should imagine it is Ms Williams' and her staff's superb efficiency in being able to deal with these things! Am I correct?

Ms WILLIAMS: Of course you are, Minister!

Division 67: Office of the Information Commissioner, \$1 224 000 -

Ms Holmes, Chairman.

Mr Prince, Minister for Police; Emergency Services.

Ms B. Keighley-Gerardy, Information Commissioner.

Mr PRINCE: If I could just make a point with regard to division 67. There is a typographical error on page 726 under the heading "Output Measures". Just at the foot of that table the footnote with the small case "a" -

The full-time equivalent FTs employed in this output during 1999-2000 was four and is estimated to be four for the 2000-01 budget.

Mr McGINTY: Yes, if I could ask you, Minister, perhaps, and the information commissioner, to describe to us what she sees as the major challenges facing this area in the time ahead and shortcomings that she sees with the current legislation.

The CHAIRMAN: Excuse me, Member, I did ask when we started the committee for members to actually state the page and the item that they are referring to. That was a very broad question that does not seem to relate to any particular item.

Mr McGINTY: You can find it under a number of headings. "Significant Issues and Trends" would most probably be a reasonable one on page 722.

[9.20 am]

Mr PRINCE: It is a very general question, Madam Chair. I think there has been a review and there have been some recommendations with regard to change. I think those are being progressed at the present time. That is on the legislative side. With regard to the other matters I would ask, Madam Chair, that the information commissioner, Ms Keighley-Gerardy, respond direct.

Ms KEIGHLEY-GERARDY: There is an increasing number of applications being made to the public sector to all agencies and I have seen a significant increase this year in the number of complaints to my office. It would be fair to say that most applicants are still seeking access to personal information, but those applicants that are seeking access to non-personal information, those complaints that come to my office are increasingly becoming more complex and more legalistic, requiring quite an amount of time and effort by my office to resolve them.

Mr BAKER: Minister, on page 722, the last dot point at the bottom of that page, there is a reference to significant trends and issues concerning informal processes of dispute resolution in respect of the conciliation of complaints. Can the minister please refer to some examples of the informal processes of dispute resolution that assisted in dealing with these complaints?

Mr PRINCE: I know that the resolution of matters consumes about 70 per cent of the resources available to the office and I think, from memory, most complaints would be resolved by conciliation. There are a few where matters wind up in the courts and that is usually because some clarification is required with regard to the interpretation of the law. That is my impression. Perhaps, commissioner, you can give us a more detailed answer.

Ms KEIGHLEY-GERARDY: At the present time we are managing to conciliate about 80 per cent of our complaints, and when I say "conciliate", I find that there is a real lack of communication in the first instance between agencies and applicants and when my office becomes involved we are managing to solve a lot of the problems usually outside the FOI process. I think FOI is not the problem. FOI is a symptom of a problem that someone has with an agency and often FOI - access to documents, that is - will not solve the problem, but we are managing to achieve some sort of satisfaction for both parties by just getting together and talking things through.

Mr McGINTY: Minister, I am interested in what are perceived to be any shortcomings in the way in which departments are handling FOI and whether the commissioner is satisfied that the response from departments is adequate? Page 722 dot point 1.

Mr PRINCE: That may be a little difficult without having detailed information about department to department to department. For example, with regard to police, and I get a report on the FOI requests that are made to police, most of them are in relation to motor vehicle accidents, people seeking - and often firms of solicitors or others - information with regard to the report that was made about an accident, which is obviously something to do with personal litigation or litigation over damage to vehicles. Then there are some that relate perhaps to complaints against police. From my days in health, I think a fair bit of that was rather more to do with personal things directly related to the provision of medical services, but the Office of Health Review, of course, when that was established, took a fair bit of that sort of work. I suspect it probably varies significantly from department to department. Perhaps, Commissioner, you can give us some better information.

Ms KEIGHLEY-GERARDY: Thank you, Minister. I think it would be fair to say that FOI requires a cultural change in agencies and it is not something that can be achieved in the short term. FOI has been going now for almost seven years. Some agencies are handling their responsibilities better than others. As a matter of practice, I am now visiting agencies before annual report time and taking a more in-depth look at numbers of agencies. I think I did five last year and I have four on my list for this year. That process gives me a better insight as to how they are handling their FOI responsibilities. It also gives me the opportunity of making suggestions to help them handle things better.

Mr McGINTY: Are those four agencies ones where you think there is a particular problem?

Ms KEIGHLEY-GERARDY: No, I just picked them out of a hat.

Mr McGINTY: Are there agencies where you think that there is a particular problem more so than others?

Ms KEIGHLEY-GERARDY: It varies according to the applications. Some are handling them better than others and I would rather focus on the ones that are handling them better than the ones that are not.

Mr McGINTY: Yes. It is the job of the Opposition to focus on those that are not, of course. Can you identify for us those that you think need to raise their game particularly?

Mr PRINCE: I asked the Commissioner to answer it. Perhaps these are things that are more properly put in her report which is tabled in Parliament. Is there anything in your report?

The CHAIRMAN: Minister, I do not believe the question relates to a budget item. It is a general question and I suggest the member might like to direct that question individually to the minister.

Mr RIEBELING: The output measures on page 726 relate directly to a number of applications, the quality and the time taken.

The CHAIRMAN: If the member wishes to relate it to that particular item, that is fine but up until he had not.

Mr PRINCE: Is this information contained in your report?

Ms KEIGHLEY-GERARDY: I have not done the annual report yet.

Mr PRINCE: No, I mean the past report.

Ms KEIGHLEY-GERARDY: Only the agencies that I reported on last year. There is always room for improvement in an agency and I do not think any of them are up to speed completely and it would be unfair to focus on one particular one. Sometimes it is the nature of a particular application that creates problems for an agency or a particular applicant. It is unfair and I prefer not to focus on one particular instance of an agency not handling its responsibilities well when, with the

very next application and the next complaint to my office, they may handle it very well. I think it is unfair to focus on one particular matter.

Mr McGINTY: Yes, I am not talking about one particular matter. I am asking are there agencies that you find generally do not respond in a way that is broadly seen as acceptable. I am not talking about a one-off application which might be a particularly difficult one.

Ms KEIGHLEY-GERARDY: Generally speaking I would say, no, most agencies are handling their responsibilities in accordance with the Act, but there is always room for improvement.

Mr BAKER: Minister, on page 725 under the heading "Output Description" there is reference to the fact that the Commissioner or her office does provide assistance to members of the public to ensure that applications are properly lodged. Can the minister please indicate a common explanation for improper lodgments - for example, the recent four improper lodgments - and whether or not most of these emanated from members of the public or from particular organisations in the community?

Mr PRINCE: Yes, I cannot answer that. Commissioner, can you?

Mr BAKER: I gather there must be problems with the proper lodgment of applications. Under the Output Description heading it refers to the fact that your office provides advice and assistance to members of the public to assist them in completing a proper application so that it is properly lodged, but in respect of those that are not properly lodged, what is the common explanation for improper lodgment?

Ms KEIGHLEY-GERARDY: That refers to the advice that we give when people ring up and say, "How do I go about getting access to this?" and we direct them to the appropriate agency. When you say "improper lodgment", if it is not lodged properly, then the agency usually corrects it in the first instance, but this is mainly telephone calls into my office or visits to my office about how they go about exercising their rights. A lot of them apply to me for information. They seem to think I can press a few buttons and suddenly produce these documents for them, but they must be directed back to the agency to follow the proper processes and they do not always understand that.

Mr BAKER: Just as a follow up, if I can, which particularly agency, from your experience or knowledge, receives the most improperly lodged applications, so to speak? Is there any particular agency?

Ms KEIGHLEY-GERARDY: We do not measure that, no.

Mr RIEBELING: Just in relation to page 726, the output measures again and following on from the member for Fremantle's question, I understand from the earlier answer that there are a lot of personal requests for information. Other than that, is there an area about which the public is asking for information from departments which causes the greatest concern to the Commissioner in relation to the departments not actually -

[9.30 am]

Mr PRINCE: Non-personal information.

Mr RIEBELING: Yes.

Mr PRINCE: So if you exclude non-personal information.

Ms KEIGHLEY-GERARDY: I cannot answer that with any specificity, but I think it would be fair to say that the major area of concern is the operation of the exemption in clause 5(1)(b) because the Supreme Court has taken a very broad approach to the interpretation of that particular exemption and it covers investigations of such a wide variety that it extends, I think, beyond mere law enforcement matters to, for instance, investigations involving complaints of a personal nature and often applicants are unable to get proper answers and they are unable to get proper access, I might add.

Mr PRINCE: Commissioner, for the benefit of the other members of the committee, could you outline what 5(1)(b) says?

Ms KEIGHLEY-GERARDY: 5(1)(b) exempts a matter "if its disclosure would reveal the investigation of any offence whether or not a prosecution has resulted."

Ms PARKER: Minister, on page 726 under "Major Achievements", we have just talked about the contentious nature of a lot of the dealings of this office. In fact the office exists because of contention probably, but the satisfaction levels there rated with services are stated at quite an extraordinary rate of 98 per cent. Are those satisfaction levels across all contacts both with the agencies and the individuals? I am not giving you this question so you can say something nice about the Commissioner and she can respond by saying, "Yes, Minister," but that is quite a significant measurement.

Mr PRINCE: I think the question, Commissioner, is that the satisfaction level with your office or is that the satisfaction level with FOI?

Ms KEIGHLEY-GERARDY: No, that is the output measure under the advice and awareness subprogram. We survey agencies and applicants at the conclusion of all of our complaints and then we also do a yearly survey of agencies that we have had any dealing with during the year. We survey their satisfaction with the advice that we provide, the timeliness of the advice, the professionalism of my staff and whether they found it helpful or not and that is the satisfaction rate as a result of those surveys.

Ms PARKER: That is fairly impressive.

Ms KEIGHLEY-GERARDY: Thank you.

Mr RIEBELING: In relation to the last answer are you saying it is 98 per cent satisfaction of the 5 500 applications?

Ms KEIGHLEY-GERARDY: No, it is the satisfaction of the agencies and applicants that we survey as a result of the external review process and the agencies that we have dealings with through both programs during the year.

Mr RIEBELING: Of the 5 000 applications lodged, what is the satisfaction rate amongst that?

Ms KEIGHLEY-GERARDY: We do not survey that.

Mr RIEBELING: What would it be about, as a guesstimate?

Mr PRINCE: Come on! It is 98 per cent afterwards. If you survey afterwards both the people who have made the application, made a complaint and the agencies and you got 98 per cent, how can you survey before?

Mr RIEBELING: I would have thought the most relevant survey would have been of the applicants.

Ms KEIGHLEY-GERARDY: But applicants might ring in for advice and not give us a name and address. They might seek advice. It would be impossible to survey those applicants. It would mean contacting them again and saying, "Are you happy with the advice?" We do it from the external review process and then also at the completion of the year through both sub-programs.

Mr PRINCE: An applicant for freedom of information may not be satisfied with the information they get from an agency, but this is a question of satisfaction or otherwise of the system which involves the Commissioner's office. If that person, who is then dissatisfied with the way in which the Act has worked with regard to the agency, brings the matter to the office and the office then conciliates and the result is satisfactory, then that is a satisfaction rating of that system which has brought in the Office of the Information Commissioner, but if the Office of the Information Commissioner is not involved because the application that has been made or the advice that has been given - and the person is or is not satisfied - then you cannot measure that..

Mr RIEBELING: I understand that, but if you look at the way you have displayed your information in relation to this department and you have right under the number of applications the satisfaction rate which is measured. It is a different measurement, is it not?

Ms KEIGHLEY-GERARDY: The satisfaction rate refers to the participants and the participants are those in the external review process who are the applicants who come to my office on complaint, not just somebody who rings into the office asking for advice.

Mr PRINCE: If there is a problem, member for Burrup, we will put it the other way around next year.

Mr RIEBELING: It does not give the right impression, does it? You read that output and you would say there were 5 000 applications and the satisfaction rate with the applications was 97 per cent. Anyone reading that would have thought that referred to the 5 000.

Mr BAKER: How was the external review process conducted?

Mr PRINCE: If you mean the independent review of the complaint process, that is provided by the Commissioner and her staff. Then the people are given the opportunity to provide some sort of response by survey form. Is that what you mean?

Mr BAKER: Yes.

Ms KEIGHLEY-GERARDY: The external review process is a merits review of a decision made by an agency. Most complaints come to my office because an applicant has been refused access to a document either in full or in part. My usual process is to call for the documents in dispute and to call for the agency's file. Following that process we will analyse the documents, the contents of the documents and the reasons given for the refusal. If there is any hope at all of conciliating the matter because perhaps an applicant wants something that is not in the documents and his or her request may be able to be answered in another way, we will enter into that informal process. If not, the parties are asked to provide written submissions to support their respective positions and following that process I make a decision on the documents and apply the law.

Mr BAKER: Thank you.

[9.40 am]

Division 65: Law Reform Commission, \$779 000 -

Ms Holmes, Chairman.

Mr Prince, Minister for Police; Emergency Services.

Ms M. Brewer, Administrative Officer, Law Reform Commission.

Ms Jenkins, Member, Law Reform Commission.

Mr McGINTY: Can I first of all compliment the Law Reform Commission on the job that it did last year in respect of the

criminal and civil justice systems? What work are you currently undertaking? On page 825 you anticipate several new references. Can you indicate whether you have received new references or what you anticipate that will be? They have not yet arrived.

Ms BREWER: The new reference the Commission has already received is on the subject of contempt. It will be a wide-ranging reference dealing with media contempt and contempt in the face of the court and other issues involving contempt. The Commission is expecting that other references will be forthcoming and at the moment the Commission is completing the production of the papers that are being published that were presented at the conference held from 30 March to 1 April on globalisation and law reform cooperation through technology.

The Commission hosted the first ever meeting of Commonwealth law reform agencies here in Perth, meeting together at the 19th meeting of the Australasian law reform agencies. We were fortunate enough to receive a grant from AusAid to bring delegates in from overseas and it was a very interesting conference with over a hundred registrants, including the entire membership of the Victorian Parliamentary Law Reform Committee who attended our conference and visited Perth during that period of time.

Mr PRINCE: The only reference at the moment though, Member, is the one on contempt. I should also bring to your attention a typographical error in relation to a figure on page 826. Under the heading "Accommodation" the "4" should actually read "41". This is under "1998-99 Actual". It was not \$4 000 worth of accommodation. It was \$41 000 worth of accommodation. The remainder of that line is 50.

Mr McGINTY: Has the Law Reform Commission finished completely with the review of the criminal and civil justice systems or does it maintain an ongoing role in relation to the implementation of those recommendations?

Ms BREWER: No. The Law Reform Commission's role is to report and implementation -

Mr PRINCE: The reports, and I am sure you have received your boxed set -

Mr McGINTY: I have read it.

Mr PRINCE: - with the CD. They were brilliantly well produced, as I think everyone would agree, a magnificent exercise. That is the subject now of an implementation group, working party, committee, for want of a better way of putting it, which is within the Ministry of Justice and of the 447 recommendations, I cannot tell you how many will be implemented or how but that is something that is being worked on at the present time.

Mr RIEBELING: I have a couple of quick questions in relation to pages 824 and 825 in relation to output measures. In relation to the number of reports - this year it is stated as two, whereas last year there were 10 - and the cost per report, being \$366 000 per report this year and \$84 000 last year; is the drop in the volume of work because the reports required are going to be so massive?

Mr PRINCE: If I could lead in with the answer to that, the restructure of the Commission in 1997-98 was to basically change the way in which law reform was conducted in this state and the transition has been successful by anybody's evaluation or by all accounts because the Commission took on the largest ever reference received by any Law Reform Commission anywhere, certainly in Australasia. I do not know about the rest of the Western World that is comparable. It was the biggest anywhere at any time. The flexible structure enabled the Commission to use its resources for project purposes and produce what I think is universally regarded as a first-class piece of work which is now informing change that no doubt will flow through.

The restructure means that basically Ms Brewer is the one full-time officer under contract but the Commission engaged about 70 consultants with the legal research and writing of the justice system review, for example. That included a lot of experts from different areas. You take on another review, another project, another reference. It may well be much smaller. It hopefully will not be as big as the last one, not just yet, so that really explains the reason for the variation from year to year and from time to time. Ms Brewer may wish to amplify what I have said.

Ms BREWER: It is also difficult to project at this point how many more references the Commission will receive. In the beginning of any reference it takes a while to get it going so by the time you do the preliminary research to get a discussion paper out and to involve the community and seek their input, it takes a longer period of time. The costs tend to be at the front end of the project in terms of personnel and staff.

I also point out there is one other typographical error that is in a footnote on page 824 and 826. That has to do with the full-time equivalents and the estimates are, it says, 4 and 4 respectively. That number should be 12 and 4. The reason it is 12 is we had a large number of clerical support staff required to circulate and finish the publications. We expect that at the beginning of the next reference there will be a larger number of legally trained staff and there will be different pay rates for the type of individuals engaged at different phases of the project, but I did want to correct that in full-time equivalents for the current year we have now been able to project and it looks like it will be right at 12 for the year.

Mr RIEBELING: Just to follow up in relation to the details on the output measures, what you have just explained in relation to a higher cost at the start of projects and the like, would that also explain the drop off of, on your figures, about 400 per cent on public contact with the office?

Ms BREWER: I suspect there will be a diminution in interest in what the Law Reform Commission is doing when it is not

something that touches most people's lives. Most people have some contact with the justice system. The letters and the phone calls we received ranged from everything from dealing with a lawyer over a will and disputes arising at the time of a family member's death, to problems with parking tickets, so everyone has a threshold contact with the justice system. Not everyone will deal with a problem as sophisticated as media contempt.

Mr PRINCE: With the justice system review the Commission was peripatetic, which I think is also the first time it has ever done that. It held public meetings just about everywhere in the State, or at least in most of the major rural centres as well as around the metropolitan area. That is a huge contact with the public. I know the meeting that was held in my own electorate must have been attended by well over 100 people. Reference to do with contempt, you would not necessarily expect perhaps to run public meetings, number 1, and number 2 you would have thought -

Mr RIEBELING: You might get Web site connections after the last week or so.

Mr PRINCE: Yes, obviously that has popped up, perhaps since the reference was issued, but even that is not likely to lead to the volume of public contact that we had with the justice system review, which was a huge exercise and, as I say, involved public meetings. I think you will see that sort of variation from year to year but it will depend very much upon the nature of the reference. If you has one into the Family Court, for example, I think it will get it even bigger.

Mr RIEBELING: Absolutely. With the public content, 100 000 of those were through the Web site.

Mr PRINCE: Yes.

Mr RIEBELING: There was in fact only 4 000 individuals contacted.

Mr PRINCE: That is still an enormous number, I think, by comparison to what the Commission has done in the past.

Mr RIEBELING: I mean in the volume of the scheme of things.

Mr BAKER: Minister, on page 825 under the heading "Major Achievements for 1999-2000," there is reference to the approval of a workplace agreement for the Commission staff. Can the minister indicate how the approval of that agreement will impact upon the cost of services, particularly operating expenses under the heading "Salaries and Allowances"?

Mr PRINCE: I cannot. That is your workplace agreement, is it, Ms Brewer?

Ms BREWER: That is my workplace agreement.

Mr PRINCE: Perhaps you know better than I know.

[9.50 am]

Ms BREWER: From our perspective, it hopefully will bring the Law Reform Commission staff, including the temporary staff who are engaged, to be consistently at a par with the terms that Ministry of Justice employees enjoy. We would like there to be the possibility that people could bring their unique and special skills to the Law Reform Commission and be compensated fully and fairly. The Law Reform Commission's old enterprise workplace agreement, for example, provided only a 15 per cent loading for leave and whatnot for temporary employees, whereas the ministry provides 20 per cent, and we are very hopeful that will be implemented soon.

Mr BAKER: In short, what will be the net effect, in your view, of the approval of this workplace agreement on the salaries and allowances operating expenses? I would have thought it would reduce those expenses perhaps, but I do not want to lead you on that. Would that be the net effect?

Mr PRINCE: You just did. Does it up the cost?

Ms BREWER: I would say it would be cost neutral basically because we will engage people within the limits of the resources the Commission has and to the extent the Commission has funds available and talented people who are interested in serving the Commission, we will bring them in at rates that they would enjoy in the Ministry of Justice.

Ms JENKINS: The benefit for the Commission will be being able to attract better quality and higher quality people to the position because the workplace agreement conditions are suitable.

Mr RIEBELING: Madam Chair, being a hater of workplace agreements, I think that is wrong, but it does not matter. In relation to what was said earlier in relation to the employment of 70-odd external people that were brought in to do specific work, where do I find the cost of that in this document?

Mr PRINCE: The 70-odd people were experts in the field of criminal trials, civil litigation, legal search, editing, writing and so on.

Ms BREWER: It is under "Services and Contracts" on page 826 and the 1998-99 actual is listed at 521 000 and our estimated actual for the current year is 535 000, and you will note that the budget estimate goes down and that is in large part because a significant contract involved the actual publication of the boxed set itself. We had saved money and put that aside so that we could complete the publication and make it available broadly to the public. We have distributed to every public library in the State and every high school library in the State free of charge.

Division 68: Office of Inspector of Custodial Services, \$1 176 000 -

Ms Holmes, Chairman.

Mr Prince, Minister for Police; Emergency Services

Mr King, Director of Finance and Manager, Ministry of Justice.

Dr R.E. Fitzgerald, Executive Director, Policy and Legislation.

Mr A. Piper, Director General, Ministry of Justice.

Mr McGINTY: On page 732 you indicate that Part 10A of the Prisons Act comes into operation next month and that you will be making an appointment.

Mr PRINCE: Yes.

Mr McGINTY: Has that appointment been made?

Mr PRINCE: No.

Mr McGINTY: What stage is it up to?

Mr PRINCE: About there.

Mr McGINTY: When can we expect it?

Mr PRINCE: Not being the minister in charge of the appointment, I cannot say. There has been a selection process.

Mr McGINTY: Do you expect to make the appointment prior to the Act coming into operation next month?

Mr PRINCE: I would hope so, yes. I would have thought it would be highly desirable for the individual concerned to be appointed and announced at the same time as the Act comes into operation. I expect that to be the case. That is of course subject to whatever time it may take for whomever is appointed to sever whatever other employment relationships he or she may have.

Mr McGINTY: You have indicated that \$77 000 was spent in the current financial year. Can you detail what that expenditure has been on, given that there has not been an occupant in the position?

Mr PRINCE: I cannot, but I am trying to work out which one of the gentlemen around me can. Mr King can. Mr King is the Director of Finance and Manager for the Ministry of Justice.

Mr KING: The \$77 000 incorporates the first one month's salary of the inspector, some temporary support staff for the inspector, together with some minor transition costs such as rent and some provisioning for corporate service type activity, for annual reporting, etcetera. The appointment date I cannot remember precisely, but the expectation was at the time of formulation that it would be around mid-May, early June, and hence essentially a one-month cost plus some immediate support plus some other corporate overheads that need to go in such as reports and the like.

Mr McGINTY: Thank you.

Mr PRINCE: I am informed that the appointment should be on or before 18 June.

Mr KING: That is six months following the Bill receiving assent.

Dr FITZGERALD: That is 18 December.

Mr McGINTY: Can I ask what the salary package for the position is?

Mr PRINCE: Off the top of my head I am not sure, but I know that salaries and allowances has looked at this and they have come up with a determination and maybe Mr King has the details. It has been worked through the normal process.

Mr KING: The salary and allowances determination was not available when the estimates were put together for 2000 and 2001. Our assumption was that it would operate around the level of a class 2 or a special 2 in this case because it is something akin to CEO status. Of the exact dollars around that I am uncertain, but from memory it is around the \$130 000 mark.

Mr PIPER: As a comment on that, the process of appointment is not with the ministry. It is with the Ministry of Premier and Cabinet and, as you would be aware, for appointments at this level there is some flexibility in the final agreed contract rates. We have used a class 2 rate as the ministry prepared what amounts to the preliminary budget information to get it into the papers. The detail on those sorts of matters should properly be directed to the Department of Premier and Cabinet as they would be more privy to the final outcome in terms of both classification and appointment. As you see, you only have a transition provision there which is the appropriate provision.

[10.00 am]

Mr RIEBELING: Mine is probably a broader question to the minister. When this inspectorate is up and running, will that restrict in any way the access that the Deaths in Custody Watch people currently enjoy?

Mr PRINCE: I should not think so. I would not have thought it would have any effect at all. The inspector of course by statute, by right of law, has access which is really unprecedented in the sense of the ability to come and go and to enter and to inspect, with or without notice, if I recall our debate on the Bill correctly. The Deaths in Custody Watch Committee is a group of concerned citizens and they have the rights of a normal citizen, no more, no less.

Mr PIPER: The way that the office is intended to operate is under regulation and in fact does not control those matters. They are still controlled under the Prisons Act and the grades of visitor status within the prison system are not changed by the appointment of the inspector. The extent to which it impacts on the Prison Service, either specifically or more generally, is more likely to be the result of Parliament considering the reports of the inspector than anything else, so to the extent that either the Prison Service or people around it are being heard or not being heard or are having an impact or not having an impact, will become visible through the inspection reports. The model is broadly similar, although legislatively different, to the model used by the Her Majesty's Chief Inspector of Prisons in the UK and has a similar function, but a much broader access and remit in terms of looking at more systemic issues.

Mr PRINCE: Her Majesty's inspector in the UK has been quite effective, but having been in place for 10 years there are some problems that have been encountered, not so much with the way it is set up, but the ambit of the inquiries that the inspector in the UK can carry out. In that sense we have learned from someone else and have been able to, as it were, put ours in place with what is said to be the best way forward.

Dr FITZGERALD: To add a very brief additional comment, it certainly would be within the mandate of the inspector to comment on official visitors to prisons, so the inspector might comment that they were making a valuable contribution or that they were visiting too infrequently or that the service they provided could be improved, so it certainly is possible for there to be recommendations flowing from the inspector in respect of visitors.

Mr BAKER: Minister, at page 734 under the heading "Output Measures", of course that section is largely blank. Under the heading "Quality", the words "to be developed" appear. What will be the indicia that you foresee will be used, so to speak, in making assessments specifically with that heading?

Dr FITZGERALD: As the Director General, Alan Piper, commented earlier, the Ministry of the Premier and Cabinet have been developing the selection process and carrying out the selection process. The inspector will be a completely separate agency from the Ministry of Justice and I think it would be quite inappropriate for the ministry to be the ones who are setting these targets or measures, so presumably whether he or she consults with the Ministry of the Premier and Cabinet will be up to whoever is appointed.

Mr RIEBELING: I do not have any further questions in relation to the section we have just dealt with, but the area of Justice which is dealt with tonight from 7 o'clock I would have thought was more appropriate than now, because it deals with the inspectorate of that item.

Mr PRINCE: I accept what you say. The inspector is, in that sense, a bit of an odd position, because it not only deals with custodial services but will also extend to juvenile detention, home detention, community-based work release orders and police lock-ups. In that sense, arguably it is here rather than just in the custodial services.

Mr RIEBELING: The people who are on the committee this evening may have thought that this one would be there. I am on it, but others may have naturally thought that there would be an opportunity tonight to ask questions.

Mr PRINCE: We have been the subject of your rigorous cross-examination.

Mr RIEBELING: I know.

Mr PRINCE: Hopefully, that will do. In any event, you will be able to ask questions about the effect that it is likely to have on the prisons tonight.

Mr RIEBELING: I notice you are not there tonight.

Mr PRINCE: No. The Parliamentary Secretary is here to be savaged by you.

Division 66: Office of the Director of Public Prosecutions, \$10 735 000 -

Ms Holmes, Chairman.

Mr Prince, Minister for Police; Emergency Services.

Mr R.E. Cock, Director of Public Prosecutions.

Mr J. Plunkett, Administrative Officer, Office of Director of Public Prosecutions.]

Mr McGINTY: I was wondering if the minister or the DPP might be able to comment, in the light of there being no additional funding allocations in any real sense in the forward estimates, on the proposition that is currently before the Parliament to enable the DPP to take over prosecutions or police prosecutions in the police courts or in the Magistrate's Court.

Mr PRINCE: I think you will find the DPP is going to say, at probably greater length than I am, that he is not funded to do it and that is the fact. It has been the subject of debate for some time. I speak to some extent with the hat of police minister on. I think it would be desirable for central law courts particularly - not necessarily out in the remoter areas but

certainly central law courts - not to be staffed by police prosecutors because it is a full-time professional job. I think police prosecutors do it very well, but I think it arguably can be done better and I think it is an area the DPP ought to move into.

I have the same view with regard to the busy outer metropolitan courts - Joondalup, Midland, Fremantle; possibly Armadale as well and maybe Kalgoorlie and Bunbury. I would not have thought there was sufficient going in Albany at this time - perhaps in the future - and maybe Port Hedland and Karratha. I do not know. At this time, probably not; maybe at some later time. It seems to me that is the way we should be going. In order for that to happen, clearly we will have legislative change, so we put legislative change in place, and the budget is not there for the actual transmission or transfer of that function to take place. There have been some discussions between the director and the Commissioner of Police on these matters and I am more than happy for Mr Cock to amplify that.

Mr COCK: In regard to amplification, I can indicate what the minister has said is correct. There is no funding to accommodate any move into Petty Sessions and the only scope I presently have is to communicate with the Commissioner of Police to try and reach some accommodation with him.

Mr McGINTY: Do you have any capacity at the moment to take over a police prosecution in a particular case?

Mr COCK: I can do it if it relates to an indictable offence. I can deal with all indictable offences and matters relating thereto. If a summary offence was charged jointly with an indictable offence, I am of the view I can take it over but only in that situation.

Mr McGINTY: You are not making any forward plans to take over or make provision for assuming responsibility for non-indictable offences?

Mr COCK: I have developed a number of proposals which I have presented to Government and as yet they have not been accepted.

Mr McGINTY: Is there another way to tackle this? I know in the United Kingdom for instance there is a very close liaison between the police and the equivalent office of the DPP to have joint supervision in the early stages of at least some trials in the police courts. Is there anything like that occurring here?

[10.10 am]

Mr COCK: The Attorney General has indicated to me that he favours that as at least an interim approach and he has urged me to communicate with the Commissioner of Police to develop an approach like that. He has indicated to me, if I can present that to him, he is prepared to support it with Treasury.

Mr McGINTY: I thought there was - for instance, in relation to finance brokers - a high degree of cooperation between the police and your office at the moment, prior to the laying of charges. Is that the sort of model you are looking at applying elsewhere? To what extent is that actually occurring?

Mr COCK: There is already good liaison between my staff and the police, both in relation to the prosecution of simple offences and also the charging of all offences. But the English model, as you know, is more of a structured approach or the supervision of the police prosecution service, integrated with the DPP. It is that which I am presently looking at.

Mr PRINCE: I think you will find in particular areas - and perhaps the finance brokers is an interesting case in point - you have a police task force that is operating at the moment which, as I have said in Parliament and you know, consists of a number of detectives and then some people who are non-police but who have accountancy skills and legal skills and/or information technology skills. You have a combined exercise running there. That sort of thing tends to involve the DPP's office on a frequent or infrequent basis. It depends really upon how complex the legal maths tend to become. What can we charge here? How can we charge it? What is the evidence we have? And so on.

That is not unusual in dealing with what is perhaps generally termed "white-collar fraud", white-collar crime, because they do tend to be fairly factually complex exercises and getting the law right, getting the charge right, is critical before the charge is even laid. That has been working, I think, quite well for a long time. The finance brokers' inquiry is simply the latest of a long line of things where that has happened.

For a more systemic overview and supervision, perhaps that is where we will move, but that is something that, in a sense, is still being debated. One of the bigger problems from a systemic point of view has been the communication and/or the communication breakdown between police, DPP, Ministry of Justice, prison police, which was exemplified a couple of years ago, with people out on bail and/or parole which one or the other agency did not know about and should have known about. Those were human errors and what we are endeavouring to do is to overcome those sorts of problems with the electronic brief management system.

To a very large extent that has been led by police, with the DECAT CADCOM project which re-equips them with computers but, more importantly, with programs that enable the police, instead of having to use umpteen pieces of carbon paper and paper in order to produce a brief, to produce the brief electronically, transmit it to the court electronically; in the case of indictable offences to the DPP electronically at the same time. It is then dealt with and there is an electronic trail of a person who goes into custody, into the custodial section, and there is a loop running all the time.

That is very well advanced and with the software that is being developed and installed now through Police and Justice I would hope to see that completed by - the Director General confirms for me - the middle of next year.

Without actually changing legislation and doing anything else, you then wind up with a far better system which will enable people, for example, in the DPP's office to scan charges, because they will be there on a screen that they can pull up, and offer advice, in a sense, without being asked. That systematic change I think is probably the biggest thing that we can do and at the same time clearly, from the point of view of taking over Petty Session prosecutions, particularly in central law courts, we must move to fund that hopefully next year.

Mr McGINTY: What are the funding implications of this interim step, if I can put it that way, between moving towards the DPP taking over the prosecutions in Petty Sessions of a more formalised arrangement between the office of the DPP and the police rather than the informal arrangement that currently exists?

Mr PRINCE: Apart from in the information technology area, I would not have thought there were any funding implications at all.

Mr COCK: There may be three FTEs required to actually be located within the police prosecuting service.

Mr McGINTY: They would be lawyers working for the DPP. You said you were working up a report on this at the moment. When do you expect that to be available?

Mr COCK: I would not imagine it would be available for at least three months because of the need to obtain more information from the Commissioner of Police in relation to the actual work that the prosecuting sergeants are doing at the moment so I can get a better appreciation of the demands I think my office would need to accommodate the supervision I think is required.

Mr PRINCE: I have a concern as Minister for Police over this, as you appreciate, and one of the things I have not yet said is a concern that the police lose a prosecution expertise because no matter what may happen within the next 50 years, there will be police prosecutors, not perhaps in Central Law Courts but certainly in the remoter parts of the State, and it is I think essential and necessary that they have an expertise and a training, which in large part obviously comes through the police. That is something that is a matter of concern in the police sense. It is also a flow-on that helps with policing generally. To have someone who has expertise and experience in prosecuting as a police officer available to talk to other police officers who are perhaps less experienced as police officers is of a great deal of help in proper brief preparation, proper inquiry, proper questioning and so on, so you wind up with a better-prepared case.

Mr RIEBELING: In relation to the comments you made earlier, which worry me somewhat, about the lack of a need for the extension of the DPP's services to country areas, of course 90 per cent of country areas are now covered by a roaming or a travelling prosecutor. They are not based in West Muckinbudin, so to speak, they are actually based where magistrates are based so presumably if a magistrate is justifiable, then the DPP would be also justified in putting a trained person there. One of the problems, of course, in leaving the situation as it is, is even at this table people call it police courts and the like and the perception of the public is that the police run it, and that should not be the case. I just wondered whether the DPP has actually had a look at the actual cost. If the ultimate is achieved where the DPP actually control the prosecution in country and in metropolitan, how many lawyers are we looking at to do the job at its purest, so to speak? Has that been looked at at all?

Mr PRINCE: I will ask the DPP to give you the answer if he has that information available. Historically they were police courts. I think the old Beaufort Street police courts have it etched in stone above the entrance.

Mr RIEBELING: We do not like to call them police courts now, do we, Minister? We call them courts of summary jurisdiction and so forth.

Mr PRINCE: It is only people with hair your colour and mind that can remember it, frankly, because the more contemporary and modern generation do not think of it that way at all. Perhaps the DPP can answer your question about the numbers that will be required.

Mr COCK: No costings at all have been examined or prepared for the DPP to have a presence in all courts at which magistrates are located.

Mr BAKER: Minister, on page 360 under the heading "Revenue" there is reference to proceeds of crime. Can the minister please explain as to how those figures are arrived at, what is the explanation for the reduction in that figure from the 1998-99 financial year to the current year, and do you anticipate that figure may increase as a consequence of the new non-conviction based forfeiture bill that has been operating for some time?

Mr PRINCE: I ask the DPP to respond.

Mr COCK: In the year 1998-99, as part of a national share arrangement, there was a large seizure by the Commonwealth under their confiscation legislation. I think they remitted about \$850 000 to us as a share. I think something like a helicopter and some other spectacular equipment was seized and sold. It was an extraordinary year and as part of the Commonwealth scheme we shared in that. We do not expect to have the same benefit this year.

[10.20 am]

Mr BAKER: What about the sharing of proceeds, for example, under the State scheme, the Crimes (Confiscation of Profits) Act? Is there any sharing arrangement that the DPP is involved in?

Mr COCK: No, it is all remitted to the consolidated fund.

Mr BAKER: Just in that regard, are there any plans afoot at the moment to change that arrangement whereby the DPP may share in a certain percentage, so to speak, of the assets or proceeds of crime forfeited following applications under the current legislation or the new bill once it has been passed?

Mr COCK: There is a new bill which is presently in an advanced draft stage. In the most recent draft there is no proposal whatsoever for the DPP to share in any respect in any moneys recouped under that legislation.

Mr PRINCE: I would resist that, Madam Chair. I think as a matter of principle it should not happen. I do not think law enforcement agencies should share directly, in a hypothecated sense, in fines or anything else that flows from the work they do. I think it is fundamentally wrong.

Mr McGINTY: My question relates to prosecutions not proceeded with. Page 350. Quite often one hears of high profile prosecutions, often involving the police, that are not proceeded with and I was wondering if you could indicate to us how many prosecutions were not proceeded with when they got to the District Court level and the reasons for that and whether any steps are currently being taken to remedy that problem?

Mr PRINCE: There were some 2 800 committals in 1999-2000; 2 900 expected in 2000-01, which is a growth of about 3 and a half per cent, so any that are not proceeded with have to be seen in the context of the total number and I think the number of indictments is around 3 000, so more indictments than there are people because one person will often be on the receiving end of a number of different indictments. The numbers that are not proceeded with I do not have in front of me.

Mr COCK: The annual report does reveal it for the last financial year.

Mr McGINTY: Perhaps if I put the question more generally. Are you noticing an increase or a decrease in the number of trials that do not proceed?

Mr COCK: It has been consistent for many years. We publish figures retrospectively in our annual reports which show a percentage each year of trials that do not proceed and my recollection is that figure fluctuates around 7 or something per cent. I do not think there has been much change over the last few years and anecdotally it does not appear likely there will be a change in this financial year.

Mr McGINTY: Seven per cent still seems to me to be a relatively high figure. What can be done to reduce that?

The CHAIRMAN: Excuse me, Member, I do not really think this is a relevant question to the items of the budget.

Mr McGINTY: Yes, I do.

The CHAIRMAN: Can you please explain to me how you arrive at that because you are asking a question which is not related to any particular item and it is a very general question?

Mr McGINTY: Page 352 deals with criminal prosecutions. I am talking about aborted trials which are an enormous waste of taxpayers' money. When I say "aborted trials", I use that term loosely. It is highly relevant because this is one of the significant causes of the waiting time for trials to come on in the District Court when all of the work goes into it and, then when people appear in court, the trial does not proceed. Quite apart from the harm and the damage that it does to the accused, having spent perhaps two years of their life with an indictable charge hanging over their head, it also clogs up the courts and is enormously expensive, so it really has a very significant budgetary impact, I would have thought, particularly if 7 per cent of the trials do not proceed on that basis.

Mr PRINCE: Madam Chair, yes, in a sense I agree with the member for Fremantle that a trial that does not proceed is clearly a waste of resource as well as the other harm that flows to individuals who are involved, fine, but trials do get aborted for a number of reasons during their course which are out of the control of either the prosecutor or the defence and are things that happen. We can take those out of the consideration because there is not a lot you can do about that. If they happen, they happen. A prosecution that has been commenced by the police, taken over by the DPP because it is indictable and then some time down the track before it comes to court the DPP indicates that they are not going to proceed with the prosecution, I think, is the one you are talking about, are you not?

Mr McGINTY: Yes, that is right.

Mr PRINCE: While I think it is a fair question in the sense of looking at both expenditure and output under the papers before us, it really comes back to the Director of Public Prosecutions in his independence. He is statutorily independent in this area and the way in which he/his office determines the prosecutorial guidelines and their applicability to any particular case. I think, with respect, member for Fremantle, you are asking a question with regard to the judgment of a statutorily independent officer in this particular area which is not necessarily related to budget but is something that he is funded to do. There are about 200 of them, I would guess, out of 3 000.

Mr McGINTY: I guess my question goes this way: if there are savings to be made by a more efficient service, how does the DPP see that this particular problem area of trials not proceeding can be remedied or can be ameliorated?

Mr COCK: The problem can be minimised by my office looking at the charge at an early stage in the proceedings. At the moment my office only looks at them at the very earliest, at the committal stage. If my office was involved at a stage before that, then obviously I could apply resources at an earlier time which would inevitably have some impact upon the identification of inappropriate cases at an earlier time.

Mr McGINTY: Why do you not do that?

Mr PRINCE: Madam Chair, the Crown Prosecution Service as it was, now the Director of Public Prosecutions, never has. It has always taken things when they have been passed to it from the police, and that is historically. What has happened in more recent time is a much more desirable working relationship with the police earlier on, and we have discussed particularly areas of white-collar crime and fraud, and that is good and that is appropriate. To extend that generally is something we will do with the introduction of the brief system because that will enable people to be able to do that literally electronically, effectively by a form of email, and that is highly desirable.

In a systemic sense you would be talking about a significant revolutionary change in prosecution per se. Effectively you would be saying the Director of Public Prosecutions as an office then becomes the prosecution service for the whole of the state and subsumes all other forms of prosecution because you are not only here talking about police. You are also talking about the plethora of government departments that also have the capacity to bring prosecutions, many of which have quite serious consequences; Fisheries, for example. Some of the potential penalties under that are really quite enormous, as they are under a number of other Acts which can result in people having large amounts of property seized. Whether you would extend that to Local Government is another thing to consider. I understand where you are coming from. It just seems to me that where you are going to is a much bigger question in a debate about budget. The question really we need to examine - and maybe a select committee is the way to do it - is whether we should be going in that direction.

[10.30 am]

Mr BAKER: Minister, when the DPP decides not to proceed or continue with an indictment, is the DPP bound to refer to some sort of statement of policy guidelines or a prosecutorial statement, so to speak, under the Act which establishes -

Mr PRINCE: Madam Chair, I will ask Mr Cock to respond.

Mr COCK: Yes. In 1991 and subsequently in 1999 guidelines were established and published in the *Government Gazette* which the officers of the Director of Public Prosecutions refer to for the purpose of making decisions in respect of a charge. They are bound to have regard to the guidelines, although no specific guideline is so overwhelming as to of itself dictate the outcome.

Mr RIEBELING: Getting back to those cases that are not proceeded with at your direction, which is basically, I suppose, an appeal system against a committal system, I just wonder if there is a greater propensity not to proceed in District Court cases or Supreme Court and also whether or not those decisions not to proceed are in relation to cases where a hand-up brief has been accepted rather than a committal procedure, or is it about even? In the Supreme Court, as I understand, some 63 per cent go to trial and in the District Court only 21 per cent go to trial. I was just wondering how that relates to your decision-making.

The CHAIRMAN: Are you talking about decision-making, Member, or are you relating to items of the budget?

Mr RIEBELING: Yes, it is the item we have been discussing for 15 minutes.

The CHAIRMAN: So you are still talking about the costs.

Mr RIEBELING: Yes.

The CHAIRMAN: Perhaps you could specify that.

Mr PRINCE: I ask Mr Cock to respond.

Mr COCK: The decision to lay an indictment is not, in fact, a de facto appeal from a decision of the magistrate to commit. My guidelines clearly indicate the decision to proceed on indictment is a consequence of a decision by the office that not only there is a prima facie case, which is a matter for the magistrate, but also there is a reasonable prospect of conviction. That is not a test to which the magistrate has regard. In relation to those matters that do proceed, it is obviously more likely than not that cases committed to the Supreme Court are going to go ahead because, no doubt, of the seriousness of the charge and the prospect of there being at least a lesser charge available where, for example, there has been a death. The reason I think more charges proceed in the Supreme Court than in the District Court is a consequence of the jurisdiction of the Supreme Court which is predominantly now murders, wilful murders and serious robberies to which it is less likely a person will admit than the cases that proceed in the District Court.

Mr RIEBELING: And the hand-up briefs? Is there any correlation to the ones who do not proceed to the ones -

Mr COCK: No. As I have indicated to you, because the decision to commit a matter to the court is based upon a test which is not the test my office applies in relation to signing indictments, I do not think there is any correlation or any necessary connection between whether a matter was by hand-up brief or by committal hearing.

Mr AINSWORTH: On page 353 under "Major Initiatives for 2002-01", the meeting of the needs for victims of crime, I was wondering what expenditure is currently attributed to that particular work in the DPP's office and also, although you have a review under way, what increases you might expect given your understanding of the level of service currently given to victims of crime and the perceived needs for the future.

Mr PRINCE: The director Mr Cock has recognised the need to review services to ensure that the office, insofar as it is concerned with the needs of victims of crime - and it is concerned but it is not the only agency that is concerned - is

adequately meeting those needs. On 1 July last year a survey was commenced. All victims in prosecutions which have been concluded by the DPP after that time were sent a form asking for comments on the performance of the DPP in providing information and assistance, particularly in relation to the traumatic experience of giving evidence at trial, and the people who were surveyed were also asked to suggest improvements to the services that the DPP offers.

That survey continues for 12 months, which is a reasonable period of time. As at the end of April survey forms had been sent out to over 1 600 people and a response rate between 20 and 25 per cent is being achieved at the present time. It is relatively low. Around about a quarter or less of 1 600 people have responded so far. Most, as I understand it, have responded generally favourably. There have been some suggestions which have already resulted in some changes in procedures and changes in the information pamphlets, some changes in some of the more standard correspondences otherwise sent out. There will be a full evaluation of the survey obviously after 30 June and there is a part-time project officer dealing with this area.

That is what the DPP, Mr Cock, has initiated in the last 12 months in this particular area. I will ask him to comment more fully about the services themselves. It might be a bit unfair perhaps to ask him to project forward since the survey is not complete, but is there anything else you might care to say, Mr Cock?

Mr AINSWORTH: Perhaps, Minister, we could just get some indication if a separate costing has been assessed by the DPP to all the victims of crime support as it stands at the moment, as is currently provided by his office. It might be a little bit difficult to project in the future but is there any estimate of what percentage of your budget that currently would use?

Mr COCK: There is no separate output identified for providing services to victims of crime in the Office of the DPP. The only service we provide we regard as ancillary to our work in prosecuting the commission of indictable offences. We do not separately cost it. It is simply accommodated within our normal liaison with witnesses and the arrangements we make to secure the trial. We do, in fact, have prosecutors and others who have direct contact with victims and provide some support. It is not structured. Indeed it is those aspects which are being considered as part of our view and we have yet to develop a proposal to, in fact, provide a separate output., providing services to victims.

Mr AINSWORTH: Further to that, if I may, Madam Chair, given that there is no current costing, if the survey - which one presumes it may - comes out suggesting some further areas that the DPP's office might provide to victims of crime and if that is taken up, then there will be more time used for that particular portion of your work as opposed to prosecutions. That would require a separate budget item at that stage, one would have thought, because you either have to take away time from prosecuting work or add a budget item to provide that extra service.

Mr PRINCE: The DPP's office has a role to play in supporting victims of crime, but I stress it is not the only agency and indeed in some respects perhaps ought not be a lead agency, although it has a critical and important role. Supporting the victims of crime really is a much broader exercise. It involves both police and Justice officials. Perhaps you would care to ask questions along these lines when we get into the ministry area. It has just commenced some work. In fact, I think they have just advertised for a consultant to handle it, to do a review of the victims of crime in a much more general and generic sense, in a sense that will subsume what the DPP is doing but I think it is to the credit of Mr Cock that he saw a need a year ago to survey what his people were doing and how they could do it better. That is really within his bailiwick.

The broader issue is being looked at and is about to be commenced by the ministry. I am not trying to put you off from asking questions but I think it would be fair to say that what the DPP is seeking to do - and here I am trying to read his mind - is to make his office work better in this area without necessarily moving resources from one area to another.

Mr COCK: That is precisely the position. We are not seeking to assume the roles of others who presently provide a number of resources and services to victims. Indeed we are trying to participate in overall reviews of that which are presently under way and my office has a member on a steering committee which will be involved in that analysis. We will make submissions to that review and indeed wish to cooperate fully with the other agencies in Government and at no stage have any proposal to assume any extra role. We simply want to do what we are presently doing better.

Mr PRINCE: It is often forgotten, that the Director of Public Prosecutions is the supporter of the victim of crime simply by existing. It is the prosecutor who is the supporter of the victim of crime because he or she is a prosecutor. That is the fundamental role of a prosecutorial service. Then what they are doing as part of that role is what they are looking at.

[10.40 am]

Mr BAKER: Minister, just a quick question relating to what was referred to as being the high number of indictments not proceeded with by the DPP. I am wondering whether the minister believes, for example, that plea bargaining may in part assist in reducing the number of indictments that do not proceed at certain times. I know that the term is not one that is often referred to but in many cases discussions take place and understandings are reached. Perhaps the minister could respond to that.

Mr PRINCE: I have no idea what the view of Mr Cock will be. I think plea bargaining is abhorrent. I do not think it should be contemplated within our system. I think you wind up with results that, if you look at the American experience, are highly dubious and doubtful, particularly if you have plea bargaining involving the court, involving a judge. I think that is something we should never do, which is the way I understand the United States works. Another way is some form of negotiation or bargaining between prosecution and defence. That is part and parcel of the system. It has gone on for years and I expect it will go on into the future. I suppose it really depends upon what you mean by "plea bargaining". I do not know what Mr Cock's view is.

Mr BAKER: Minister, I refer to the latter example you refer to, the discussions that take place from time to time which may be fruitful and may result in matters being dealt with more expeditiously than if, for example, there is an indictment being proceeded with.

Mr PRINCE: Yes, but Mr Cock has a duty and a function. He is the representative of the victim of crime. He has the duty and the function representing the public to prosecute what he reasons is the charge that should be presented to the court and not to settle for something less in order to avoid a trial. If there is a doubt in regard to seriousness of charge, then that may give rise to some debate about pleading guilty to a lesser charge rather than not guilty to a more serious charge. But if the DPP in the proper operation of his office comes to the conclusion that not only of course is there a prima facie case here but there is a reasonable prospect of conviction, then that is it, I would have thought.

Mr COCK: I do not wish to say any more.

Mr RIEBELING: Mr Chairman, still in relation to the nulling of indictments, as the Director has indicated, the decision is as to whether or not there will be a conviction, rather than whether there is a prima facie case put.

Mr PRINCE: It is both.

Mr RIEBELING: A conviction would naturally lead from it, I would have thought. It takes that extra decision-making step. The problems I have had for a number of years in relation to that is that the person who has been charged never has access to any remedy in relation to their costs. I wonder if the DPP has contemplated some sort of certificate which may actually get the defendant who, on their decision would not be convicted in a court so therefore not proceeding - to put that defendant into a position where they can be compensated.

Mr COCK: There is always a question when one has scarce public resources as to how to apply them. Whilst there is some merit, of course, in providing costs to a defendant who succeeds in not either facing trial or being acquitted, I think the community presently takes the view through the Parliament and through the Government that it is better to, in fact, apply more resource to the prosecution service to better identify those cases than to, in fact, basically weed those cases out of the system earlier, rather than paying fairly extravagant costs orders, as they probably would be, to those few people who are acquitted.

Mr RIEBELING: Although when there is a late decision not to proceed the costs involved in that defendant could well be almost as much as a person who went to trial.

Mr PRINCE: About half.

Mr COCK: The costs to pay a defendant who is either not proceeded against at the last minute or who is acquitted after trial would be quite high and, with great respect, I would much prefer those resources applied to my office if they were available for the use for that purpose, because I am sure I could achieve a far better outcome with those additional resources than simply paying them out to one particular defendant.

Mr McGINTY: On page 352 under the heading of "Timeliness" there is no increase or no improvement anticipated in the filing of indictments five days before the first appearance of the accused. I was wondering if the Director of Public Prosecutions might be able to tell us why he does not anticipate an improvement in that area and, secondly, the impact that this has on delays in indictable matters proceeding before the District Court.

Mr COCK: I do not anticipate an increase in the timeliness as a consequence of the fact that I do not receive any additional resources in real terms in the next financial year and must absorb a 3 or 4 per cent increase in indictments. I think it would simply be irrational and wrong for me to then predict an increase in timeliness.

Mr McGINTY: Is this an issue which is overwhelmingly one of resources or is it something which is an internal procedures matter?

Mr COCK: I think it has got to the stage where it is essentially one of resources and I do not think it would have any impact upon the backlog of the District Court. The date by which I present an indictment to the court serves to inconvenience the court, no doubt, and the defendant also, but as I understand it, it does not have any consequential effect upon backlog in the court.

Mr PRINCE: The courts are full and it does not seem to me from what I hear or see or read that there are court days or time going begging in the District Court particularly, which is the major court the DPP deals with. Consequently, it seems to me his office is providing, insofar as their function in the system is concerned, a more than adequate stream of work.

Mr BAKER: To Mr Cock through the minister, on page 350 there is reference to the mission statement, of course, of the DPP, and that is to provide the people of Western Australia with an independent and effective criminal prosecution service which is both fair and just. I think members present would be aware of the recent attack upon the independence of the DPP by Mr Hughes in that case that was dealt with in the Broome Court. I was wondering whether or not any steps have been taken to respond to that attack and, if so, what is the nature and extent of those steps and are you receiving any assistance through the DPP's office - or your own office?

Mr PRINCE: The comments of Mr Hughes were deplorable and I think it would be more appropriate perhaps if Mr Cock should very briefly tell the committee what he and Mr Rayney have done.

Mr COCK: Mr Rayney was my acting principal crown prosecutor who, in fact, prosecuted the case in Broome. He and

I regarded the comments made by Mr Hughes as defamatory and we instituted proceedings in the Supreme Court funded entirely by ourselves. We have made no application to Government.

Mr BAKER: Surely it is only fair and reasonable, given the mission statement of your office, that you should expect some sort of recompense for instituting these proceedings, given that the proceedings are in the best interests of the DPP, given the mission statement referred to earlier. Do you have a view on that, or is that perhaps another matter for another day?

Mr PRINCE: The comments that were made were considered by two senior lawyers to be actionable per se in relation to them personally rather than in relation to an office as such. I think that is a fair statement.

Mr COCK: Yes. The Government has guidelines for the proceedings by officers against citizens and, as I read the guidelines, an application would be unlikely to be successful.

Mr BAKER: I see. It seems to me that both of you were defamed in your capacity as prosecutors employed or working in the DPP's office and, in view of that aspect, I would have thought it would warrant some sort of financial assistance from the appropriate body.

Mr PRINCE: To some extent that question prejudices the issue which hopefully nonetheless will come to that conclusion through the process of law in the Supreme Court. I can assure you that, as far as the Government is concerned, there is a great deal of support for the actions that Mr Cock and Mr Rayney have taken. I repeat, I think the remarks of Mr Hughes were deplorable.

[11.00 am]

Mr McGINTY: Are there in existence, Minister, policies in respect of either ministers or public servants initiating legal action and the covering of those costs? I think particularly of the case that is currently under way in the Supreme Court where your colleague the Minister for Fair Trading is suing me for defamation, and I would hope that the example that was just given by the member opposite does not mean that he would be funded out of the public purse to achieve his ends.

Mr PRINCE: I do not know about that particular matter. The published guidelines have been around for a long time. I just cannot recall the detail. I mean, I have read them a number of times and they arise, I suppose, once or twice a year in relation to various things, usually when someone has a go at a public official rather than the other way around. Defamation being an intensely personal cause of action, I do not know whether there is any public funding for that action by my ministerial colleague.

Mr McGINTY: There was not in the previous Government, I know that. I think that the action taken by the DPP is wholly appropriate in respect of the funding of it.

Mr PRINCE: Yes, it is, I agree. I could not tell you with regard to Mr Shave. I can ask him, if you like.

[11.10 am]

Division 63: Justice, \$413 276 000 -

Mr Sweetman, Chairman.

Mr Prince, Minister for Police, Emergency Services.

Mr Turnbull, Director of Legal Aid.

Mr A. Piper, Director General, Ministry of Justice.

Mr B. Warner, General Manager Operations, Legal Aid Commission.

Ms J. Roberts, Public Advocate.

Ms A. McLaren, Public Trustee.

Mr PRINCE: Perhaps we could go to page 761, "Advocacy and Guardianship Services", because then we will be able to deal with the Public Advocate and probably the Public Trustee.

Mr McGINTY: Minister, could the director give an overview of what limited range of services will now attract a grant of legal aid for representation in courts?

Mr PRINCE: Perhaps, before Mr Turnbull does say that, if I could make the point that while there was a significant cut from the Commonwealth in funding three years ago, the State has largely recouped that. I think I am correct in saying, and Mr Turnbull perhaps will correct me if I get it wrong, that we are the only State that has done that. We actually do have the highest figure per capita of money contributed to legal assistance in Australia at the moment. Having said that, there is never enough.

Mr McGINTY: Could you explain that?

Mr PRINCE: I will just put that into context and perhaps ask Mr Turnbull to elaborate.

Mr McGINTY: Perhaps just before you do, Mr Turnbull, the comment you just made, are you saying the State has made up the extent of the Commonwealth cuts?

Mr PRINCE: Yes.

Mr TURNBULL: To be precise, the Commonwealth withdrew something like \$4.2m from our budget. The State has largely restored that, but not entirely. It has restored it to the tune of some \$3m, but it is not a simple matter of the State restoring the position of the Commonwealth because the Commonwealth has totally revised its whole approach to legal aid and it now has assumed responsibility for what it says are Commonwealth-related matters only. It is not, as I say, just a simple matter of restoring a balance but it is true that the WA Government has restored the position more successfully than any other Government and in fact it is the only Government which, in terms of its contribution, exceeds the Commonwealth contribution. It is the only State or Territory Government that actually puts more money in than the Commonwealth. Conversely, unfortunately, the Commonwealth has funded legal aid services in this State less so than it has on a per capita basis anywhere else in the country, so it is a bit of an odd situation.

Mr McGINTY: The question was in relation to what limited range of services attract a grant of legal aid for court representation.

Mr TURNBULL: In relation to Commonwealth funding, which is perhaps under the greatest stress at the moment, current grants of aid really only relate to issues involving children and more particularly issues where there are allegations of sexual or other abuse, so it is quite restrictive. In family matters it is issues involving -

Mr McGINTY: Where there is abuse of a child, and that would be the extent of the grant of legal aid. Is that right?

Mr TURNBULL: That is basically what we are granting aid for.

Mr McGINTY: In criminal matters?

Mr TURNBULL: In criminal matters, mainly dealing with State matters, the guidelines are still largely being followed. We have not really restricted aid recently to any great extent, but largely they concentrate on where people are confronting the prospect of imprisonment. That is largely the area where we provide grants. Certainly in relation to Petty Sessions matters it is only where there is a real prospect of imprisonment that a grant would be provided.

Mr McGINTY: In respect of Magistrate's Court matters, that would be extremely limited?

Mr TURNBULL: Extremely limited.

Mr McGINTY: If a constituent were to come into my office and raise the question of legal aid funding for an appearance in a Magistrate's Court, can you tell us what circumstances that might be given? Only when it is a serious charge before a magistrate?

Mr TURNBULL: Only where it is likely that person would face a term of imprisonment.

Mr McGINTY: That would include, I presume, most District Court matters, if not all?

Mr TURNBULL: Yes.

Mr BAKER: Minister, on page 769 under "Output Measures" is a reference to duty lawyer services. Can the minister please advise as to whether the Legal Aid Commission still outsources its duty lawyer services based in non-metropolitan courts and, if so, whether this practice has been expanded given what appears to be obvious cost efficiencies associated with this?

Mr PRINCE: As one who used to be the duty lawyer and who would strongly advocate that it always should have been out-sourced anyway to the private profession, yes, I think is the answer, is it, Mr Turnbull?

Mr TURNBULL: We started this about 10 months ago and we evaluated it after the first six months and you are quite correct in saying that it, on the face of it, appears to be quite cost-effective. Approximately 30 per cent of all duty lawyer services are now provided by the private profession under contracts of service. We have extended all of those contracts except in one area where we have reverted to a previous arrangement where we had a panel of solicitors dealing with the duty lawyer services.

Mr BAKER: Just to follow up a couple of questions, with these services are they paid on a per client basis or is there some sort of a lump sum contract involved? It is just that I am aware that back in 1989 a law firm based in Esperance had a lump sum style contract with the Legal Aid Commission.

Mr TURNBULL: It is on a daily basis.

Mr BAKER: Just to follow up if I can, in terms of the provision of duty lawyer services, my understanding is, although I am not sure if it is still the case, that years ago there used to be a nominal fee charged by the service in certain circumstances. It used to be a flat fee of \$10. Does that still apply and what steps are taken to ensure that those nominal fees, so to speak, are actually paid by the relevant client or person appearing before the court?

Mr TURNBULL: It does apply still. I think the fee is now \$15. However, Bevan Warner has just confirmed that it is \$10.

Mr BAKER: To what extent are steps taken to ensure the fee is actually paid?

Mr TURNBULL: The first thing is there is always a discretion. We retain a discretion to waive a fee in circumstances where we think it unlikely they would be able to pay that amount. Beyond that, I am not sure that we do very much at all. We do not really pursue people for the sake of \$15.

Mr RIEBELING: Just a couple of points on page 769 on your output measures. In relation to timeliness, and then it has "Calls Answered" and it has three categories, "Less than three minutes; within five minutes; greater than five minutes," and then various percentages, I just wonder what that means. Does it mean it takes greater than five minutes to answer a phone call or what do they mean?

[11.20 am]

Mr TURNBULL: It all relates, of course to our telephone information and referral service.

Mr RIEBELING: It has "calls answered" and then it has "less than three minutes".

Mr TURNBULL: "Within three minutes."

Mr RIEBELING: So that is how long it takes to answer.

Mr TURNBULL: No, it is within three minutes, the number of calls answered within that period of time.

Mr RIEBELING: So it is the actual picking up the phone.

Mr TURNBULL: Yes.

Mr RIEBELING: Then it has "within five" and then "greater than five".

Mr TURNBULL: Yes.

Mr RIEBELING: That purely relates to how long it takes to pick up the phone.

Mr PRINCE: If you also are aware, Legal Aid has successfully implemented a full day statewide telephone information and referral service and the half day service was expanded on 4 January this year to a full day. The result is that you expect client services to more than double as the result of the new systems. That has involved changes in work practices and training of staff. You can get calls from anywhere in the State automatically transferred and dealt with by people in Perth who are able to give legal advice or minor assistance and are able to arrangement appointments for clients in country areas with the nearest office or someone to whom they can go. Given that what we are trying to do is to double the workload from the telephone point of view and you aim at the same time to have 85 per cent - an increased number of calls - answered within three minutes, I think that is a fairly reasonable if not courageous thing to attempt to do.

Mr RIEBELING: The target is 95 per cent within five minutes.

Mr PRINCE: Yes. I was only looking at the 80-85. To get calls answered in less than three minutes, the target that they are aiming at, from 80 is 1999-2000, is 85 in 2000-01 of a number of telephone calls that double.

Mr RIEBELING: Do you have one of those awful answering things where you press buttons?

Mr TURNBULL: People are told that they are in a queue, so it is not as though they are just ringing.

Mr RIEBELING: In relation to that program it says Legal Aid successfully implemented the full day statewide telephone information service under "A Major Achievement for 1999-2000." I thought you just said it is about to be implemented on a full day basis.

Mr PRINCE: It started on 4 January this year.

Mr RIEBELING: How is that advertised? I have not seen any advertisements for it.

Mr TURNBULL: No. I do not think we have advertised it, actually. We find one of the difficulties with Legal Aid is that it does not take long for people to find out. If we start to promote ourselves, we feel we run into real problems.

Mr McGINTY: Can I ask why the significant cut in this year's funding, page 769?

Mr PRINCE: I think you will find that that relates back to the Dietrich matters. One or other of the advisers is leaning over and is probably going to correct me. What we have had with Dietrich matters is, in 1998-99, for example, \$1.787 million and in 1999-2000 \$611 000. There is no real pattern to this. In some years it will be enormous. In other years it will be relatively minor. In some years it might even be zero, I suppose. It has been very difficult to try and budget for and given that we wind up dealing with them in Cabinet on a case by case basis anyway, although the Legal Aid Commission is part of an evaluation system, it just seems to be somewhat silly to run that through the Legal Aid Commission budget for the purposes of accountability, so there is a change in the way this is to be done. It is being done on a case by case basis and been done direct with Treasury, rather than through the Legal Aid Commission. I think that is the answer.

Mr RIEBELING: The budget will not have provision made in it for Dietrich whereas last year's outcome will.

Mr TURNBULL: Not at this stage. The minister is quite correct. The reason for the variation is that that does include supplementation for the expensive cases and that provision has not been made for and would not ordinarily be made for the forthcoming year. As the minister says, these matters have been traditionally handled on a case by case basis, although we are in discussions with Treasury and with the Crown Solicitor's Office to see whether we can streamline that process a little bit more than is the case at the moment.

Mr PRINCE: What happened was that we had a net cost of output for Legal Aid increase by 12.2 per cent in 1998-99 to

1999-2000 and decrease by 8.2 per cent in 1999-2000 to 2000-01. The increase from 1998-99 to 1999-2000 was additional funding for salaries and so forth and the apparent reduction was the additional supplementary funding for Dietrich matters of only \$0.6 million in 1999-2000 as opposed to \$1.7 million in the previous year. The Dietrich funding throws what otherwise you would think would be a comparison out of whack, so really it should not be looked because, as I say, they crop up and some of them are small and some of them are large.

Mr McGINTY: This might be something that should be provided by way of supplementary information, the payments for Dietrich cases during the course of this year, if you have that available.

Mr PRINCE: 1999-2000, \$611 000?

Mr McGINTY: No, it is over a million dollars.

Mr TURNBULL: Could I perhaps explain, minister? The reason it is \$1.1 million in that particular year is that there was a \$503 000 supplementation made for the financial year 1998-99 which was not actually brought to account until the commencement of the next year, so that is why you will see a \$1.1 million lump in the estimate for this year.

Mr McGINTY: Is it possible then to provide details of which cases have been funded and the amount of funding? If that is possible perhaps for the last year couple of years, that would then give me an ongoing picture.

Mr PRINCE: Mr Chairman, I am informed by Mr Piper that we are happy to provide that information by supplementary information.

Mr PIPER: It may further help the member that the underlying grant funding has shifted from about \$10 million to about \$12 million between the years of 1998-99 and 1999-2000 and has remained at about that level, so what you are seeing in the variability is both the cash flow and quantum issues associated with Dietrich and there has been actually a significant lift, as has been talked about earlier, in terms of the State supporting Legal Aid funding which appeared in the Budget in 1999-2000, but we can in fact provide the details of the particular Dietrich cases.

Mr BAKER: Minister, my question relates to the dot point appearing at the bottom of page 770. There is a reference there to major initiatives for the year 2000-01 and reference to the fact that the Legal Aid Commission will examine opportunities for involving law students and articulated clerks in the delivery of legal assistance. I was listening to ABC Radio National this morning and the Chief Justice of the Supreme Court of Victoria was interviewed and there was reference made to a similar scheme that is being advocated in Melbourne. I am not sure whether that is what you are considering here, a scheme whereby articulated clerks and law students are engaged by a body, obviously supervised by qualified fairly senior legal practitioners. Would you perhaps expand upon what opportunities there are?

Mr PRINCE: Mr Chairman, the Commission has always taken on articulated clerks and I think in 1999-2000 the number went from four to six. It also does provide part-time work for law students and telephone information and so on. This is something that is being looked at at the present time. Mr Turnbull, I am sure, will be able to be expansive on the matter.

[11.30 am]

Mr TURNBULL: We are wishing to beef it up. It is true that we currently employ a number of law students, for example, on the info line that we discussed a moment ago and certainly in the areas of legal advice and paralegals, many of those are law students, and what we call our minor assistance program which is assisting people to put together court documentation, subpoenas and you name it. It will involve some discussions with the Law Society I think in order to satisfy them that the law students and our other paralegals, for that matter, are properly supervised by qualified lawyers.

Mr McGINTY: My question relates again to what is not funded by way of grants of legal aid for representation in trials. I get a lot of complaints into my office about what people see as an injustice in family law matters where they are not able to be represented. I presume that you get the same feedback. What is it that you can do to offer some legal advice to people in family law matters because I think we are all aware of the extreme emotion involved in these matters and sometimes the dire consequences that flow from it.

Mr PRINCE: Mr Chairman, I wonder if the member makes a distinction between that which is Commonwealth under the Family Law Act and State under the Family Courts Act.

Mr McGINTY: You made the point at the beginning, minister, that you had largely recouped what the Commonwealth -

Mr PRINCE: Yes.

Mr McGINTY: I appreciate that it is a Commonwealth area.

Mr PRINCE: I wonder if the people who come to you, as they come to me too, understand. Mostly they do not. Are you asking a question which is only related to that which is Commonwealth or State or in a general sense?

Mr McGINTY: It is a general question.

Mr TURNBULL: It is absolutely true what you say. There is a considerable number of people who are concerned that they do not have their own lawyer. Our approach has been to do whatever we can, in conjunction with the Family Court, to provide people to assist people to represent themselves. It is mainly through sort of self-help kits and sitting down with people for a period of time, working through the issues and the procedures and so on. That seems to be the area. We really have reached the point where there is no alternative in their own view to pursuing a litigation course. That is the kind of assistance that we provide.

Mr McGINTY: Judges are often speaking about the problems for the courts of unrepresented litigants. I assume that would be as big a problem in the Family Court as it would be in perhaps the Magistrate's Court or the District Court.

Mr TURNBULL: Yes.

Mr McGINTY: Is there anything which you can do about that?

Mr TURNBULL: Other than what I have said, as I say, we do have an ongoing dialogue with the courts. In relation to family law we are in the process of arranging to have a solicitor present, a kind of duty lawyer arrangement, but the person will not actually appear, but that person will be there to assist the people who we consider are part of our target group, which is not necessarily everyone of course who does appear in the Family Court but those people who do not have the means to employ their own solicitor. We are there to do what we can, in effect, to help them to get up there and put their own case forward. There is very little else we can do.

Mr McGINTY: In relation to criminal matters, and I am talking perhaps of the minor end of the scale that you do not fund, one of the points that was made in Britain about the way in which they could more expeditiously deal with matters was to provide legal aid to people, to give them advice at the beginning of proceedings and, therefore, expeditiously deal with them, particularly if there is a plea of guilty involved. That was often made more difficult by the absence of legal aid. What can you do for people appearing in the courts to assist them to properly understand what is going on in areas where you do not currently fund a lawyer?

Mr TURNBULL: We have duty lawyer services in all the major courts.

Mr McGINTY: That is a poor substitute though, is it not, for proper legal representation?

Mr TURNBULL: They do provide preliminary advice and they are certainly conducting pleas in mitigation and making applications for adjournment and otherwise assisting people. I would not say it is a poor substitute.

Mr PRINCE: I do not know whether you have ever done it.

Mr TURNBULL: No. I have heard of it.

Mr PRINCE: I have; I did it for 20 years, both under the auspices of the Legal Aid Commission and under previous regimes. If there is ever any doubt in your mind as a lawyer that a person ought not to be pleading guilty, then you tell them. If they accept your advice, they plead not guilty; it gets remanded and off they trot to see somebody in a more lengthy exercise.

Mr McGINTY: Or if they cannot afford it, they then represent themselves.

Mr PRINCE: You try to discourage people from pleading guilty because they cannot afford proper representation. My experience, and I used to do it every Thursday for years, was that you might get anywhere from five to 25 people over a period of a couple of hours. What they wanted to do was to have someone speak for them. They were admitting what they were charged with, often traffic things and minor property offences. It was a matter of cooperation with the prosecuting sergeant and so on. You could actually get through that and you could say something that was of value for the individual client.

My experience of the duty lawyer system, in other words, is that it works quite well for quite a number of people but it is no substitute for spending time with someone whose case is more complex. To say it is a poor substitute would be correct if it were a substitute. My experience is that it is not a substitute. It meets a need but it is not a total service.

Mr BAKER: This is a question on a related issue. You have mentioned the fact that there is a duty lawyer service that operates in the District Court. To what extent does that service receive the cooperation of District Court judges in terms of having matters stood down for duty lawyer advice if any issues arise that perhaps require resolution on the spot? Do you find that the judges will cooperate and adjourn matters or stand matters down to enable the person concerned to seek advice from the duty lawyer?

Mr TURNBULL: I am not sure I can give a direct answer to that.

Mr PRINCE: Mr Turnbull cannot give a direct answer, and neither can I.

Mr BAKER: But you would agree that there is a large element of cooperation in that regard and understanding?

Mr PRINCE: It is essential and necessary. If you are going to run a duty lawyer service in any court, the court itself has to cooperate. I can only speak from my experience. I do not know whether the Commission has any data on this. Most courts do insofar as they can. Sometimes it will be difficult to give lots of time to duty counsel but most particularly busy Magistrate's Courts do. They put them further down the list. The District Court I think tends to do the same. Indeed, on more than one occasion when I have been in a District Court a judge has called me forward, and I have seen it done to lots of other lawyers, and said, "I want you to go and talk to him" - court directed legal aid. That happens.

Mr PIPER: In general terms though the time of the court is best spent where those people are dealt with by the duty lawyer. Certainly in my discussion in the courts, it would be very clear that judicial officers at all levels would support the service because in the end it improves the efficiency of the court. If people are before them lacking that sort of support, even if it is procedural, then it slows the court down. I would have no doubt that the courts would support the service.

Mr RIEBELING: On the same line, I guess, in both the major achievements and the major initiatives that are heading our way, I wonder what percentage of that emphasis has been or is going into the country areas in relation to duty lawyers and to the partnership that you speak about with private counsel. The area that I am involved with is Karratha, Roebourne and Tom Price - that lower Pilbara region. I wonder what initiatives your office has delivered to remote areas such as that.

Mr TURNBULL: It currently stands at 30 per cent across the state; that is, 30 per cent of all our duty lawyer services are conducted through private practitioners. That is almost exclusively in the country areas, in the regional areas. There is one exception. I think in Fremantle the duty lawyer service is conducted through an arrangement with a private firm. In relation to the area you are talking about, we have officers based at Broome and at South Hedland. They provide those duty lawyer services that you are referring to.

[11.40 am]

Mr RIEBELING: My understanding is that the Commonwealth also has a legal aid office in South Hedland, or is that your fully funded one?

Mr TURNBULL: No. If you are thinking about a community legal centre -

Mr RIEBELING: The duty lawyers that come down to Karratha will be Federal, will they?

Mr TURNBULL: No, they belong to the Commission.

Mr PRINCE: There is a degree of confusion, Mr Chairman, if I might just explain, with community legal centres, which I think are funded directly from the Commonwealth Attorney General's Department. They do not run duty lawyers.

Mr TURNBULL: It may be that if you are referring to the Aboriginal Legal Service -

Mr PRINCE: No.

Mr BAKER: Minister, on page 770 the second-last dot point refers to Major Initiatives for 2000-01 and one such initiative being the development of partnering solutions for alternative service providers. Would these service providers include organisations such as the Citizens Advice Bureau, the Women's Legal Service and other such organisations and what is being foreshadowed under these partnering solutions?

Mr PRINCE: Mr Chairman, certainly community legal centres and other alternative providers. As to who, perhaps Mr Turnbull can give us a list.

Mr TURNBULL: We have not got that far, I have to say, but the Federation of Community Legal Centres has been meeting with us on a regular basis and they have agreed, the Community Legal Centre Federation and its members, to pursue partnering arrangements with Legal Aid. This is probably the first time that has happened. We are fairly excited about this because we feel that one of the difficulties in the past has been that where we have seen a need, we have tended to use our own people or developed our own capacity to provide the assistance that is needed and now where we identify a need, we look for a point of access and where there is currently some expertise and some resourcing available through a community legal centre, for example, then we would be very keen to enter into some sort of business arrangement with that centre to actually have the services that we are currently required to provide delivered through a community legal centre. That would extend, although, as I say, we have not quite got to that point, at least in principle to the specialist community legal centres that you speak of, although we would need to look at our guidelines to be fairly comfortable that the sorts of problems that they were dealing with were within our general sort of charter.

Mr PRINCE: If we are finished with output 14, may I suggest that we move to output 9?

Mr RIEBELING: I would suggest we would go back to 1, would we not?

Mr PRINCE: Output 9 is advocacy and guardianship services.

Mr RIEBELING: I have a couple of quick questions in relation to output measures. In relation to the number of advocacy services provided and the guardianship services provided, I wondered whether that figure is a cumulative figure that is progressing through the years. In relation to the costs there appears to be a significant reduction in costs allowed for in this budget of some 550 per case. I just wondered how that has been achieved and the other simple question about the cumulative nature.

Mr PRINCE: I will ask for Ms Roberts to explain that, but it seems to me from what I understand that the actual quantity of services, both advocacy and guardianship, are simply increasing, in relation to the costs certainly.

Ms ROBERTS: There is certainly a slight increase in the level of advocacy services that we have provided, but how we are counting them is the critical issue. We are basically anticipating doing a little bit more of the work than we did last year. What we are doing is we are counting work that we were not previously counting last year. We were doing it but it was not being counted in the outputs. The actual reduction in the cost is more apparent than real for that reason. Basically we are doing a similar amount of work but we are actually counting the outputs and that has a result of lowering the actual cost per case, but it is more apparent than real, if that makes sense.

Mr BAKER: Minister, on page 761 under "Output Measures" is a reference to quantity, advocacy services provided. That seems to cross-reference in part to the services referred to on the top of page 762. To what extent are those services, if any, outsourced to third parties? There is a reference to independent representation. I am curious as to what extent they are outsourced.

Mr PRINCE: I think the independent representation is in the nature of the public advocate who is before you who has independence under statute.

Ms ROBERTS: That is correct, minister, but also under my legislation I am not permitted to delegate my authority or to outsource my authority as such.

Mr PRINCE: Which does not mean to say that you might not take advice in the legal sense.

Ms ROBERTS: That is correct.

Mr RIEBELING: On page 761, "Output Measures" again, under "Quantity", the second dot point, in relation to the extent to which recommendations were accepted by the Guardianship Administration Board, I notice it says 92 per cent. Who makes those recommendations? Is it the department that makes it to the board, and why would 8 per cent not be accepted? There would be some sort of guidelines, I presume, that you go through. Can, for instance, a person make an application for protection of the service against the guidelines?

Ms ROBERTS: The only guidelines as such are the principles of the legislation and when we advocate, we advocate as we judge is in the best interests of the client. The board sometimes does not agree with that recommendation and that could be for a range of different reasons. Perhaps we take a more liberal view, a more rights focus, in terms of leaving the person to manage their affairs, whereas the board might consider a more protective focus is needed and therefore they would disagree with the need to appoint an administrator or a guardian to manage that person's affairs.

[11.50 am]

Mr PRINCE: We get it right nine times out of 10.

Mr BAKER: Minister, just a general question regarding output 10. There is reference made in the output description to the fact that the Office of the Public Trustee administers estates of people who die with or without a will. Looking at cases where they die without a will, I am just curious, nowadays is it very common for someone to die without a will in circumstances where no next of kin can be found and their estate devolves to the Crown in the right of the State of Western Australia? I understand that only applies in extremely exceptional circumstances.

Mr PRINCE: The Public Trustee's office has no knowledge of it. It would happen but it would be very rare. Most of the estate administration done by the Public Trustee is done either because the Public Trustee wrote the will or because the relatives ask the Public Trustee to do the administration and so the Public Trustee seeks letters of administration.

Mr BAKER: Minister, page 740, under the heading "Significant Issues and Trends", there is a reference to a backlog in the District Court's criminal workload of approximately 1500 individuals awaiting trial at the present time. Would the minister please account for the cause of the backlog and how the Government intends to resolve it?

Mr PRINCE: To some extent it has to be said that the District Court has not been able to recover from the effects of the provisions of the Criminal Law Amendment Act 1996 that was proclaimed in October 96. That legislation resulted in the transfer of jurisdiction, particularly for sexual assault matters, from Supreme Court to District Court, which I still think was the right thing to do. As a matter of principle, it was undoubtedly the right thing to do, as Parliament agreed. The transfer did also result though in a large number of pending matters from the Supreme Court. That needs to be remembered. That resulted in a reduction in listing delays in the Supreme Court from 50 weeks to 19 weeks. So there was a huge change in the Supreme Court listings, but it obviously created a listing delay in the District Court that peaked at 18 months.

There has been a planned reduction in the hearing of the more minor sexual offences to some extent, but nothing like as much as was predicted, because what had been thought would happen was that the more minor matters would be dealt with in the Magistrate's Court and that has not eventuated. They are still being held in the District Court. There are a number of strategies implemented both by judiciary and court management: the flexi-list and fast-track plea systems, status conferences, authority for magistrates to remand offenders direct to the District Court, first appearance date in lieu of the previous general remand at the beginning of the sitting day. There is comprehensive and day-to-day monitoring of the criminal list which involves both judiciary, DPP and defence counsel. There have been additional sitting days by the District Court and we have an increasing number of judges in the District Court in the last three years as well, which has helped. The complexity -

Mr McGINTY: I don't think there has been, Minister.

Mr PRINCE: I thought there had.

Mr McGINTY: No. The last ones were in, if my memory serves me correctly, 1996 when Judges French and Macknay were appointed.

Mr PRINCE: In which case, you are undoubtedly right. We have appointed people to replace people. My apologies. The complexity of the nature of cases is also increasing. The average length of trial has extended from two to three days, a 30 per cent increase in the last three or four years. I think the performance indicators in output 2, case processing, support that, and then there, of course, is the DPP policy to charge offenders with the highest offence consistent with the evidence, which is not a novel policy for the DPP. The Crown Law Department, as it was, had exactly the same policy. They continue to do that and continue to produce multiple charge indictments and so on, all of which lead to more complexity, lead to longer trials, and that has also contributed to a number of late guilty pleas as well as complexity in trial. In other words, there is a combination of reasons for it and there are a number of things in place to try and deal with it.

Mr BAKER: Just relating to that, Minister, I understand that the District Court now visits the Joondalup courthouse on a periodic basis.

Mr PRINCE: Yes.

Mr BAKER: To what extent will this assist in reducing the overall workload of the District Court?

Mr PRINCE: I doubt if it will reduce the workload. It shifts the workload from one place to another, which is a highly desirable thing to do. Instead of people from the northern suburbs, whether they be people who are accused or people who are witnesses or victims or whatever, having to come all the way into the centre of the city for a hearing, whether it be a plea of guilty or a trial, whether it lasts two days or two weeks, they are far more conveniently being able to attend the Joondalup Court for the same purpose. I do not know that it necessarily leads to a reduction at all in listing times or time spent, but it does bring the service closer to the people rather than bringing the people to some centralised service. It is good that it has happened. I would like to see it extended to Midland, Armadale, Fremantle.

Mr BAKER: Is it not also possible that the fact that the court is now sitting in Joondalup will reduce the number of applications for adjournments in the District Court when it sits in Perth, because the distance factor is not as great a factor, so to speak, as it was previously? I understand that in many cases people turn up for court late in Perth and say, "I missed the bus," or, "I did not have money for a taxi," "I could not get a lift." Could that be a factor which could perhaps -

Mr PIPER: Again, just off the top of my head, I would doubt it in the District Court. Matters tend to be a little more stable in that jurisdiction, in the sense that you have not got the sort of large number of matters being dealt with quickly as you would in the Magistrate's Court. The minister is correct, in that there has been an ongoing policy supported by the building program in the courts area to establish a stronger suburban and regional presence for the courts. You will see the new Fremantle Court complex, for example, having a five court complex with the capacity for the lower courts jurisdiction, District Court and the Children's Court to sit there comfortably. You have the increasing now use of the Joondalup Court and with new courts in Rockingham and Busselton and South Hedland you have the extension of facilities where people who need the services of the court can get to them easily and conveniently. That is, I think, the substance of the policy. I suspect that it has very little effect on the listings.

[12 noon]

Mr RIEBELING: In relation to what the minister initially said in relation to the changes in jurisdiction resulting in criminal trials being reduced, the figure you quoted reduced the Supreme Court criminal listing down to 16 weeks.

Mr PRINCE: No, I think I said from 50 weeks to 19.

Mr RIEBELING: It is now 32, according to your figures -

Mr PRINCE: In the Supreme Court.

Mr RIEBELING: - and 84 per cent are within that period. My question I suppose is a cumulative one. Because of the creep in jurisdiction that has occurred -

Mr PRINCE: Sorry, can you just explain what you mean by "creep in jurisdiction"?

Mr RIEBELING: The jurisdiction where the more serious cases are dropped down to the lower jurisdiction, which ends up in the Court of Petty Sessions of course.

Mr PRINCE: Very little of it has.

Mr RIEBELING: If you speak to your advisers, I think that is wrong. What has in fact occurred in the Courts of Petty Sessions is the simple matters are now dealt with by enforcement courts such as the computerised enforcement courts. Traffic lists and things now no longer exist.

Mr PRINCE: True.

Mr RIEBELING: The actions that are now in the Courts of Petty Sessions are far more complex than what they were as an average previously. It is more of a comment, I suppose, that I am seeking from you. Has it been successful that we have a Supreme Court now in which only 84 per cent of its cases are dealt with in 32 weeks, in the District Court criminal we have 88 per cent dealt with in 52 weeks and in the Courts of Petty Sessions criminal we have 92 per cent being dealt with in 26 weeks? Even though the emphasis never seems to be, the most efficient of those courts appears to be the lowest of the courts. Minister?

Mr PRINCE: I doubt you will get the Chief Justice to agree with you, or the Chief Judge, but you will undoubtedly get the Chief Magistrate to agree with you, because they will all point to significant factors in relation to their individual court structures which they would say give the lie to that general statement. In terms of volume, certainly the Magistrate's Courts are overwhelmingly efficient in the sense that I think it would be fair to say they deal with 90 per cent of all the charges, or thereabouts, and deal with them usually expeditiously and well, particularly if you look at the number of appeals that flow and so on.

The ability to be able to send out traffic infringements and so on backwards and forwards without actually an appearance in court undoubtedly helps in the sense of dealing with volume minor offences, but it would also be the case that, for example in the District Court - and full marks to Chief Judge Hammond and that court in total - they are regarded as the

most efficient court of that jurisdiction in Australia, District or County Court, and that is because they are supremely well-run. The creep in jurisdiction you referred to has not actually happened so much from the District down to Magistrate's Courts, particularly in areas, for example, like aggravated burglary and some of the minor sexual matters. That is largely because of the laws we passed in this Parliament.

Mr RIEBELING: Totally, I would have thought.

Mr PRINCE: Yes. For example, we have created the offence of aggravated burglary, a circumstance of aggravation being in company, and it is rare to find a burglar who has not got a mate with him. We made a conscious decision, and I think quite rightly, that the public regards that as very serious. From the courts' point of view, perhaps they would see that as being at the lower end of the scale of aggravated burglary and they may well argue, as I have heard them argue to me privately, that we ought to change the law to move that down to Magistrate's Courts. I disagree and I think the public would disagree with that. You can argue, in other words, around those sorts of individual issues. In the Supreme Court, the only things they deal with in crime are wilful murder and murder.

Mr PIPER: Just a couple of issues I think will help the understanding of this matter. As I understand, the Supreme Court is also picking up some District Court matters. It is pretty clear they have the capacity to do that and are therefore supporting the District Court in those ways. Also, as you would be aware from our discussion last year, one of the issues that was creating an impediment for the processing of criminal matters in the District Court was the unavailability of court space. In the previous budget we were able to open four new criminal courts for the District Court and we also had, early in 1998-99, a fairly significant lift in the number of indictments coming through in the first quarter of 1998-99, and then from a base around the sort of 150-ish up to close to 200 a month, and towards the back end of 1999 that seemed to tail off again and it has built up again more latterly around Christmas, so you have some ebbs and flows where it is a bit hard to establish a pattern.

It is pretty clear, as the Attorney has said publicly now, there is active consideration of extra judicial officers in that court. In the interim, the court has been doing the sorts of things the minister mentioned but in addition has been appointing commissioners to support the workload and, even though it is a bit hard to track in the budget, there is an amount just under half a million dollars that supports that extra resource which was, if you like, the short-term response to try and support the work of the District Court. As at December, the listing interval was at 56 weeks, which is a little lower than the sort of number that had been thrown around. It is still longer than the standard time. The interval is, in fact, moving around a little bit depending on the number of indictments coming through.

Mr RIEBELING: Just a quick follow-up on that. Earlier today when we were speaking to the DPP, he indicated that the reason why you would have 63 per cent defended cases in the Supreme Court was that it is a more serious penalty and the like. I would have thought the fact that you move down and the next layers have almost identical defence rates says something about that statement in relation to seriousness. Quite clearly in the District Court there are far higher penalties involved in relation to the crime, so one might think that 21 per cent defence rate is either low compared to the Supreme Court or high compared to the Courts of Petty Session. I just wondered whether or not there is a management question in relation to the two defended cases; whether, for instance, Petty Sessions is too high or District Court is lower than expected.

Mr PRINCE: That is an interesting proposition, really, that accompanies your question. I am not sure of the answer. If you have someone facing a wilful murder charge and there is the possibility of a conviction for murder, then you would always advise to defend that simply because the penalty that results differs quite significantly in terms of imprisonment. At the totally other end of the scale, if you are talking about say reckless driving, dangerous driving, sure there is a difference in penalty with regard to licence suspension, and fine, but obviously not of great seriousness. That may well be part and parcel of it. I am sure Mr Piper is able to add something from a statistical point of view. The proposition that you put is of interest but I am not sure what the answer is.

Mr PIPER: You are talking about the numbers on page 745. In general terms, as the DPP indicated, the criminal matters that go to the Supreme Court are particularly serious matters and are almost invariably defended and go through to some conclusion at trial because of the nature of both the penalty and the offence. The District Court has been somewhat successful, as the minister indicated, by its fast-track plea system in encouraging an earlier conclusion, even of some of the criminal matters, than might have otherwise been the case. It does not actually mean that people are not represented; it just means the interlocutory procedures in the District Court are offering an earlier opportunity for a conclusion.

I know the Chief Judge has been particularly active in that area to try and bring on the matters in the criminal list that are capable of resolution, so I think what you are seeing in those numbers is the management by the court but you are also seeing a quite different complexion of cases because as you go down in the Magistrate's Court, of course, the duration is much shorter. It is quite a different thing to be facing a three-day trial in the District Court or to be standing in front of a magistrate and have the matter dealt with in an hour or two.

[12.10 pm]

Mr RIEBELING: I guess the fast-track system works in the District Court. If that figure of 21 per cent is exceptionally low in world terms - I guess there are figures around to say that - then perhaps the same system could be used in Petty Sessions.

Mr PIPER: What is happening, of course, in the lower courts is the increasing use of the new Genysis case management system for management of those matters. I think that is, given the large volumes, enabling people to get a much stronger

handle on management practices associated with that court, but going back to the point the minister made earlier, when you look at the national comparison of County and District Courts, the District Court in Western Australia compares extremely favourably, and I would suggest it is because of the very active management stance that has been taken by the Chief Judge and the judiciary on the matters that we are now discussing to try and get the best possible conclusion of those matters that are capable of resolution.

Mr McGINTY: I do not think there is any doubt that the biggest problem facing the courts is the blow-out in the waiting time for criminal trials in the District Court. Your papers project a further blow-out, page 745, albeit a minor one. Can I ask this: did you last year anticipate the extent of the blow-out? It was something that the Chief Justice described in his Christmas address to the profession as being unacceptable and it blew out quite enormously during the course of last year. I do not think last year's budget papers anticipated that blow-out. Is that correct?

Mr PIPER: With the minister's indulgence, no, and, as I indicated earlier, part of the issue was, there was a fairly significant increase in indictments in the early part of last calendar year and because of the way the queuing theory works around these matters, that tends obviously to reflect itself in delay. The predictions that we have been doing around that did not pick up that extra number of indictments coming through. Obviously you can take a view about what is a timely disposal in the District Court. We did not expect it to move as far as out as it has done and it is largely because there were both the increased number of matters coming through and they are taking longer.

Mr PRINCE: If the police were not as successful, we would not have the problem.

Mr PIPER: I would not seek to argue with the Minister for Police.

Mr McGINTY: I guess my reason for drawing the attention to the fact is that the big blow-out that occurred that last year was not predicted in the budget. This year you have predicted a minor blow-out. I am wondering whether you might have underestimated that as well. You are anticipating they will increase in this budget. What guarantee can you give to us that it will only increase by the factor mentioned here and not by significantly more as occurred last year?

Mr PRINCE: I would ask Mr Piper to respond, but one of the things that he has been at some pains to mention is that there was an increase in indictments that was unpredictable, or not predicted, and I would put to you unpredictable because if the police are more successful in apprehending people because of changes in practices, breakthrough in information, ability to be able to clean up a significant quantity of perhaps unsolved crimes, something of that nature, or as you do from time to time you get a few people going on a crime spree and they are apprehended and there are a lot of charges that flow from it, in a sense that is not predictable either and that is really where the problem starts.

Mr McGINTY: It is more than that. It is something in the system now. I know there is a number of reasons and I do not want to canvass those reasons. I want to know what you are going to do about it.

Mr PRINCE: No, I am not saying that is the total answer. I am just saying that you have to bear that in mind when you then put the question forward that you do and I would ask Mr Piper to respond.

Mr PIPER: The current numbers indicate that the delay is actually reducing slowly.

Mr McGINTY: That is not the information that I have. What numbers do you have to justify that?

Mr PIPER: I have the numbers here on a month by month basis, going through to the end of December, and I know there have been extra indictments coming in again. We seem to have a seasonal effect which is impacting it again.

Mr McGINTY: What does that mean?

Mr PIPER: Basically the length of delays is determined by the number of matters and the number of judicial sitting days and it is not linear. If you have the right number of people sitting, the queue will reduce. If you do not, it tends to increase, but the thing is not lineally related. As has been indicated by the Attorney publicly, he is considering the appointment of additional judicial officers. I agree that the budget papers had not forecast that because our early indications as at the time we framed the budget was that the listing delay was reducing, but the obvious response, if it continues to increase, is supply the resources that are essential to meet the demand.

Mr McGINTY: I want to deal with this in some detail. The Chief Justice in December described the situation in the District Court as unacceptable and getting worse. Has it improved since then or not?

Mr PIPER: The numbers have fluctuated from peak listing intervals of around about 68 weeks in August through to about 56 in December and my numbers run out at that point. I might ask Miss Pauline Phillips to comment on the later figures on that, but you would be aware, of course, that that is about the time that the budget was put together.

Mr McGINTY: The Chief Justice was able to use figures that were absolutely current when he spoke in December and what I want to know is, what has happened since then?

Mr PIPER: I will ask Miss Phillips with the minister's indulgence to comment further because I do not have those numbers straight in front of me.

Mr PRINCE: Miss Phillips is the Acting Executive Director of Court Services.

Mr PIPER: The issue there is that even at that time point where our numbers are showing a listing interval of about 56 weeks, it is in fact longer than the standard time that we allocated at 52 weeks, so the Chief Justice by any interpretation

is correct in saying it is outside the range, but the numbers, as I said, on a monthly listing interval basis have been moving around a fair bit and that is partly because the number of indictments has been moving anywhere from nearly 200 down to 150 per month, so they are all over the place at the moment and there does seem to be some seasonality in it. The right answer in the end is, if the trend is sustained, then there needs to be a review of the number of judicial officers and the Attorney has indicated that he is looking at that matter.

Mr McGINTY: If I can crystallise the question, what has happened since the Chief Justice's speech in December to waiting times for criminal trials in the District Court?

Ms PHILLIPS: As has been said, the numbers do fluctuate considerably, but the figures at the end of the March quarter actually showed that more cases were finalised than were listed in that quarter, so the gap is closing a little. It is very slow, but what appears to be happening is that the number of strategies that have been put in place are actually starting to take effect. One of the key strategies for the country circuits that has been mentioned is the status conferences where now a judge in the city will hold a status conference by video-link with those four country courts that have those and assess the status of the case and then decide whether to list it for a trial or a hearing. That is saving enormous judge sitting time on those country circuits, so there are a lot of things in place. They are starting to take effect, but we agree it is very slow.

Mr McGINTY: Do you have the listing intervals for each month?

Mr PRINCE: Mr Piper tells me that we can supply that by way of supplementary information.

The CHAIRMAN: Supplementary information will be provided.

Mr BAKER: Madam Chair, are we just dealing with output 1, by the way?

The CHAIRMAN: Yes, we are dealing with output 1 at the moment.

Mr McGINTY: I suggest, in light of the hour, Minister, that if we could deal with all six, I would be happy with that and there may be issues later. This is an area of particular concern to me and I do not want to bog others down on it.

The CHAIRMAN: Yes, we must be mindful of the time, so it will be from 1 to 6.

Mr BAKER: Minister, my question relates to output 2 on page 746 under the heading of "Major Achievements for 1999-2000", reference is made to the development of a judicial sentencing information system. Could you please provide more details on this system and explain whether it will assist in providing the public with a better understanding of the sentencing process?

[12.20 pm]

Mr PRINCE: For some years the Chief Justice has sought the means to collect data statistically that concerns the sentencing of people for the purpose of reporting on trends which is desirable and as a tool to be used by judges to provide them with relevant information which is also obviously highly desirable. There has been a facility to provide those requirements without actually doing anything terrible to the workload of the judiciary. It is close to being piloted. It is not quite there yet. It is called the Judicial Sentencing Information System and it has basically two lots of information to be gathered. One is information on precedents and guidelines which is something that is fairly self-explanatory and the second is on the judicial process, including outcomes and practice, which outcomes.

The role of stats in the JSIS system is to ensure that the information provided to the judicial officers is appropriate; that factors affecting the outcomes are properly measured - they can be implemented, in other words, in the court context; that there are some predictive models of sentencing outcome which give a better reflection of all the relevant factors and the information is collated on a continuing basis. That obviously leads to both the ability to monitor performance of the sentencing process and to better understand the issues; whereas the data on the factors impacting on sentences handed down will be gathered over a period of time and will be represented in the Judicial Sentencing Information System in a graphic form which will show the range of sentences for all sorts of like offences.

It will also provide judges with the facility to make more specific inquiries on like matters. They will have, for example, electronic access to transcripts, to sentencing remarks and eventually to things like pre-sentence reports, psychological reports and other paperwork that is filed in relation to any particular individual. I am not quite sure when the pilot is likely to be commenced. Perhaps Dr Fitzgerald or Mr Piper will be able to say. It is certainly something that has been some time being worked out and should lead to a better system.

Mr PIPER: Just as a comment on what the minister has had to say, the Chief Justice, as members would be aware, for those who read his annual speech, has been talking about this issue of sentencing information for some time. The software has in fact been developed. It is fully compatible with the systems used by judicial officers and the take-up in a pilot sense is really a matter of the judicial officers actually integrating it into their workload and trying it hands-on, first to be confident of its usefulness. It in fact allows the judicial officers to develop the elements of the sentence in a way that will improve the clarity of reporting on the sentencing. I must say it is actually a particularly good piece of work that has been done cooperatively between the judicial officers who control these matters and the ministry.

Mr PRINCE: When is the pilot?

Mr PIPER: The pilot is in fact due, as I understand it, in the next couple of months. In fact, it is ready to go. It is really just subject to judicial take-up.

Mr RIEBELING: I want to get back to the blow-out or the current status of the court listings in Western Australia. I hear that lots of initiatives are now occurring which are about to reduce the waiting list. However, your budget papers indicate that for the judiciary and judicial support services, the cost of the output has reduced in the last two years by about \$7m, according to your own figures. I wonder how you can say that more effort is being put in when on your own figures such a massive amount has been extracted from the service. We are told continuously that there are more cases going in, yet I notice the FTE level for the judicial support services has remained constant. I wonder where the initiatives are that you have spoken about.

Mr PRINCE: Not all of this but much of this relates to superannuation and the liability and how it is accounted for. The actuarial calculations and so on afford a much more complete answer. I would defer either to Mr Piper or to Mr King.

Mr RIEBELING: Even if we get down to the base level of the FTE levels not having changed, when we know there is going to be an increase.

Mr PIPER: The member referred particularly to the cost of that output. As has been already commented on in this hearing, there has been a number of requirements of judicial officers. The actual estimated cost is related to the actuarial allowances that were made for superannuation costs associated with the current group of judicial officers. That is, in fact, the large variation that you are seeing. The member quoted something like \$7m.. I will ask Mr King to give a more detailed answer to the movement in the budget numbers.

Mr KING: Perhaps to follow on from that comment, 1997-98 was a rather major year for reviewing the superannuation of judges as part of the three-year review of the superannuation baseline. In that year we had a \$20m movement in liability which was really a pick-up and a re-establishment of the base.

Mr RIEBELING: That is before this. 1997-98 does not appear here.

Mr KING: Yes, and the adjustments that flowed from that which will bring it down to a baseline in 2000-01 at around \$4m or \$4.5m. To put the actuarial adjustment through, it moved down from \$20m to \$11m, from memory, down to \$8m which I will confirm, and now down to \$4m. That largely accounts for quite significant shifts in the total cost-line of the item. Perhaps a better analysis would be dealing with the cash cost of the output which is more directed to the resources engaged. The number of FTEs applied to the output remains the same in 1998-99 as to 2000-01; there is no shift there.

Mr RIEBELING: There is no staffing increase, yet we have had an increase in the workload. I just hear you say, "We are putting a big effort into new programs and we are going to be reducing the waiting period but we are not going to have any extra people on deck." Is that what you are telling us?

Mr PIPER: There has been an underlying increase when all of those things are stripped back of something just under \$500 000 for commissioners within the District Court and that has been funded. Some of the other initiatives that Ms Phillips talked about in fact are held elsewhere in the budget; for example, the District Court use of video-conferencing for its preliminary and interlocutory procedures does not actually appear under that line item in terms of judicial employment. You would be aware that the new South Hedland courthouse has that feature incorporated. It is being retro-fitted into Geraldton and into Kalgoorlie and is being progressively put through the major regional centres to permit that sort of efficiency to be achieved.

Mr RIEBELING: But those courts have never had massive waiting lists.

Mr PIPER: No, but the issue is an issue in terms of the use of judicial resources and the efficiency of their list when they go to the country and their capacity to adequately manage that list remotely. It may not be, in your view, a major item but it is, however, significant in terms of judicial time and adds to the efficiency.

Mr RIEBELING: You are not telling us that tinkering with the country lists is going to affect the waiting lists that you are now about to tackle.

Mr PIPER: No. As I indicated earlier, there is something around \$500 000 within the underlying budget that has already been applied to the District Court to fund what have been commissioners with the District Court and also the additional listing and sitting procedures implemented by the Chief Judge to work through the list in the ways that I described in answer to an earlier question, so in fact it is not an issue that we have not applied any resources. I have also indicated that although it is not reflected in the budget, the Attorney General has already publicly indicated that he is considering a request for an additional judge in the District Court.

[12.30 pm]

Mr McGINTY: Minister, could you tell us how in specific terms you intend to achieve a 15 per cent increase in the sitting times of the District Court in the criminal jurisdiction? This is output 2, page 744.

The CHAIRMAN: Are you on "Output Measures"?

Mr McGINTY: Yes.

Mr PRINCE: I think in order to give you a completely detailed account I would have to put that on supplemental information to obtain it, because it is a management exercise by the Chief Judge and the judges of the court. I am sure we can obtain the information.

Mr McGINTY: It is just that it was trumpeted by the Premier in his budget speech and I thought that it might have been the centrepiece of your activity to address this problem.

The CHAIRMAN: Supplementary information will be provided.

Mr BAKER: Minister, my question also relates to output 2. On page 748 there is a reference under the heading "Major Initiatives for 2000-01" to the development of a specialised drug court pilot program over the four-year period. Can you please provide some details concerning this pilot; how it will operate, how it fits into the Government's strategy, and also, perhaps, draw some comparisons between this pilot and the pilot that is currently under way in New South Wales.

Mr PRINCE: I will be asking Dr Fitzgerald to respond in some more detail, but just to make the more general points, the concept of the drug court has been worked out over a period of some time and has involved quite a number of people, not only justice but also the West Australian drug strategy office, and we do expect the pilot drug courts and the other strategies to become operational early in the next financial year, 2000-2001. It is a concept which will deal with those offenders who may or may not be charged with drug offences but for whom drugs are the most significant problem that they face. One would expect most of the offences will be therefore related to drugs and it is intended that they will be a court where, without necessarily first recording a conviction, the people will be managed in a fairly intrusive way, in a sense, I suppose, to try and engage them and get them away from their dependence upon an addiction to drugs, which is the origin of their criminal behaviour. That is the object of the exercise in a general sense. Dr Fitzgerald has been involved in the development of this I think almost from inception.

Dr FITZGERALD: The drug court needs to be viewed in the context of the overall approach to offenders with drug problems, so at the lowest level we have a proposal for a cannabis cautioning system which the police will operate, and there has been a pilot of that and it has now been extended statewide. That applies in the case of people who have been charged or found to be in possession of a minor amount of a drug, a non-trafficable amount of drug, and they would be then referred off to an educational program. The next level up would be where we come into the court system and that is where we have an offender who has been charged with a second offence of possession. The intention with that group, and it is a fairly large group, is that they would be referred off by the court to a short educational program.

The next step up - and again, this is in the Court of Petty Sessions - we have those offenders who are what you might view as minor, less serious drug offenders who currently are being dealt with by the existing court diversion service. So the court diversion service will continue, but we will be changing the name of the court diversion service. With those offenders, the offenders will either be as a condition of bail required to attend the program, a three-month program, which would be operated through what is currently referred to as the court diversion service. That would be a program of treatment and at the end of that program of treatment there would be a report come through to the court. As an alternative to being placed on the program as a condition of bail, they could also be placed there as a condition of a community based order.

The next level up is where you have the drug court proper and the feature which distinguishes the drug court from other forms of intervention with drug offenders is that rather than the offender being supervised by a community corrections officer, the court itself is directly involved in the supervision. So the day-to-day supervision would be undertaken by a community corrections officer, but the offender would be required to report back to the court at intervals determined by the court. It could be initially weekly. That could be subject to the offender complying with the conditions. It could be stretched out to two weeks. So the court would be using its authority to directly supervise the offenders' compliance with the conditions of the order.

The order could take a number of forms. It could be a condition of a suspended sentence. Currently we cannot attach conditions to suspended terms of imprisonment and the Government is intending to introduce legislation so that conditions may be attached to suspended terms of imprisonment. It could be also a condition of a deferral of sentence. Where there has been a conviction the court may defer sentencing for at present up to six months and during that period the offender would be required to participate in a treatment program, and as I say, the supervision would be undertaken by the court.

Another option for the court would be as a condition of intensive supervision order or a community based order. The intention is that the court would operate primarily in the Court of Petty Sessions and there is funding contained in the budget for a dedicated magistrate to be appointed, dedicated judicial support officer, point 5 of a DPP officer, point 5 of a Legal Aid Commission officer, and two additional community corrections officers who will be appointed for supervision purposes. So that is the kind of staffing which would be applied. Some of the matters would also be dealt with in the District Court, the more serious matters which are referred up by the Magistrates Court, indictable matters, to the District Court. We are contemplating that in terms of numbers around about 3000 would be dealt with under the second time possession offences, up to about 700 would be dealt with by the intermediate level of intervention equivalent to the current court diversion service and about 300 would be dealt with annually by the drug court.

You asked also about the difference between the model that we are proposing and that which operates in other States. The New South Wales model operates in the District Court in New South Wales. It has a dedicated judge. It also has a dedicated magistrate who has been appointed as a District Court commissioner, as I understand it. It has also got two full-time DPP officers, two or three Legal Aid officers. It is a program which is focused at the most severe end of the drug use continuum, so it is dealing with those offenders who have really quite serious substance abuse problems.

[12.40 pm]

The view around the country is that the New South Wales model is probably a Rolls Royce model and even people in New

South Wales are saying they could not afford to duplicate that model in another location other than where it is currently at Parramatta so they are moving to implement a model which is similar in some respects to our Magistrate's Court model. Victoria also have a model which operates in the Magistrate's Court. The distinctive feature of the Victorian model is that whereas in the approach we are adopting and the approach which has been adopted in New South Wales where there is regular urine testing of offenders who are on the program, Victoria have chosen not to undertake urine testing. I can go into reasons for that if you wish. South Australia also have adopted a pilot program which will be operating in the Magistrate's Court, and in Queensland they have a Magistrate's drug court which will be operating in three courts close to Brisbane. I think there is one court in Brisbane and two just out of it. There is a magistrate who has been appointed to that court. Our approach is fairly consistent with the approach being adopted around the country with the exception of that one court in New South Wales.

Mr BAKER: Just as a follow-up, if I can just briefly, is it the case that the drug court will also have jurisdiction in respect of juveniles? You may well have referred to that earlier.

Dr FITZGERALD: I am sorry, I did not refer to that. It is intended that the Children's Court will also operate as a kind of drug court. Currently they do already undertake that kind of work and so the drug court will also be operating in the Children's Court. Certainly the president of the Children's Court, Judge Val French, is very supportive of the concept of a drug court operating in the Children's Court.

Mr McGINTY: If I can go back to page 748, and this is the fact involving criminal cases in the District Court, eight months ago, Minister, Wayne Martin QC gave you his Law Reform Commission report which I thought provided a blueprint for reducing delays, among other things, in the criminal jurisdiction in the District Court. There is no mention of implementation of any of its recommendations as being major initiatives that you intend to take for 2000-01. Can I ask in two parts? Firstly, have you shelved that report and is it now there to gather dust? Secondly, have you implemented any of those recommendations as yet, and if you could otherwise tell us where you are up to on it?

Mr PRINCE: Certainly, Madam Chair. If I may, having now found the information about the 15 per cent increase in scheduled trial sitting days, I shall put you out of your agony rather than waiting for supplemental information. Those additional sitting days are available this coming financial year for the first time as a result of a combination of things. First is the appointment of additional commissioners. Secondly, Mr Reynolds, who is a commissioner at the moment but on a limited commission, is having his commission extended to include the criminal jurisdiction, and I think we did it yesterday. Next, the judges have an increased availability because there was a significant accumulated leave commitment which has now been removed, so there are more judge days available because their leave is lower. Lastly, the four new criminal courts in the May Holman building. A combination of those things gives us 15 per cent more judicial sitting days.

Now to move to the implementation of the West Australian Law Reform Commission review. As I have said earlier today in complimenting the Law Reform Commission, I think it is an outstanding report. I have not read it all but I have read parts of it and briefed through quite a bit of it. The rest of it is sitting on my desk among other things which get read as and when I can find the time. There is a lot we can do short-term and medium-term to deal with some of the 440-odd recommendations, and that is being done. What we need is the establishment of a steering committee to get on with the process of implementation. We need to identify the things that can be done quickly as opposed to those that are much more long-term, we need to do a great deal more about communication, which the Law Reform Commission places a great deal of emphasis upon, particularly the globalisation of the law reform report, and there are lots of other things that are housekeeping. That is in hand in the sense of moving to set up the steering committee, as I understand it, within the Ministry of Justice.

Mr PIPER: As you would probably be aware, at the release of the final document in its consolidated form, even though there were a lot of draft reports floating around because of the nature of the consultant's work, there was also a call for additional submissions, which are still being received. In fact in a sense, even though a lot of the profession and many of us who have been close to the Law Reform Commission went along with the journey, it is such a significant piece of work that we have also been seeking to get more general public input, and that is happening. Doctor Fitzgerald in policy and legislation has been tasked to set up the mechanism to implement the report. It certainly has not been shelved..

Mr PRINCE: Nor will it be.

Mr PIPER: Nor will it be.

Mr McGINTY: It is eight months now and I do not think a single recommendation has been implemented yet.

Mr PRINCE: Yes, but as has been said, the final report -

Mr McGINTY: Was in September of last year.

Mr PRINCE: Yes; it was still coming out in March this year. While you and I and others, as Mr Piper has said, have been close to it and involved in it in a sense, there are still a lot of people who now are having their say. Notwithstanding that, Doctor Fitzgerald is being the person who has been given the monumental task.

Dr FITZGERALD: Mr McGinty specifically referred to the recommendations of the review report which made a number of recommendations about how criminal procedures might be improved and streamlined. By way of a little bit more context to that, I think it is worth noting also that the Standing Committee of Attorneys General did establish a committee under Justice Martin of the Supreme Court of South Australia to look at how the criminal trial procedures could be made more

efficient. One of the important findings of that committee was there should be adoption nationally of the Western Australian approach to fast-track trials.

Mr McGINTY: I assume they are the court ones and not the Ministry of Fair Trading fast-track procedures!

[12.50 pm]

Dr FITZGERALD: I would not wish to comment. The other comment I would make about the report which Justice Martin prepared, and the Chief Judge of course of Western Australia was a member of that committee, is that a number of the recommendations which that committee made were in fact very similar to those made by the Law Reform Commission. With the Law Reform Commission's report, there are a number of recommendations which are of a fairly sensitive nature to do with, for example, defence disclosure, disclosure by the DPP. As you would be aware, the criminal practice rules of the Supreme Court have been in the process of being redrafted for some time and some of those issues are picked up in some of those Supreme Court Rules which have not been finalised yet but certainly are in the process of being redrafted.

The Attorney General I think recently made comment about one of the recommendations contained in the Law Reform Commission report which was to do with the abolition of committal proceedings. My understanding is that certainly the Attorney in the press commented this was one of the recommendations that he felt should be considered closely for implementation. With something like that, there would be a need for consultation with the Law Society and criminal lawyers and the profession generally. The work that has been undertaken to date in respect of the Law Reform Commission report is first of all, as Mr Piper commented, a chair of an implementation committee has been appointed; Mr Dan Sullivan, the Parliamentary Secretary for Justice. A proposal has been submitted to the Attorney and he is considering the appointment of other members of the committee.

In the meantime the ministry has undertaken a preliminary analysis of the recommendations in order to determine which of those recommendations can be implemented by way of a procedural change which require some further policy work and which require legislative amendment and also which would be the subject of rules. There are a number of the recommendations which would require legislative amendment and obviously they would take a little bit longer to implement. There are certainly recommendations which can probably be implemented more quickly to do with improving people's access to information about the way the justice system operates and also changes in relation to the use of plain English and things of that nature.

One of the other things that we have done which is really a housekeeping issue, but I think is quite important, is that we have established a database which will enable us to keep track of where we are at with the implementation of the recommendations. I could go into further detail if you wish, but I am sure you could do it just as easily yourself going through the recommendations in terms of what is required in order to implement each of them.

Mr PRINCE: Can I just make a point, for example, with the preliminary hearing, the committal? That requires a change to the Justices Act, if we were all to agree with that and bring in the legislation. I do not know necessarily whether the profession agrees with that or not. Personally, as a former practiser, one would say yes because I think it is very rarely used and there are debates about whether or not it is used correctly, but there are all the others who will disagree. I do not know what your position would be on that, changing internal practice rules to effectively compel forms and disclosure with regard to defence other than the alibi which is something that has always had to be disclosed. I do not know where you stand on that or anybody else does, for that matter, but these seem to me to be things that should be progressed but they cannot be done quickly. There are other things that can be done and are.

Mr McGINTY: Minister, there is no reference here either to the odious sentencing matrix as being one of the great achievements that you are going to be trumpeting for the forthcoming year and the implementation of that. Is this something which perhaps the Government has gone cold on?

Mr PRINCE: Good heavens, no! I think the matrix is a wonderful idea, far from being odious. As I recall, that has disappeared off into some committee of the other place, has it not?

Mr McGINTY: Yes.

Mr PRINCE: Far be it for you or I to comment on the workings of inscrutable providence or the other place, but certainly we still want it.

Mr McGINTY: You do not regard it as one of your major initiatives that you will be undertaking in the course of the next 12 months.

Mr PRINCE: It is something that we would like to be able to see brought into effect, but that is a matter that is within the hands of the Legislation Council.

Mr RIEBELING: In relation to output number 3 which deals with enforcement of fines and the like, page 749 is where the question lies. In relation to fine satisfaction rate, fines and costs satisfied within 12 months through the enforcement registry, the level of 36 per cent, I just wondered why we are still achieving such a low rate of success there. I wonder if the minister might be able to tell us this year as to how that compares with the old system, and the thing that is noteworthy by its absence in this section is the amount in the forthcoming year that is going to be written off by way of fines and last year's write-off which was in last year's budget but appears to have disappeared this year.

Mr PRINCE: I will ask Mr King to respond in some greater detail because there is still a significant problem with the

transition from the old system to the new and the backlog, if you like, of significant amounts of fines that were inherited by the new system.

Mr RIEBELING: We are only talking about 12 months here.

Mr PRINCE: Yes, I realise that, but you mentioned write-offs and so on, so I think I will ask Mr King to deal with both of those.

Mr KING: There was both disclosure in our annual report and the Ministry of Justice for 1998 and 1999 and resulting from that further exposure on the amount written off on court fees and fines. One could take "write-off" as being a function or a failure of the system. Last year in round terms the write-off process was \$7m. The structure of court fees and fines is important to understand. There is a legacy of outstanding fees and fines over a number of years. Fines enforcement legislation was introduced in 1995 for a first time. The broader issue is that in respect of infringement-type matters, fines enforcements have been successful. In court fees and fine matters there has been around about a 29 per cent collection rate if you do not collect the fine at the time and so timing is the key.

There have been a number of changes to framework. There was the arrangement to outsource warrants and the comparative figures that have been provided to date appear to be very positive. If you look at prior year fine collection, we were dealing with a fine collection rate of about \$250 000 a year from warrants in the metropolitan area. It was an insourced ministry function and broadly the cost was about \$170 000 a year to achieve that 250 000 rate. The actuals to about 26 or 27 May of this year revenue collectionwise is roundly \$1.7m at a cost of \$832 000 from the outsourcing arrangement, so quite a shift, but the more important feature I think is the number of matters dealt with that historically were built up in backlog and beyond that the much lower proportion of satisfaction of warrant through a work and development order.

There is a real issue in terms of the structure of outstanding fees and fines. That information is available to us. Tracking over time, it is quite clear that if the fine is not responded to quickly, the build-up is quite significant. Whilst we have a write-off policy now endorsed by the Attorney General and now in operation for the last three years -

Mr RIEBELING: Do you know what it is going to be this year?

Mr KING: In terms of write-off?

Mr RIEBELING: Yes.

Mr KING: We have written off to date, as of today, \$2.7m. That compares with \$7m last year, but the \$2.7 is largely fines enforcement to date. We now go through a fairly regular pattern of monthly identification of outstanding matters for write-off. The expectation would be that at the end of the year we will come out with more than \$7m. The ageing of the fine, the date of the fine, drives the time in which the write-off comes up. If you look at which fines are Fines Enforcement Registry matters - and there is some issue with these numbers because they are inclusive of other agency infringements as well and we could not undo them immediately - greater than eight years this current year, if no action is taken, there is no payment and will come up to \$13m, so conceptually that is write-off. If you follow the argument there, our 1997-98 write-off was \$3.5m, almost all fines enforcement; moved to \$7m, all fines enforcement.

[1.00 pm]

Our expectation by year end, if timing was very uniform, would be as high as \$13m, but what we are dealing with are matters that existed prior to fines enforcement and wisely a backlog issue that has been turned over. I think one of the important features of the outsourcing arrangement for warrants is that the backlog is now being addressed, whereas before it was continuing to build up.

The CHAIRMAN: Thank you very much. I must bring members' attention to the fact that it is now 1 o'clock. I need to put the question that the appropriation be recommended for division 63 for outputs 1 to 6, 9, 10 and 14. The ayes have it. I will now leave the chair.

Sitting suspended from 1.02 pm to 2.04 pm

The CHAIRMAN: As with every committee we have the chairman's statement which I will read out and then I will ask the minister to introduce his advisers. Could I welcome you all here to this session. For the information of members, this Estimates Committee will be reported by contractors to the Hansard office. The daily proof *Hansard* will be published in two parts: tomorrow, part 1 at 9 o'clock and part 2 at 8.30 pm. This year Hansard asked ministers, members and advisers to make their corrections on the daily proof *Hansard*. Hansard will forward the transcript to the minister's office for distribution to advisers. The cut-off date for corrections will be indicated on the transcript.

As has been the practice of previous Estimates Committees, members should not raise questions about matters of general concern which do not have an item of expenditure in the consolidated fund. The Estimates Committee's consideration of the consolidated fund's estimates of expenditure will be restricted to discussions of those items for which a vote of money is proposed. We are dealing with estimates of expenditure and that should be the prime focus of this committee. While there is scope for members to examine many matters, questions need to be clearly related to matters of expenditure, if I could perhaps reinforce that in this session. For example, members are free to pursue performance indicators which are included in the *Budget Statements* while there remains a clear link between the questions and the estimates.

It will assist in the committee's examination if questions and answers are kept brief without unnecessarily omitting material

information. It is my intention to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point. The minister may agree to provide supplementary information to the committee, rather than asking that the question be put on notice for the next sitting week. For the purpose of following up the provision of this information I ask the minister to clearly indicate to the committee which supplementary information he agrees to provide. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the Committee Clerk by 14 days from today so members may see it before the report and third reading stages. If the supplementary information cannot be provided within 14 days, written advice is required of the day by which the information will be made available.

Details in relation to supplementary information have been provided to both members and advisers and accordingly I ask the minister to cooperate with those requirements. I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice with the Clerk's office. Only supplementary information which the minister agrees to provide will be sought within 14 days.

It will greatly assist Hansard staff if when referring to the program statements, volumes or the consolidated fund estimates, they give the page number, item, program and amount in preface to their question.

Division 76: Local Government

Ms McHale, Chairman.

Mr Omodei, Minister for Local Government; Disability Services; Forest Products.

Mr J. Lynch, Executive Director, Department of Local Government.

Mr L. Nagy, Finance and Administration Officer, Department of Local Government.

The CHAIRMAN: We are dealing first of all with Local Government which is division 76 in volume 2 on page 830.

Mr OMODEI: Madam Chair, could I make some very short preliminary comments, to say that this Local Government budget is a very small budget run by a very efficient department. The department's contribution from the consolidated fund will increase from \$7 552 000 in 1998-99 to \$9 378 000 in 1999-2000 and to \$9 354 000 in 2000-01. The increase is mainly due to, firstly, the community security program, \$1m a year until 2001-02 and national competition policy considerations through the Local Government Development Fund from \$830 000 in 1998-99 to \$1.8m each year until 2000-01. The capital works funding for the Royal Society for the Prevention of Cruelty to Animals is \$480 000 in this next financial year, 2000-01 and additional funding to the Keep Australia Beautiful Council of \$400 000 in 2000-01.

The CHAIRMAN: Thank you, Minister. Are there any questions, Members?

Mr McGOWAN: My first question, Minister, relates to page 830 in your recurrent expenditure in each financial year. Can you detail for us how much you expect to expend in compliance costs for the goods and services tax in the coming budget and how much you have budgeted for in terms of those compliance costs for each financial year after that for the four-year forward estimates?

[2.10 pm]

Mr OMODEI: I will ask my adviser to respond.

Mr McGOWAN: If necessary, I do not mind if you give it to me by way of supplementary but it will be better today, obviously.

Mr NAGY: You need to have a look at page 841 in the statement of cash flows. You will see there the goods and services tax line which outlines the amount of goods and services tax that will be paid from 2000-01 through to 2003-04.

Mr McGOWAN: That is the amount of goods and services tax the department will actually be paying. You are saying in this year coming it is \$307 000.

Mr NAGY: In 2000-01, yes.

Mr McGOWAN: You are saying that after that, it declines. I might ask you why that would be but, secondly, what is the actual amount in terms of compliance as opposed to payments you actually have to make?

Mr OMODEI: I will take that question on notice, Madam Chair.

The CHAIRMAN: It is a question of notice, rather than supplementary information.

Mr OMODEI: Supplementary.

The CHAIRMAN: Member for Rockingham, we need to clarify precisely what it is you are going to provide. The answer is the compliance costs of GST.

Mr OMODEI: The compliance costs of GST.

Mr McGOWAN: In relation to that \$307 000 that you are spending on GST in the coming year, my understanding was that Local Government activities were, in a general sense, exempt from the goods and services tax. Can you explain to me why we are paying \$307 000?

Mr NAGY: In that respect, the actual Local Governments are not exempt because part of it is actually paying grants to Local Governments under our grant programs and as such under the legislation they will be subject to GST. We will be loading our grants with a GST to pay out to Local Governments.

Mr WIESE: It would appear to me that you are really showing the same amount of money as a receipt as you are as an expenditure and what you are actually doing is receiving it and paying it out. Is that not the case?

Mr NAGY: That is correct, yes.

The CHAIRMAN: We take that as a response on behalf of the minister.

Mr OMODEI: Yes.

Mr McGOWAN: Madam Chair, if I could just ask: has the department done any analysis of what the GST compliance costs will be for each Local Government throughout the State? We have 144 councils in the State. Each one will have different costs involved but have you done an analysis of what it will actually cost each department and, if so, can I receive that as supplementary information?

Mr OMODEI: My advice, Madam Chair, is that, however, WAMA are running the Local Government assistance to Local Governments with funds that they have received from the Federal Government.

Mr McGOWAN: You do not know how much it is going to cost each Local Government to comply with the GST.

Mr OMODEI: No, not at this stage.

Mr McGOWAN: Are you planning on finding out?

Mr OMODEI: At this stage, the Government is not running with that issue. WAMA have received funds from the Commonwealth to assist Local Governments in meeting their GST requirements.

Mr McGOWAN: How much did the department spend on consultants in the last financial year? How much are you planning to spend in this budget and how much in the forward estimates will the department be spending in a global sense on consultants to the department on whatever issue you might be involved in? Secondly, can you detail what those consultancies are and how much is being spent on each and how much you are expecting you will spend on each in each of the next forward estimate years?

Mr OMODEI: Madam Chair, the details are not in this budget. I understand there would be already a number of questions that have been answered in relation to consultants, but we will certainly provide that as supplementary information.

The CHAIRMAN: Sorry, could you clarify just what it is you are going to provide as supplementary?

Mr OMODEI: All of those consultants that have provided information to the Department of Local Government and to the minister.

Mr McGOWAN: Madam Chair, if I could clarify, it is for the last financial year. It is for this year's budget and for each of the forward estimate years.

The CHAIRMAN: 1999-2000, 2000-01.

Mr McGOWAN: Yes. Is that all right?

Mr OMODEI: Yes.

Ms PARKER: Minister, on page 834 of these papers under "Major Achievements" the first dot point refers to a series of 20 seminars that were held around the State in regard to the application of the Local Government Act. Could you just let me know, advise me, of what were the particular points of perhaps interest or difficulty for the application of the Act and, secondly, I would like some comment in regard to the choice that Local Governments made in regard to going to postal voting as a more effective and inclusive way of getting people involved in Local Government elections?

Mr OMODEI: Madam Chair, I will try and answer that question. The seminars that were conducted around the State in relation to the review of the Local Government Act have now been completed. They were held in both the metropolitan area and country areas. There were a whole range of issues that were raised right across the whole spectrum by both elected members and administrative staff in the Local Government sector and I can provide that information as to the detail to you by way of supplementary information. Madam Chair, I will provide supplementary information to the member in relation to the issues that arose as a result of the seminars.

In relation to postal voting, the original Local Government Act had a provision in the Act that required a 75 per cent majority for council to decide to go to postal voting. We are proposing to change that to an ordinary majority of the council so that councils can go to postal voting without the requirement of that special majority. To add to that, I have been, as you would have noticed by my public utterances, a very strong supporter of postal voting and I think it has been very successful in the State thus far and I would like to see as many councils as possible go to postal voting.

Ms PARKER: Minister, as a supplementary question, of the Local Governments in this State, what proportion have chosen to use postal voting as a more effective and inclusive way of engaging people in the election process?

Mr OMODEI: I have not got a precise figure in my mind, but I will certainly provide that as supplementary information.

Mr McGOWAN: Minister, can you provide me with details of how much was spent or will be spent in this budget and in each of the next four years, each of the next four estimate years? How much has been spent on travel by your departmental staff, how much has been spent on travel by yourself - not including imprest - and how much has been spent on travel and will be spent on travel by your ministerial staff?

Mr OMODEI: Madam Chair, I understand the question. I wonder how many staff members of the department you want us to use providing that information. Going ahead at this rate we will be putting at least one FTE full-time to finding out the answer to your questions. I am happy to do that as long as you are conscious of that fact.

Mr McGOWAN: Minister, can I just say, just be grateful I am not the member for Bassendean, because I am sure he has a whole Government department working in answering his questions.

Mr OMODEI: He may have half this one too, the rate you are going.

Mr McGOWAN: I think you have about 50 employees in your department.

Mr OMODEI: That is right.

[2.20 pm]

Mr McGOWAN: It is the smallest Government department and all I want to know is how much they spent on travel this financial year and what you have budgeted for in future years, and the same with your ministerial staff and yourself.

Mr OMODEI: Yes. You will find it is a very modest amount and, yes, Madam Chairman, we will provide that information by way of supplementary information.

The CHAIRMAN: Thank you.

Mr WIESE: Madam Chair, can I just query, does that really apply to intrastate as well as interstate?

The CHAIRMAN: The member for Wagin has asked the question -

Mr WIESE: Because if it is intra, it is a huge task to ask the department to do that.

The CHAIRMAN: Are you asking the question of the minister?

Mr WIESE: I am asking the question of you, Madam Chair, or of the questioner.

The CHAIRMAN: Then perhaps - okay, for the sake of -

Mr WIESE: Or of the questioner, because we need to be clear what we are asking, and there is a huge difference in the workload that will be put on the department if you ask intrastate - that is, all travel within the State.

The CHAIRMAN: Member for Wagin, thank you for assisting the minister again, but I think the minister is prepared to provide by way of supplementary information money spent on travel. Therefore, in my opinion that would be inter and intra and overseas.

Mr OMODEI: Can I ask for clarification from the member for Rockingham, Madam Chair? I think the point raised by the member for Wagin is a valid one. Does it really mean every time I travel within my electorate to visit a Local Government within my electorate, does it mean travel with my electorate vehicle, does it mean travel with my ministerial car, air charter, the Government's air service? The question you are asking, if you want to go to that extent, then I think I need to know that and I do wonder, as I said, what the object of that exercise would be, what benefit it is going to be to the State, for me to tell you how many times I visit the Shire of Nannup.

The CHAIRMAN: Members, can I perhaps ask the member for Rockingham if he could clarify the boundaries that he wants to place around that question?

Ms PARKER: Overseas, interstate?

Mr OMODEI: Madam Chair, if I could just say, the issues in relation to overseas travel are tabled in the Parliament every quarter, and in relation to ministerial travel they are usually handled under the Department of Premier and Cabinet. I just wonder where you are going?

Mr McGOWAN: May I just clarify?

The CHAIRMAN: The member for Rockingham is going to clarify the extent of the question.

Mr McGOWAN: If the member for Wagin and the member for Bunbury allow me to, I would like to clarify my question. It is a pretty standard question, Madam Chair, which is often asked of ministers as to how much they spend on travel intrastate, interstate and overseas. It is a very standard question. I would just like the normal guidelines which are applied to these things to be imposed. I do not want to know if the minister had a haircut while he was away or anything like that. All I want to know is how much was budgeted for and how much was spent and what the generalised cost to the State was. I am sure there are normal guidelines for this, because I have seen questions asked in the Parliament about these questions before. I would just ask that the normal guidelines on those questions be applied to this question. It is a pretty

straightforward question. I do think it would be quite easy for the department to answer about how much was spent on travel by each of those groups in this financial year and what is budgeted for in each financial year after this.

Mr WIESE: Madam Chair, can I seek to make a clarification?

The CHAIRMAN: Is the minister clear?

Mr OMODEI: Madam Chair, I have just leafed through and I cannot find haircuts or travel under these estimates, so they are not handled by the Department of Local Government. But I think it is probably a question that should be put on notice rather than by way of supplementary information, because obviously it is going to cut across a whole lot of departments other than the Department of Local Government.

The CHAIRMAN: So you are withdrawing your offer of a supplementary -

Mr OMODEI: Yes, I think it might be more sensible -

Mr McGOWAN: If I could cut out the minister -

Mr OMODEI: - to do it by way of a question on notice.

Mr McGOWAN: If he is concerned about me asking a question about how much he spent on travel himself - and really I am not trying to knock you going to Nepal or anything, Minister.

Mr OMODEI: I did not go to Nepal, I went to Bhutan.

Mr McGOWAN: It is more the departmental staff, the ministerial staff that come out of the Department of Local Government. That is a question I think you could easily provide by way of supplementary information.

Mr WIESE: Madam Chair, can I seek a point of clarification?

The CHAIRMAN: No, I need the minister to answer -

Mr OMODEI: So you are saying departmental officers' travel? Is that what you want?

Mr McGOWAN: Yes, your ministerial staff and departmental officers. That would surely come out of the Department of Local Government.

Mr OMODEI: No, they do not. That is why I think it best, Madam Chair - I am trying to help the member by saying that you should put the question on notice and then we can respond to it appropriately. The travel for ministers' staff and the minister are not within these papers, they are under different budget estimates.

Mr McGOWAN: All right. I will leave it.

Mr OMODEI: I am saying I am prepared to answer the question, but put the question on notice.

Mr McGOWAN: I will put it on notice, but if I could just have an estimate of the amount spent on all travel by department staff this financial year and in future years.

Mr OMODEI: And do you want me to get the crystal ball out to find out where we think we might go in the next four years?

The CHAIRMAN: So we now have clarification and a supplementary question and the member for Rockingham will also put a question on notice.

MR WIESE: The point of clarification that I see is, how far down the route of silliness do we go in a matter like this? I had 19 years in Local Government. All of the ministerial staff and the departmental staff go out to every ward council or ward council anywhere around the State two or three times a year. They travel all over the State by nature of their job, what they do, and to seek that sort of detailed information when the department are just doing what their job is, to me seems to be going beyond the realms of commonsense.

The CHAIRMAN: I think we have the position of the minister now and we will use the good graces of his department to answer the question and the member for Rockingham will no doubt assess the response, so are there further questions, Members?

Ms PARKER: Minister, I note on page 831 under "Major Policy Decisions", in the table there, that there is a capital contribution toward the costs of the RSPCA Animal Welfare Centre of some \$480 000. Could you comment on this particular development and its benefit to the taxpayers of Western Australia?

Mr OMODEI: There is no doubt that the RSPCA are delighted with the government's decision to fund the educational centre, I think it is, for the RSPCA within your own electorate and I think some credit should go to you as the local member for agitating on behalf of the RSPCA. But the RSPCA now have the first part of their building already constructed and this will be the next stage, which I think will go a long way to ensuring that people are aware of issues relating to cruelty to animals and care for animals and I am very confident the RSPCA will do a very good job in that area, so this \$480 000 is really for the second stage. From what I can gather from the feedback, they are absolutely delighted with the Government's commitment to not only the RSPCA but towards the welfare of animals in this State.

Mr McGOWAN: Can I ask how much is budgeted for advertising by the Department of Local Government in this financial year and each of the next year of estimates? I know you cannot provide that to me now, but if you could give that to me by way of supplementary information.

Mr OMODEI: I am prepared to give that information by way of supplementary information.

The CHAIRMAN: That was advertising costs for 2000-01 and each of the years of forward estimates.

Mr McGOWAN: Yes.

Mr OMODEI: As far as is possible, Madam Chair. Obviously there are going to be some things that you can predict and some that you cannot.

Mr McGOWAN: I go to page 130, Madam Chair, and the capital grants section there, capital grants and transfer of payments. In the 1998-99, 1999-2000 years there was \$1m each year. This year there is \$1 480 000 and in the next year there is nothing. Can I ask the minister for an explanation of what those funds are being spent on in the next financial year and why there are no funds budgeted in the next financial year for that?

Mr OMODEI: The \$1m, as I have said in my opening remarks, is the last year of the Community Facilities Grant Fund which is the end of a \$4m commitment by the Government over the past four years. I estimate that we will probably, with matching funds, spend in the community about \$10m plus in relation to community facilities. It is a program that has been well received by Local Governments. We have added to the criteria of the funding applications a component where it is required that Local Governments consider disabled accessibility to facilities and that has been well received by not only Local Governments and communities around the State, but also people with disabilities, so the program has been very successful and this is the last year of the program. The \$480 000 is the one-off payment to the RSPCA for their capital works for their new second stage of the RSPCA Animal Welfare Centre.

[2.30 pm]

Ms PARKER: Minister, on page 830 under "Significant Issues and Trends" there is a report here that the department would continue to work with Local Government to assist them to address security issues in their communities. A number of Local Governments around the State have implemented security patrols. Is there an assessment going to be made of the effectiveness of these patrols and, if so, when is a report likely so that other Local Governments considering a similar response will have some good information on which they can judge their decisions?

Mr OMODEI: Thank you. Again the Safer WA program in relation to assisting Local Governments is another \$4m program with \$1m each year that is being injected into the community, some for security patrols and some for crime audits, and some funds have been expended on a whole range of things, including urban design, lighting, those sorts of things - anything that would curb crime in the community. In relation to the security patrols, yes, the Safer WA Committee is looking at an evaluation of security patrols. There has been a number of variations of security patrols around Local Governments in the State, starting firstly at Bayswater, of course, and slightly different models that have been adapted to suit the priority of the Local Government as far as curbing crime is concerned. In those cases they have been implemented and been successful almost invariably right across the board.

At the same time we have been subsidising some of those Safer WA programs. Again they have been funded in the main by Local Governments themselves using cars that are purchased by their Local Government council in that case, so it has been a very successful program and the evaluation will be finished in the next couple of months and we will report back to the Standing Committee on Safer WA.

Mr McGOWAN: On page 831 and page 834 the issue of the Animal Welfare Bill is mentioned. On page 831 it talks about the department facilitating the passage of the Animal Welfare Bill. My first question is, when does the minister expect that Bill will be debated and can he give us any sort of time frame on that? The second question is probably more important and that relates to the fact that on page 834 it talks about the preparation of regulations and codes of practice to support the Animal Welfare Bill. My expectation is that if the Animal Welfare Bill is passed through the Parliament, it would not be able to receive royal assent until such time as those codes of practice and regulations are put into effect, otherwise the Bill really would not be able to operate effectively. Can you provide us with some sort of indication of when you would have those codes of practice and regulations completed because even if you pass the Bill through the Parliament, I expect that the Bill will be ineffective until that time. When would you expect that would be?

Mr OMODEI: Depending on the behaviour of the Opposition, I would expect the Bill to be debated by the end of this year.

Mr McGOWAN: I think you said that last year, Minister. I think we had this very same conversation last year and I have not done anything to hold it up.

Mr OMODEI: Have we? I am sure that if there is a willingness of the Opposition to deal with this Bill expeditiously, the Leader of the House will listen to that request, but obviously there are budget bills, as you are aware, that have just been passed and some legislation is imperative as far as the workings of Government between now and the end of the financial year is concerned. I think there are about 50-odd bills that need to go through the Legislative Council. In relation to animal welfare I am happy to debate the Bill at any time. In relation to the codes of practice and regulations, there has been some preliminary work done by the department, but you would know that, until the legislation is actually passed through the Parliament, you are not sure what kind of head of power will be able to be in place to provide those codes of practice, so it will depend on whether the Bill is amended and, if it is amended, how it is amended to allow the regulations and codes

of practice. Of course, the codes of practice will appear as regulations under the legislation. I am very keen to get this legislation through the Parliament. There is a demand in the community for it to be passed and it has taken some time to get to this point, but the Bill is in the Parliament, has been second-read by myself and now just requires a priority to allow it to be completed.

Mr McGOWAN: Minister, if I could just clarify that. Without meaning to be disrespectful you did say the same thing last year and you did not introduce this Bill on the last day of sitting last year and we are now at the end of May this year and it has not been brought on for debate. The second thing is that the drawing-up of codes of practice, which will take the form of regulations under the Bill, will be a very time-consuming process and you will have to consult with all sorts of industry groups in all sorts of industries, like the one the member for Wagin has been involved in, and I can only say how do you commence the construction of those codes of practice and how far down the track are you in doing them because I would expect it would take years before you can get those things under way if you have not already done so? You have been the minister responsible for this particular area now for seven and a half years and I am just wondering where we are at with that issue because, as you said, it is a very important issue for a lot of people.

Mr OMODEI: Madam Chair, I do not want to get into a slanging match with the member for Rockingham but, with the same level of respect, the party that you represent was in Government for 10 years and did absolutely nothing about this legislation, so I want to make that point for a start.

Mr McGOWAN: That is true, but anyway.

Mr OMODEI: It is fairly true. It is exactly true.

Mr McGOWAN: We started the drafting of the Bill, but anyway.

Mr OMODEI: You did not start anything of the sort.

Mr McGOWAN: The member for Mitchell did.

Mr OMODEI: The member for Mitchell started -

Mr McGOWAN: He did. He started the committee and started it, but in any event that is not the point I am making. I want to know about these regulations.

Mr OMODEI: He started drafting the Local Government Act and was to chapter 1 on the first draft. There were nine drafts of that Bill before it came into the Parliament and we had to rehash the whole lot anyway because it was a mess. Madam Chair, in relation to the animal welfare Bill, in relation to the codes of practice, lots of those codes of practice already exist in other States and there are national codes of practice as well that are in place and there would need to be some consistency in those codes of practice across the nation. I intend to make sure the department commences work on the codes of practice and we are about to appoint a consultant to look at that whole question of starting to draft those. There will have to be a public consultation process in relation to consulting with those organisations on the whole range of those issues. Bear in mind again, of course, that regulations are subject to disallowance in the Parliament so we will be very careful in the way that we draft those codes of practice.

Mr McGOWAN: You will not be putting the Bill up for assent by the Governor until such time as these are ready, will you?

Mr OMODEI: You can have the Bill given royal assent and then the regulations follow.

Mr McGOWAN: In the case of this Bill, Minister, I do not want to waste too much time on it but it is really ineffective about those codes of practice.

Mr OMODEI: No, that is not quite right. There are lots of parts of the Bill that do not rely on codes of practice.

Mr McGOWAN: What is the time frame, in your view, on getting the codes of practice ready?

Mr OMODEI: My advice is that the intention is to have them finalised to a level of completion by the time the Bill is proclaimed, but again if they are contentious then they would need to go through the party process and the Cabinet process. All will be revealed in the fullness of time.

Mr OSBORNE: Minister, page 834, "Major Initiatives for 2000-01". You talked about a review of the Dividing Fences Act. In common with a lot of members of Parliament I understand this is a major source of income for a large number of the legal profession. What were the major issues though that caused the decision to undertake this review and when will the review be complete and the legislation ready?

Mr McGOWAN: Could I add a question in there while you are on it? Is that proper?

The CHAIRMAN: No, I would rather get the minister's response, then you can join the list.

Mr OMODEI: Madam Chair, it is intended that we start this process later this year, the review of the Dividing Fences Act, so we will commence that. The Act has been around for a long time. I just want to remind the members that in the last seven years of this Government we have passed more Local Government legislation, I think, than has been passed in the last 30 years, so there has been a concerted effort to review Local Government, review the legislation, introduce new legislation, and I think the record shows quite clearly that there has been significant legislation passed. That is not to say we will not do Dividing Fences. Obviously there is going to be a requirement to review the Dog Act and I propose to

proceed with an integrated Building Act through the Parliament as soon as I possibly can. We have gone through the consultation process on that legislation and we are already drafting that legislation, so the next priority after animal welfare will be the building Bill.

[2.40 pm]

Mr OSBORNE: What I asked was the major issues and you have said that the Act has been around for a long time. There must have been other issues that have caused the need for a review other than the age of the Bill, so what were the major issues? Are there major issues out there or is it just a general unsatisfactory state? I agree with you in your statements about our energy in reforming Local Government but I wanted to know when the review would be completed and when we would expect to see the legislation.

Mr OMODEI: Madam Chair, it is intended that we have a discussion paper out by the middle of next year. The legislation, as the member for Bunbury said, is fairly old legislation. It is the source of a number of disputes between neighbours. The legislation, because of its age, is not clear and so it needs to be modernised. If you cast your mind back to the Local Government Act when we renewed that Act or created a new Local Government Act, we still had in that Act the beating of rugs and the throwing out of hot ashes, and those sorts of things are still in lots of these pieces of old legislation. They do need to be modernised. There are still disputes and always will be disputes going on over dividing fences.

Mr OSBORNE: There will be a discussion paper at the middle of next year.

Mr OMODEI: It is intended to begin the review process this year and provide a discussion paper for public consultation next year.

Mr McGOWAN: Minister, if I could just ask on that point, how many reviews have already been conducted into the Dividing Fences Act?

Mr OMODEI: None, to my knowledge, since I have been the minister.

Ms PARKER: Minister, on page 833 under "Outcomes, Outputs and Fulfilments Information" the total cost of output from 1999-2000 to 2000-01, there is a difference of \$1.686m to \$2.102m and the reason for the variation is quite a significant proportion of increase in the funding to the Keep Australia Beautiful Council. What reasons are there for such a significant increase for that council? Are there any special projects that they are undertaking?

Mr OMODEI: There are always new special projects undertaken by the Keep Australia Beautiful Council and they do an excellent job in making sure that litter is kept to the minimum in Western Australia, but the funds of \$400 000 are to replace sponsorship that was provided by the Beverage Industry Environment Council who were the main sponsors of the Keep Australia Beautiful Council. Since the advent of the National Environment Covenant, which all States signed, there has been some question mark as to whether the Beverage Industry Council will continue to fund things on a national basis and also the Keep Australia Beautiful Council.

I am very hopeful that the Beverage Industry Council will continue to sponsor the Keep Australia Beautiful Council and the Keep Australia Beautiful Council are actively seeking sponsorship to ensure the level of funding is maintained and I have some confidence that they will achieve that aim. This is to ensure they do not run short of funds in this next financial year. I would expect that by the end of this year we would have put in place sponsorship to ensure we maintain the fund, if not increase that funding.

Mr McGOWAN: Minister, you might know that WAMA is supportive of container deposit legislation in a similar fashion to that in South Australia and I think they are looking at introducing it elsewhere in the other States. Is the Government supportive of container deposit legislation and will you be examining its introduction?

Mr OMODEI: The reason Western Australia did not follow suit with container deposit legislation is that in some cases it creates more problems than it is worth. You need to have an outlet for the product and it has worked partly in South Australia because it is based mainly on the metropolitan area, but in this case the Government in days gone by chose to go away from container deposit legislation because the beverage industry in particular stepped in with major sponsorship of the Keep Australia Beautiful Council.

We did consider at one stage a levy on all of the types of packaging and containers that are used that are part of the litter stream. However, the High Court decision in relation to levies put paid to that proposition. One of the risks in going to container deposit legislation is that you would then lose all of the sponsorship from the Beverage Industry Council and other bodies that are contributing to the container-type litter in the State, so the issue is rather more complex than just on the surface and we would need to consider that issue very thoroughly before we decided to put in place a container deposit legislation.

The CHAIRMAN: Did the member for Bunbury still have a question or had you dealt with that in the dividing fences?

Mr OSBORNE: No, I think I got as much as I was going to get.

Mr McGOWAN: Madam Chair, page 837 contains at the top of the page information about the inquiry into the City of Cockburn and the cost of the inquiry into the City of Cockburn. Minister, can you detail exactly what it cost the department for the inquiry into the City of Cockburn, and secondly will the department or will yourself or will the Government be seeking reimbursement of that or any proportion of the amount spent in relation to the inquiry into the City of Cockburn?

Thirdly, have there been any precedents where you have sought recompense for any other inquiries that have been conducted by the Government into any Local Government authorities in any other circumstances?

Mr OMODEI: Madam Chair, the cost of the Cockburn inquiry is in the order of \$1.8m. The breakdown of that I can provide by way of supplementary information. As to whether there have been other examples, I think this is the only one under the current Act that I am aware of and we will be considering what level of recompense will be provided by the city as far as the cost of the inquiry. It will depend on the outcome of submissions to me in the 35-day period as to what decision I make as to the future of the council.

Mr McGOWAN: You are considering seeking the money back from the council?

Mr OMODEI: The council would be subject to paying for the inquiry if they are dismissed, and I have not yet made that decision. I am advised that there would need to be an adverse finding and that is the case, so we are still considering that situation and will probably make a decision on that in the next two or three weeks.

Mr McGOWAN: At that point in time would you then decide upon sending them a bill for the cost of the inquiry?

Mr OMODEI: That is correct.

Mr McGOWAN: In two to three weeks we will know whether you are going to bill the council?

Mr OMODEI: Yes.

[2.50 pm]

Mr McGOWAN: There was one point you did not explain. I know this is a relatively new Act. I cannot remember if the Wanneroo inquiry was under this Act or the former Act. I think it was this Act.

Mr OMODEI: No, the previous Act.

Mr McGOWAN: The former Act. In relation to any other Act, has there been recompense sought from any councils for these sorts of inquiries?

Mr OMODEI: There were two Wanneroo inquiries. Of course there was the royal commission inquiry and then there was the further inquiry when the council was suspended and in that situation - - -

Mr McGOWAN: There were three, actually. There was a Kyle inquiry too.

Mr OMODEI: Under the most recent Wanneroo inquiry which related to the suspension of the council, the council was actually reinstated as a result of that inquiry so there was no adverse finding.

Mr McGOWAN: Maybe if you provide it by way of supplementary. Have you ever sought recompense from any other council for the cost of these inquiries?

Mr OMODEI: Can I ask Mr Lynch to make a comment on that?

Mr LYNCH: The Act provides that if an inquiry initiated by the minister results in an adverse finding against a council or an officer of the council, then the minister may seek reimbursement of the costs of the inquiry from the council and the council under the Act is obliged to comply with that, but this is the first occasion since the 96 Act has been in place which gave the minister that power, and there was no power prior to the 96 Act, that a ministerial inquiry has resulted in adverse findings, so there really has been no other opportunity to seek recompense of the cost of an inquiry from a council. It is not the case with regard to executive director type inquiries. It is only ministerial inquiries.

Ms PARKER: Minister, at page 836 under "Major achievements" there are a couple of comments there regarding the methodologies used by the Grants Commission and the determination of grant allocations. I know there is often quite a bit of discussion and sometimes frustration regarding that and I note that in the initiatives for 2000-01 there are going to be another four Local Government visits with hearings and inspection regarding that. Has there been some clarification and is there now, do you think, a greater understanding of those methodologies? Are they better streamlined or do you think there is still a fair bit of work left to do?

Mr OMODEI: Madam Chair, if I can make some preliminary comments then ask Mr Lynch, who is the deputy chairman of the Grants Commission, to make some further comments. The Grants Commission travels around the State every year visiting Local Governments and, yes, the methodologies and the principles change from time to time. The federal Grants Commission Act is up for review. A review has already started into that Act and there may be changes as a result of that, but generally I think the Grants Commission works fairly effectively. Most Local Government practitioners are aware of the methodology, but I will ask Mr Lynch. He is part of the travelling group that goes around the State. He would have a better idea of how councils react and to make some comment about the methodology.

Mr LYNCH: The Grants Commission methodology is complex. To a large extent that is as a result of submissions put to it by the 144 Local Governments that come within its ambit. It is fair to say that they are constantly probing the Grants Commission to find opportunities to extract more money from it. It is complex but I would have to say that from my experience there is no Grants Commission in Australia that approaches the Western Australian Grants Commission in terms of openness and transparency of its operations. Notwithstanding that, the commission does go to considerable lengths to endeavour to inform Local Government of the principles under which it operates. To some extent the situation has been

exacerbated, I believe, in recent years by an increasing tendency by Local Governments to use consultants to undertake their submissions and that has resulted in the senior staff in Local Government to a large extent losing touch with the Grants Commission's methodology and principles under which it operates. That has created something of a problem. The commission cannot really insist that the submissions be prepared by the staff but it has led to a situation where there has been, I think, a reduction in the knowledge out there in what the Grants Commission does.

Mr WIESE: I think we could publish that statement out in the public arena. My question relates again going back to the inquiries and investigations: I am surprised to see 110 estimated for this financial year and a further 110 in the next financial year at a cost of \$7 500 per inquiry. Can the minister give us some indication of the nature of those inquiries? Quite clearly they are not of the nature of the City of Cockburn inquiry. What brings them on? They are obviously looking at issues that are raised. Were they raised by councillors or by councils or by the Local Government Department itself and what is the nature of the inquiries?

Mr OMODEI: Madam Chair, I will certainly ask the CEO. We have a range of complaints about Local Governments, some that are proven and the majority that are not.. The department undertakes those inquiries and investigations.

Mr WIESE: They are as a result of complaints.

Mr OMODEI: Yes, the majority of them.

Mr LYNCH: The 110 is pretty much in the last few years around about the average for the number of inquiries and investigations. We receive hundreds of other queries and questions from the public about Local Government but these are the ones that are basically making serious allegations against either the council, the officers of council or against individuals. Included in this category are complaints relating to allegations of breaching the financial interest legislation, for example. They come from people in Local Government. They come from the public. There is no real particular area that they come from but basically that is around about the average number we receive per year. Next year is an election year so we are expecting a busy time in the first few months of 2001 because, for some reason, there does seem to be a surge in complaints when the election is under way which does strain our resources somewhat. I would have to say that whilst that might seem a fairly high number of allegations of serious wrongdoing, the majority of the investigations at the end of the day are not proven. People who have lodged the complaint either have misunderstood the situation or upon investigation the matter is just simply found to be not proven.

Mr OSBORNE: Minister, I am at page 838, "Major Achievements for 1999-2000", dot point 7, the one at the bottom where the papers are talking about training for elected members positively encouraged through provision of a subsidy. I take it last year was the first year the subsidy was provided. Is that correct?

Mr OMODEI: I am advised that roughly \$160 000 was provided last year for the first time and that was mainly for people from isolated areas to travel to wherever the training seminars were held or to the big training seminar that we hold at the end of June where we have numbers of up to 300 or 400 people attending those seminars. We have included a session for mayors and presidents as well starting last year and we will be continuing that this year.

Mr WIESE: Where does that show in the budget?

[3.00 pm]

Mr OSBORNE: You have partly answered what I was about to ask actually, having established that it is new. It is successful. I take it you believe that it has been successful. I was going to ask about it being made available to non-metropolitan Local Governments and draw your attention to the obvious factor that some non-metropolitan are very close and they would not need this. In fact a cynic might say you would hardly need to give them a subsidy because they would love to come anyway, but you said that they are made available mostly to isolated areas.

Mr OMODEI: The focus has been mainly on the isolated far-flung places but we have an organisation called Municipal Training Services which is really made up of representatives from the WA Municipal Association, the Institute of Municipal Management and the Department of Local Government. They provide at last count 13 training modules, everything from planning to roles and responsibilities - all of the different responsibilities for Local Government councillors. They can conduct those seminars or those training sessions at the request of an individual Local Government and many of them have taken it up, or collectively at a regional centre where they can draw large numbers of Local Governments. We have placed a great deal of effort on the training of Local Governments and that is why it is frustrating for me as the minister when we see any council that breaks down, particularly from the point of view of personality conflicts. There are adequate means there for them to seek training if they are unsure of their roles and their responsibilities or unsure of sections of the Act. There is certainly scope there for them to tap into those resources. So far I think it has been quite successful but invariably there are one or two councils that find themselves in trouble.

Mr OSBORNE: Have you been able to quantify an increase in the number of councillors and council staff who have attended training programs?

Mr OMODEI: I could provide that by way of supplementary information.

Mr OSBORNE: No, do not bother. You are satisfied, though, that the program has been successful.

Mr OMODEI: Yes. The only area that I probably am not quite satisfied about is that we have a tremendous response from newly elected councillors and in some cases councillors who have been in Local Government for a long time, but I would like to see more councillors who have been in Local Government for quite some time make themselves available for the

seminars or come to the June new councillor training. You do not have to be a new councillor to attend these training seminars. I think it would of benefit probably as much for the older councillors as the new councillors because the old legislation was ultra vires legislation. The new legislation gives virtually general autonomy to Local Government.

Mr McGOWAN: I have a couple of quick questions. As to page 837, the member for Wagin asked about the 110 inquiries and investigations. Why is the average cost of those inquiries declining by \$3 000 and, secondly, is it possible to provide by way of supplementary information what they were, what each one of those inquiries and investigations was?

Mr OMODEI: By way of supplementary information we will provide a summary of what those inquiries and investigations were about.

Mr McGOWAN: Can you also explain why you are expecting in this financial year the cost of each one of those inquiries to decline by \$3000, what is your methodology for coming up with that figure, because my experience is -

Mr OMODEI: Greater efficiency.

Mr McGOWAN: Minister, under the Prevention of Cruelty to Animals Act, can you explain or provide by way of supplementary information how much the department has budgeted this year to receive by way of fines?

Mr OMODEI: The department does not receive the revenue from any fines as a result of the RSPCA activities.

Mr McGOWAN: If I could just clarify, I know that the fines go to the Government somehow and as it is administered by the department, would it not be possible for you to provide me that information? The Act is your Act.

Mr OMODEI: I am advised that they must go through the court system, but I will provide you with the information. I am sure we will be able to find that and provide it by way of supplementary information.

Mr McGOWAN: Thank you.

Mr WIESE: On page 838 in your "Major Achievements" you talk about the review of the Local Government audit system. Can I say congratulations in carrying out that review. I think it was long overdue, as would a great number of people in Local Government. It recommended significant change. I see no comments in the major initiatives of the implementation of some of those major changes. Can you give an indication of what changes are being implemented and what is being done to implement those changes recommended by that review?

Mr LYNCH: Yes, I certainly agree with the member about the need for the review. I actually prompted the review myself. The situation at the moment is that a paper was prepared. A discussion paper had been sent out to Local Government. The responses to that discussion paper are in the process of being analysed and then a report will be going to the minister recommending certain changes that might need to be made. I think probably one of the fundamental concerns about the current system is the lack of arms-length relationship between the audit and the organisation that is basically employing them. My concern was that you could well excuse auditors for perhaps being not as rigorous as they otherwise might be in the final year of their contract and when they are looking to be re-engaged by the Local Government. My main concern about the audit system was, as I said, the lack of arms-length relationship between the auditor and the Local Government and we are looking at means by which that can be addressed in particular.

Mr OMODEI: I think too, if I can just add, it has been a concern of mine for quite some time that the level of the winning tenders in relation to some audits were of a quantum that would mean that it would be very difficult to have an effective audit of the Local Government, so all of those things have been taken into account, including particularly that question of being at arms-length from the Local Government and the possibility of the auditor providing a very complimentary audit report in the final year of their contract, so we are working on ways to try and fix those issues.

Mr WIESE: Can I follow that up by asking has the department ever done any audit of the audits, if that makes sense, to actually see how rigorous and how efficient the audits were that were carried out by those private enterprise auditors?

[3.10 pm]

Mr LYNCH: The short answer to that is no. We do monitor audit reports, however, and if issues are raised in the audit reports, we do follow up with the individual council about those issues, but, to my knowledge, we have not actually audited the auditors, if that is what you are getting at.

Ms PARKER: In the same section on page 838 and really looking at issues in regard to the accountability of Local Government the fourth dot point talks about the guidelines for agendas and minutes and that nearly all Local Governments in the State were assessed against a defined set of standards. Minister, what was the outcome of that assessment in looking at the quality of the agendas and, more particularly, the minutes against the defined set of standards and are you satisfied, as I said, and particularly that the minutes that are the record of the meeting are in fact of an appropriately high standard?

Mr OMODEI: I think the whole project, the agendas and minutes project, was a very successful project undertaken by the department. We had a range of types of minutes from very lengthy and voluminous minutes that would have been very hard for the general public to follow. The project looked at all of the Local Governments' agendas and minutes and there has been a marked improvement. There has been a model agenda and minutes put forward under the project and nearly all of the Local Governments took part. I think the result of that has been that you can now walk into almost any Local Government in the State and pick up the agenda and minutes and understand them quite easily. That has been, I think, very good from the point of view of the general public in being able to go along to a council meeting and be able to follow the

council meeting and to get minutes back that were intelligible and readable and provided them with the information they needed, so it was a very successful project.

Ms PARKER: Can I ask is there in those guidelines a requirement for the agenda to be made available to the public for a certain period of time before the meeting and also in those set of standards is there a requirement for a period of time before which the minutes need to be available to the public, for the agenda and then for the subsequent minutes to meetings.

Mr OMODEI: That section is under the Act and it has to be made available when it is made available to the members and it is usually at least three days before the meeting.

Mr McGOWAN: Minister, just back to that point about inquiries and investigations into councils, I note that yesterday you took some action in relation to the City of Melville. You have appointed a mediator to go into that particular council to try and sort out some of the problems that are there. Can I just ask a couple of questions in relation to that? First of all, who will bear the cost of the mediator? Will it be the department or the council? Secondly, what is your proposed course of action if the mediator does not work and the disputation and ill-feeling continues at that council?

Mr OMODEI: That is a good question. The whole situation at Melville, as you would be aware, has been going on now for six months or so. We have not yet appointed a mediator. It was my suggestion that we do that. The council had written to me under the hand of the deputy mayor expressing concerns about the situation at the City of Melville and at about that time I was intending to call them in anyway for an open and frank discussion, which took place last week. Obviously emotions were very high, allegation, counter-allegation, and then on Monday morning I spoke to the mayor as well on the same issues. I intend to bring in a mediator that is a non-Local Government person, a professional protests-disputes mediator type person who hopefully will try and mend the issues at Melville and put in place under their own decision-making process a system whereby they can restore the council to some sensible dialogue between the council and the mayor.

I think the system of Local Government in Melville has not suffered as far as delivery of service to the ratepayers is concerned, but there is no doubt that the reputation of the council has been affected and obviously reputations of individuals brought into question. As to where we go from here, I am hopeful that the mediator will address the issue.

In relation to the legislation, there is very little that is available. A suspension of a council would be virtually out of the question unless serious matters were taking place there and that is not evident, so it would mean that once the mediator finishes the task if that does not resolve the issue, then I would need to consider what action I can take from that point on. Some of the actions are certainly well within the control of the council themselves. The elected membership of that municipality need to be responsible. They need to be seen to be acting responsibly and in unison, which I understand has been the case. Melville has always been a model council as far as I am concerned, a large council, a very well resourced council, and this is certainly an aberration and seems to be unique to Melville at this stage. We have not had this kind of thing in Local Government for as long as I can remember and if the mediator does not work, then I will consider what further actions are available to me.

Mr McGOWAN: If I could follow up that, Minister, I specifically would like to know who is going to bear the cost of the mediator.

Mr OMODEI: Yes. I would expect that the City of Melville would bear that cost.

Mr McGOWAN: Has that been decided between you?

Mr OMODEI: That will be conditional on them accepting the mediator. I do not think it is the responsibility of the taxpayers of Western Australia to provide a mediator for the City of Melville. It is their problem.

Mr McGOWAN: If they decline to accept the mediator and the cost?

Mr OMODEI: Then obviously they will not have a mediator. They will have to agree on who that person is. I will provide names until they both agree on who that person should be. The options available to me are many and varied and I will have to worry about that if I need to.

Mr McGOWAN: Further on that point while we are on the subject of the City of Melville, you indicated that you called in the council last week and you called in the mayor on Monday of this week. Is that correct.

Mr OMODEI: Yes, that is correct.

Mr McGOWAN: Can you inform us, as it is a subject which comes under this, if the mayor provided any details on the allegations that she has been quoted as having about the city council and what those allegations are?

Mr McGOWAN: No. The mayor did not provide any details of any allegations and I do not think that is a matter that is in these estimates either. The whole question of allegations is something that is dealt with by the Department of Local Government. That to me seems to be a slightly separate issue to the question of the personality conflict that is going on at Melville. I think the allegations are things that are carried out by the department on a regular basis and the mayor has spoken to the CEO of the department about those matters, so, no, she did not articulate the concerns at all.

Mr McGOWAN: Did you ask in relation to those allegations?

Mr OMODEI: Yes, I did.

Mr WIESE: Minister, we have spoken a fair bit about the training for councillors, new councillors and that sort of thing. There is no mention that I have seen in here, but it may be covered in that blanket allocation for training, of what we are doing to train the most important people in Local Government and that is the officers themselves, the shire clerks and other officers within the departments. One of my observations would be that that seems to be an area where, especially through the smaller Local Governments in my area, there is a lot of work that needs to be done in firstly attracting the right people in there and then training them and giving them appropriate skills. What are we doing in that area?

[3.20 pm]

Mr OMODEI: I do not know whether councillors would agree with your assessment that the administration people are the most important. I would say that most councillors think that they are the most important people in Local Government, but we do assist them. They have their own Institute of Municipal Management, of course, where they have peer arrangements as far as seeking advice is concerned, but we provide support under our CEO support scheme. The CEO support scheme is usually an experienced, practising CEO and an officer of the department to go into that council for a period of time. We also have the Council Advice Program. We have now had 38 Council Advice Programs and they are a very good mechanism for Local Governments if they are in difficulty where they have difficult relations or difficult issues to resolve.

They can call in a Council Advice Program which is made up of again the same kinds of representation, an elected member, a departmental member and an Institute of Municipal Management member, and they have proved to be very successful where a council is in doubt or if there is some conflict going on in the council. Sometimes we actually suggest to them that they might consider a Council Advice Program. It is a very good mechanism to fend off any impending disaster to bring in people to help them and it is usually a consensus type of arrangement rather than a big stick type approach and in most cases we have sorted out those councils. I suppose there are one or two we have to go back to, but in the majority of them the CAP program and the CEO support scheme has worked very well.

Mr McGOWAN: Minister, it mentions in here some reviews you have conducted into the Caravan Parks and Camping Grounds Act and regulations and so forth. I was hoping you might be able to fill in the committee in relation to the regulations on caravan parks and camping grounds. If you recall, there was some concern about two years ago about residents having to make certain alterations to their caravans in terms of the length and size of their annexes, in terms of sheds and fences that they have adjoining their caravans and the like. Can you explain to the committee what changes you have made in relation to those things and what amendments you put into the regulations, whether you have had any inquiries from the public in relation to that issue in that councils are making demands on residents as to their improvements to their caravan property and whether you will be examining that area of the law?

Mr OMODEI: We did provide under the legislation a carry-over period where anything that existed before the legislation was allowed to stay in place, whether it was a perspex roof or whatever.

Mr McGOWAN: That was an amendment you made to the regulations subsequently.

Mr OMODEI: Yes, it was. It was an amendment to the regulations and we are currently looking at another series of amendments to regulations now in relation to hard stands and the size of hard stands and outbuildings. The other part of the legislation, just for your information, in relation to the camping stays it always was 24 hours in any one stop off place, three days with the owner's permission and beyond three days with the Local Government's permission up to three months and beyond that with the minister's permission. Recently I was up at Cleaverville, which is of course one of the major issues that the member for Burrup raised. The interesting thing there was that that is a very favourite stopping off place for travellers from right across Australia. They go north from here to get rid of their arthritis and whatever and it was interesting that the legislation provided for a three-month period with the Local Government's approval.

When we met the people, of course, it was with the council and it was always in the third person, "They have imposed that," The "they" of course was me as the minister and the government. This period of six weeks came up where the people were saying, "Look, we are only allowed to stay here for six weeks and then we have to go off to 40 Mile and then we have to come back again and set up all over again." I could not recall this six weeks and it turned out that whilst the Local Government was saying, "They have imposed the six weeks," it was actually the council that imposed the six weeks. They could have given them three months and when you have a lot of elderly people, it is really up to the discretion of the Local Government in that case and I am sure that even if it had to be beyond the three months, if it was a traditional stopping off place for elderly people in Western Australia and they applied to the minister for an extension beyond three months, then I am pretty sure if I were the minister, I would agree to let them have that extension.

There is a fair bit of passing the buck going on in the whole debate, but I expected the whole issue to take two or three years to settle down. Local Government had been asking for this legislation for about 10 years and we actually delivered the legislation. Yes, we had some teething problems with it and we will work through those. Part of the issues that you are raising is partly due to the requirements of the legislation, partly due to the Local Government authority themselves imposing their will on caravan park owners, and the other part is partly the caravan park owners themselves imposing their will, and sometimes overly imposing their will, on caravan owners themselves and campers. So it has been a combination of a number of issues that have impacted on caravaners and caravan park owners and I think it is slowly resolving itself. If the regulations need refining, then we will refine them.

Mr WIESE: Minister, I note that one of the roles of the department and, I know, of yourself, is the scrutiny of local laws. I believe as minister you have to actually tick off every local law before it is gazetted. What scrutiny actually does take place within the department, within the ministerial office, of local laws or is it merely a ticking off of that local law and do

you have any thoughts in relation to providing local government or WAMA with the sort of assistance in the drawing up of local laws of the sort that was provided previously by a person employed by WAMA?

Mr OMODEI: To my knowledge the department or my office does not tick off on the local laws, they are automatically gazetted, but the department has assisted WAMA in the preparation of model local laws.

Mr LYNCH: I think that is pretty much the response. We do not have the extent of involvement that we did under the previous legislation where we basically did tick them off. We have, however, been involved in an informal way, I guess, in advising Local Governments in relation to the preparation of their local laws, but more particularly, WAMA has been involved in producing model local laws for councils and we were actively involved in assisting them in the drafting of those model local laws.

Mr OMODEI: Madam Chairman, if I could just add and say that I intend to meet with you as the chairman of the Government Standing Committee on Delegated Legislation and if necessary to try and clarify that situation, because in the end the Local Government has to go to quite some trouble to draft the laws, to get legal advice on those laws, and if they are just knocked back automatically, it would be better if they were advised previous to them actually being lodged rather than go through the process all over again. If we can find a mechanism that provides that ability, then I would certainly be happy to work with both WAMA and the Government standing committee to resolve that issue.

Mr McGOWAN: I just have one more question in relation to boundaries, which is on page 837. It says you were expecting 30 applications for a boundary change to be processed and you had 38 last year and it goes into the costs. Can you explain to the committee or maybe by supplementary information provide me with details of those 38 applications that were processed last year. Secondly, it certainly seems to me that there is a lot of effort for not much outcome in relation to these things. What is your proposed course of action in relation to these issues considering the fact that we are spending \$10 000 last year and \$13 000 this year in relation to these boundary applications? Last year it was what - whatever that cost is - 300 000 something on boundary change with very little outcome as a result.

[3.30 pm]

The CHAIRMAN: \$300 000.

Mr McGOWAN: \$380 000, as a matter of fact, and it seems like there is not much outcome for all that effort. What do you propose to do to change that? Do you propose to do anything? What is your intended course of action on these issues?

Mr OMODEI: The Local Government Advisory Board - the funds that are in the budget there are mainly for the running of the Advisory Board. I am sure you are aware that the Local Government Advisory Board replaced the Boundaries Commission under the old legislation and when you say a lot of effort for little return, they are all very important boundary changes, mostly to do with, in the main, small boundary changes and ward boundaries. The Local Government Advisory Board is involved in ward boundary changes and the requirements of the current Act are to ensure that Local Governments get down to a maximum of 15 councillors. There is a maximum and a minimum.

Some of them are still going through that process, so they are required to look at their ward boundaries under the legislation every eight years to assess those boundaries. Many Local Governments are getting down to smaller numbers, more efficient numbers, on councils, and I think the Local Government Advisory Board does that very well. They consult extensively over that matter and I am quite happy with the role of the Local Government Advisory Board. I think for as long as you have got Local Governments you are going to need a Local Government Advisory Board.

Mr McGOWAN: But it still is a lot of money for very little boundary change. Do you intend to have a more forceful approach on boundary change or do you intend to have more of a say?

Mr OMODEI: The Government has not got a policy on any massive boundary change. We have had significant change in Local Government over the last four or five years and a whole new Local Government Act, full accrual accounting, introduction of postal voting, new legislation, and it has taken Local Government time to adjust to those changes. It is probably the biggest amount of change that has happened to Local Government for 100 years. There have been some proposals for change. The Albany change was very successful, Joondalup-Wanneroo, very successful, City of Perth restructure, very successful, and I think every now and then you need to allow people to settle down before you embark on any major change. I do not hear a clamouring for change from the Local Government sector itself. There are some obvious changes that could take place, but the Government has not got a pre-emptive policy for boundary change at this stage.

Mr CARPENTER: Madam Chair, I understand we are about to finish this division, but I just wanted to seek your guidance and perhaps from the minister if it is appropriate for me to ask one question before we finish here in relation to the Fremantle Cemetery Board, which I understand comes under the authority of you as the minister, although it is not in the Local Government -

Mr OMODEI: Yes.

Mr CARPENTER: Minister, can you tell me whether or not the board members of the Fremantle Cemetery Board are remunerated by the State Government? I have looked in the budget papers and there is no recurrent spending there. If they are remunerated, is the chairman remunerated and has there been a change of chairman recently and if so, why?

Mr OMODEI: Yes, they are remunerated, both the chairman and the members.

Mr CARPENTER: Where can I find that in the budget?

Mr OMODEI: I am advised that it is self-funded out of the budget of the Fremantle Cemetery Board?

Mr CARPENTER: Fremantle Cemetery Board, yes.

Mr OMODEI: Fremantle Cemetery Board. The chairman has not resigned, to my knowledge. The CEO has resigned from the board and they are seeking a replacement for that person right now.

Mr CARPENTER: Are you aware of the reason for that resignation?

Mr OMODEI: Yes.

Mr CARPENTER: I saw it in the budget. Are you prepared to share it with me, or not?

Mr OMODEI: The situation is there was, I understand, a misuse of funds or incorrect procedure used in dealing with the funds. I understand the amount was not a significant amount of money and the CEO chose to resign at that point.

The CHAIRMAN: I intend to put the question, and the question is that the appropriation for division 76 be recommended. The ayes have it.

Sitting suspended from 3.36 pm to 3.55 pm

Division 77: Disability Services Commission -

Ms McHale, Chairman.

Mr Omodei, Minister for Local Government; Disability Services; Forestry Products.

Dr R. Shean, Chief Executive Officer, Disability Services Commission.

Mr G. Downes, Director Corporate Management, Disability Services Commission.

Mr OMODEI: Could I make some introductory comments? It will take about three minutes. Madam Chair, the forward estimates are built on the commitment made by the State Government in 1995-96 when it launched the Count Us In campaign in order to address the backlog of demand for disability services by funding the first five-year business plan. In the five-year period ending 30 June 2000, funding for disability services increased by \$43m. The next five years, the State Government has continued its commitment to Western Australians with a disability by funding the Disability Services Commission's second five-year business plan which provides growth funding of 34.5m over five years from 2000-01 to 2004-05.

These estimates will assist another 6 700 with disabilities, their families and carers through a range of strategies aimed at strengthening the caring capacity of families and communities through preventive packages which reduce the need for more expensive out of home care. To maintain the integrity of the growth funds and to avert erosion by cost movements, the estimates provide for indexation of costs and enterprise bargaining. The fees charged for accommodation services at Disability Services Commission facilities will be adjusted to offset the impact of the goods and services tax.

Funding for disability services has risen from \$100m in 1995-96 to \$166.5m in the year 2000-01 and by 2003-04 it will have risen to \$198.8m. During the two terms of this Government, funding for disability services will have almost doubled; a reflection on our commitment to Western Australians with disabilities. The Premier will launch the second five-year business plan on 18 June 2000. This will be followed by a series of information seminars for the disability sector in the metropolitan and country areas to clearly spell out how the funds will be allocated. I have also released the budget bulletin which all members of the committee should have received. The bulletin was sent to all service providers funded by the Disability Services Commission as well as the Ministerial Advisory Council for Disability Services.

Families and other stakeholders in country areas will be included in the information seminar schedule. Over the next few months I intend to visit Bunbury, Geraldton, Albany, Kalgoorlie and Kununurra to advise families on how the business plan funds will be allocated and to hear their views. Of course the disability sector provided input into the second five-year business plan and more recently into the second five-year strategic plan so all of the families are already aware of some of the service areas which require growth funding. In the first year of the plan the areas to receive growth funding include \$5.13m being allocated for accommodation options for people in immediate need of accommodation support, \$1.55m will be provided for additional therapy and professional services, \$1.04m for alternatives to employment for school leavers and adults with disabilities, \$750 000 to help support families and people with complex needs through essential respite and other services, and \$150 000 for local area coordination services.

From years two to five of the second year business plan, the Disability Services Commission's budget will increase by \$6.47m each year and there will be the opportunity to seek further funding as new priorities emerge. The State Government has been managing the unmet demand for disability services since it took office in March of 1993. It funded the Disability Services Commission's first five-year business plan, which expires on 1 July this year, and it has announced it will fund a second five-year business plan to continue its commitment to Western Australians with disabilities.

Throughout the course of the past seven years my predecessor and I have continually sought the assistance of the Commonwealth to address the disability service shortfall in Western Australia, which is also common to other States and Territories. Through persistence by the States and Territories and through a demand study that identified a national service

shortfall of some \$294m, the Commonwealth has recognised that it has a role in assisting States and Territories to manage unmet demand. Negotiations with the Commonwealth have recently been concluded with the result that Western Australia will receive growth funding of \$9.81m to assist with unmet demand and an additional \$2.2m of growth funding will also be provided by the Commonwealth under the formula stipulated in the Commonwealth-State Disability Agreement.

Although this Commonwealth funding is far less than the amount required to meet the unmet demand, it will allow Western Australia a degree of funding flexibility that we otherwise would not have had. The total growth funding for the two years 2000-01 and 2001-02 will amount to \$27.98m. The Commonwealth requires that the funding it provides for unmet demand, which is \$9.81m, has to be expended on in-home support, such as family care and respite services, and alternatives to employment primarily for people with disabilities with ageing carers. By focusing Commonwealth funds in these preventive areas, the proportion of growth funding provided by the State Government can be used for other key service strategies such as crisis prevention and family care packages, post-school options, therapy and professional services and equipment, and local area coordination. The combination of growth funding from the State Government and Commonwealth will help us to make a difference to people with disabilities and their families and carers in Western Australia.

[4.00 pm]

The CHAIRMAN: Thank you, Minister. The member for Bunbury, then the member for Willagee?

Mr OSBORNE: Minister, you talked throughout your introductory remarks then about a five-year plan. I just look at page 361. Am I right, this is four years, isn't it, which is mentioned here; 2000-01, 2001-02, 2002-03, 2003-04?

Mr OMODEI: Yes.

Mr OSBORNE: There is one year of the five-year plan which we do not see here. Is that right?

Mr OMODEI: Yes, that is correct. There is another year beyond that.

Mr OSBORNE: In this four years, of course, it is going up steadily. Can you tell me what the level of commitment for the fifth year is then, which we do not see here?

Mr OMODEI: The response to that is from years two to five of the second year business plan the commission will receive growth funding of \$6.47m each year.

Mr OSBORNE: Sorry, what was that? Years two to five?

Mr OMODEI: Two to five, so in reality the fifth year will be \$6.47m.

Mr OSBORNE: Plus \$6.47m.

Mr OMODEI: Yes, plus. That is the State contribution. On top of that there will be funds from the Commonwealth. In my budget discussions there will be the opportunity to seek further funding as new priorities emerge, so if we have some critical demand then I have the ability to go back and seek further funds from the State..

Mr CARPENTER: Minister, page 361 still, the 1998-99 figures, the grand total for the actuals for 1998-99 was \$141.198m, which is exactly the figure that was predicted as the estimated actual in last year's budget paper. Last year's budget paper predicted that financial year last year would end with \$141.198m and that is what you have. This year your estimated actual is \$155.272m.

Mr OMODEI: That is correct.

Mr CARPENTER: How likely is it that is what the end of financial year figure will be and if it is more than that, what will you do? What will you do in relation to your CEO?

Mr OMODEI: I have great confidence in my CEO that we will come in on budget.

Mr CARPENTER: Can I just get it on the record from you, Minister? If your estimated actuals are more than \$155,272m, will you sack the CEO?

Mr OMODEI: I would have to consider that very carefully.

Mr CARPENTER: I am under the impression that there is a directive from the Premier that CEOs who cannot work within budget will be sacked, so are you going to sack the CEO if your budget does not come in at \$155.272m or not?

Mr OMODEI: We are playing a "what if" game, are we?

Mr CARPENTER: No, I am trying to get you on the record in relation to this statement. The Premier is the head of the Government.

Mr OMODEI: He certainly is the head of the Government.

Mr CARPENTER: Do you agree with him or not?

Mr OMODEI: Put it this way, I do not think I am going to have to agree with the Premier at all because I think our budget will come in on target. I am very confident.

Mr CARPENTER: I do not want to make too much of a point of it.

Mr OMODEI: I think it is a nonsense question.

Mr CARPENTER: Would you mind answering the question then. If the estimated actual does not concur with the actual statements in this financial year and the actual statement is greater than that which is estimated, will you or will you not sack the CEO?

Mr OMODEI: Madam Chair, the reality of the situation is that I could not sack the CEO even if I wanted to. She is employed by the Premier under the Public Sector Management Act.

Mr CARPENTER: What is more, you do not believe she should be sacked, do you?

Mr WIESE: It is a hypothetical question.

Ms PARKER: It is a nonsense question.

Mr CARPENTER: If you two want to be the minister and answer questions, you can be, but I am asking questions of the minister.

The CHAIRMAN: It was just an interjection.

Mr OMODEI: Madam Chair, in most cases if the budget did not balance and there was a requirement for supplementary funding, the normal procedure would be for the minister to apply for supplementary funding.

Mr CARPENTER: Just to take up the interjection from the member for Ballajura, it is a nonsense. It is an utter nonsense that CEOs should be threatened with the sack. It was the statement made by the Premier, so I am glad the member for Ballajura agrees with me that it is an utter nonsense for the Premier to talk in that way.

Mr OMODEI: Madam Chair, if we can just clarify it again to make it very clear, the CEO is appointed under the Public Sector Management Act by the Premier, so the answer in relation to whether I would sack my CEO or not is, I could not, even if I wanted to.

Mr WIESE: Madam Chair, I raise a point of order.

Point of Order

Mr WIESE: Madam Chair, can I ask whether it is in order, in fact, to ask hypothetical questions?

The CHAIRMAN: I think you would probably find that that is very much the order of the day in many of the Estimates Committees.

Mr OSBORNE: And by implication threaten the CEO of the department?

The CHAIRMAN: I will deal with the point of order, member for Bunbury.

Mr WIESE: I am very seriously asking.

The CHAIRMAN: I think there is a degree of latitude which can be asked and, as long as the questions have some origin in the budget papers, then they are entirely appropriate.

Mr CARPENTER: I think the member for Ballajura has made the point.

Mr OMODEI: Madam Chair, if I could just say, I have the utmost confidence in my CEO. I think since her appointment she has acted very well in her responsibilities. It is a huge responsibility and she does it very well. I think any reflection on her is really inappropriate.

Mr CARPENTER: I hope you pass that remark on to your boss. I am not making a reflection.

Mr WIESE: What do you think of the CEO of the Disability Services?

Mr CARPENTER: I think it was a ridiculous statement for the Premier to make and I am glad you agree with me. Why do you not take it up with the Premier?

Committee Resumed

The CHAIRMAN: If there are no further questions, I will put the division.

Mr CARPENTER: I have some further questions. Minister, in relation to the costs of the GST can you tell us - and I know there are figures in these budget papers - what you believe the initial implementation costs for the GST will be or already have been for your department and what the ongoing compliance costs will be?

Mr OMODEI: Madam Chair, could I ask Mr Gary Downes to answer that question as far as the compliance costs are concerned?

Mr DOWNES: We will have spent by 30 June this year \$130 000 with regards to implementation of GST for the Disability Services Commission and, with regards to ongoing compliance, there will be nil cost. We will absorb that through normal procedures that we are implementing at the present time.

Mr CARPENTER: Madam Chair, can I pursue the GST for a couple of minutes? In relation to that \$130 000, how has that been spent?

Mr DOWNES: The \$130 000 has been the result of engaging PKF, taxation accountants, to provide us with the necessary tax advice.

[4.10 pm]

Mr CARPENTER: Is that money that has been spent internally to bring your own people internally up to speed or have you been also providing assistance for some of the non-Government agencies that deal with the department and, if so, how much has that cost you?

Mr OMODEI: Madam Chair, within that figure, advice has been given to the Council of Funded Agencies which is the representative body of most of the non-Government organisations and they are seeking their own advice as well.

Ms PARKER: Minister, we had a question regarding whether the budget estimate would be met and the competence of the CEO. I think there are far more serious issues to be questioned in this particular area because the Government's responsibility to people with disabilities and their family is a very serious one and there is certainly a growth in demand, but on page 361 of the *Budget Statements* the budget estimate for 2000-01 shows \$166.369m. Minister, my query is how much of this is accounted for in the recently announced business plan?

Mr OMODEI: In 2000-01, which is the first year of the business plan, the growth funding will amount to \$9.5m. The areas to receive the growth funding include \$5.13m that will be allocated for accommodation options for people in immediate need of accommodation support; \$1.55m will provide additional therapy and professional services; \$1.04m for alternatives to employment for school-leavers and adults with disabilities; \$750 000 to help support families and people with complex needs through essential respite and other services; \$150 000 for local area coordination services and \$880 000 for workers compensation. The Government continues its commitment to Western Australians with a disability by funding the second five-year business plan. The total growth in that plan is \$112.2m cumulatively over five years, beginning in 2000-01. That compares quite favourably with the first business plan of \$125m over five years. What this will do is increase in real terms the funding for Disability Services by 23 per cent.

Ms PARKER: Madam Chair, if I could have a supplementary to that. Minister, in regard to the growth of the Government's expenditure to respond to the issue of people and their families with disability, has that increase in support been matched by the Federal Government?

Mr OMODEI: Our budget line shows \$27.595m in 2000-01. I think the last figure that I saw was that about 86 per cent of funds are provided for people with disabilities by the State and about 14 per cent by the Commonwealth. Certainly far and away the State provides the vast majority of funds for people with disabilities. Our figure compares very well with other States.

Ms PARKER: But with the growth in the Federal Government allocations, has there been a similar growth to what there has been in the State Government commitment?

Mr OMODEI: Nowhere near the same amount. We have negotiated with the Commonwealth in relation to their contribution, the \$9.81m that they are going to put in in the next two years. We have negotiated for them to build that into the Commonwealth-State Disability Agreement as recurrent funding. That took quite some negotiation, I can tell you. I think it was a step in the right direction. It still falls far short of what we would like the Commonwealth to provide. Over the last four or five years that I have been the minister, we have had some fairly interesting discussions and great solidarity amongst States in dealing with the Commonwealth and, to that extent, I think we have been successful in our negotiations. Any funds that we get out of the Commonwealth I see as a bonus to the States because this State has really led the way as far as providing growth funds for people with disabilities across all the areas of need, whether it be accommodation or respite or post-school options or day options.

I am proud of the contributions being made by our Disability Services Commission. We were the first State to put together a Disability Services Commission with a separate board and a separate chairman. We have negotiated very strongly. We have very good members on our board. We have an Act of Parliament, a separate Disability Services Commission, a separate Minister for Disability Services and it is a model that most other States would give their right arm to be able to emulate. It is a shame we cannot sell some of our concepts to them and make some money out of that as well.

Mr CARPENTER: Page 372, dot point 3, the GST, "Provided support to non-government agencies in relation to tax reforms". Minister, to your adviser via you, at that dot point are you saying that the support provided by the department to all of those non-government agencies is accounted for by this \$130 000 that you mentioned before?

Mr DOWNES: In terms of support for the non-government sector it has been general advice, providing them with information in terms of the approach they should take and some of the key issues they should be looking at, but in no way is it actually the money that has been spent to actually implement the necessary reforms that are required in that sector.

Mr CARPENTER: No, I appreciate that, but as far as the department goes, the money the department has spent providing support to non-government agencies is all accounted for by that \$130 000?

Dr SHEAN: COFA, Council of Funded Agencies, is actually funded by us to discuss with the sector any issues relating primarily to funding and part of COFA's grant this year would have been expended in promotion of GST issues. To say

that this is entirely the amount, we cannot at this stage. Their grant would probably be around \$36 000 per year. That is an estimate, but that would cover a number of other issues; for example, workers compensation was probably their key issue for the current financial year.

Mr CARPENTER: Thank you for that, because what I am trying to figure is the \$130 000 that you mentioned in the first query about the GST. I assume from what you are now saying that was money spent internally in the department in bringing your own staff up to speed. What I would like to know is outside the walls of the department, as accounted for in this dot point here, have you even an estimate at this stage of how much more the Disability Service Commission is spending because of the GST, either by way of direct increased grants to the non-government agencies or in provision of information and support packages?

Dr SHEAN: The Lotteries Commission, I understand, was also prepared to contribute some money to the Council of Funded Agencies for issues relating to GST, but by and large you are right. The figure that we have given you is primarily for the commission to bring its own actions into order, but most of those have similar parallels with another agency so that advice was equally applicable to other agencies.

Mr CARPENTER: Just to clarify that point, there is a cost obviously over and above that figure but what that cost is you do not know or you cannot say basically.

Mr OMODEI: That is a fair comment.

[4.20 pm]

Mr CARPENTER: I have another question in relation to the GST, I suppose you would call it, compliance cost. Let us assume that that is your implementation cost internally, \$130 000, which I think probably is a bit of an underestimate. But your compliance costs, you say, are basically nil. Can you explain then how that nil figure for ongoing compliance cost is arrived at? You obviously have to make monthly acquittals of the GST and then the following month or whatever, you might get your receipt. Are you saying that there is no cost involved in that process whatsoever?

Mr DOWNES: As happens during the course of any year, there are always changes in procedures that need to be met, changes in accounting, standards and various things and, as far as the GST is concerned, we have just treated it in the same manner which we would have treated any of those matters, so there is no additional cost at all.

Mr CARPENTER: What I am suggesting is that there is. Let us say that your GST payments for this financial year are going to be \$1.5m. You will be paying them monthly, will you not, and then you will be receiving a receipt monthly? The payment and the receipt are one thing, but the ongoing cost involved in that whole process does not seem to appear here in the budget papers and I just wonder if there is some sort of calculation as to how much it costs you.

Mr DOWNES: I suppose I am trying to actually understand exactly where you are coming from with the question, but in terms of actual costs it is just a simple change of procedure - and I do mean it is a simple change in procedure. Whether it is \$1 000 or \$10m, at the end of the day the procedure covers all and that is basically what we have implemented. So as far as we are concerned, all the procedures will not result in any additional compliance costs within DSC.

Ms PARKER: Minister, on page 370 under "Major Achievements for 1999-2000", and again the issue is referred to in the initiatives for 2000-01, there is a reference to local area coordinator program and I note that there were coordination service locations established as far away as Carnarvon and as close as Kingsley in the metro area. The local area coordinator program is a fairly recent establishment of the service structure for people with disabilities in their families. Could you make a comment about its effectiveness and what you see as its future development in being integral to the way the Government responds to these people and the needs that they have?

Mr OMODEI: Thank you for the question. I think it is a very important one. In actual fact the local area coordination program started in 1989 under the previous government. In the very early stages there were only a few local area coordinators. We have now built the program in city and country areas and have now covered the metropolitan area. The whole of the State will soon be covered with 10 additional local area coordinators commencing work from July 2000. The new coordinators will provide coordination to the north coastal districts which are the major population growth areas and also the south metropolitan area. This will mean opening new local area coordination offices at Osborne Park, Innaloo, Shenton Park and Daglish. We will have virtually covered the whole of the State with local area coordination. What that has done for people with disabilities is it provides them with a contact point where they can seek information and be directed to services that they require. We also provide local area coordinators with a small discretionary fund of their own where they can assist people who are in crisis. We intend to take that further in country areas with an improved coordination of all of the services. They are working on that now.

We intend to use local area coordinators as the contact point for low-level respite and assistance for people with disabilities. The local area coordination model has been adopted by the Queensland Government. We have been sending some of our people over there, one of them Eddie Bartnik, on a more than cost-recovery basis from that State. The same concept is also being picked up under the Aboriginal Affairs Department to assist Aboriginal people, so it has been a very successful program.

Ms PARKER: What has been the growth in funding allocations to the local area coordinators over recent years? Certainly the feedback I get from people in my electorate is it really does prove a very close point of contact for people to be provided with support.

Mr OMODEI: You will see on page 369, under "Total Cost Output" in 1998-99 \$13 884 000 and you can see there in 2000-01 the budget estimate is \$15 824 000 and that reflects the additional funding provided under the second five-year business plan.

Mr OSBORNE: Minister, can we go back to page 362, "Significant Issues and Trends"?

Mr OMODEI: Are we allowed to go backwards, Madam Chair?

The CHAIRMAN: You are allowed to go wherever you like in this division until we put the vote.

Mr OSBORNE: Dot point 4, community expectations -

With increasing community awareness of disability issues comes a heightened expectation of provision of timely and responsive services for people with disabilities and their families.

I guess you have seen this newspaper article and, when I saw it, I undertook some investigations of my own. I will give it to you after I have spoken to it, Minister. It talks about the possibility that specialist medical services for people with disabilities in the south-west could be cut after a review by the DSC. The article says -

There are seven staff; four are permanent, but three are on contracts which finish on 16 December this year. There has been no indication they will be renewed. The Director of Country Services said there were no plans to change services operating in Bunbury and the jobs would not be under threat. Country services in WA are under review in preparation for the development of its new five-year strategic plan. In a letter to the CEO of the CSA Dr Ruth Shean said that provision of all services in areas of Western Australia except Bunbury was the responsibility of the Health Department.

It is an anomaly which is becoming more apparent that the DSC does this in Bunbury, but nowhere else in the State, but you do not have any plans to change the way services are operating in the south-west. I would like to ask about it because, as I said, I spoke to people and parents and carers in the area myself after seeing the article and they believe that there has been a slow winding down of services in the south-west region and that by December of 2000 they will be down to four substantive positions, those positions to care for over 700 clients in the south-west.

The concern is that if we go to a method of service delivery in the south-west or in Bunbury as happens in other parts of the State, then pressure will be transferred to the Health Department and local services like yours in Manjimup, Vasse, Augusta, Wellington and so on. I guess what I am looking for is comment on the article in the light of the significant issue and trend which has been identified in page 362 and an assurance from you that disability services in Bunbury will not be wound down in the way that this article suggests. It is 4 May, *South Western Times*.

Mr OMODEI: The issue that is raised by the member for Bunbury is quite a serious one. I think the article is quite a mischievous approach by the Civil Service Association and my wish would have been that he would have contacted the Disability Services Commission before he made those statements because those kinds of rumours do no good to people with disabilities, particularly when it causes uncertainty amongst families. One of the things we have tried to do, and I think have succeeded in doing, over the last four or five years at least since we have been in Government is to dispel fears about service cuts. You will recall there was the innuendo or the concern about the Disability Services Commission being gobbled up by a super department and it took us quite some time to dispel those kinds of rumours.

[4.30 pm]

Mr OMODEI: Since its introduction in 1995 our Disability Services Commission specialist country services team has been embarking on a major strategy throughout the commission, particularly in the therapy areas that we are talking about, and we have responded I think quite well to those people in country areas. The role adopted by specialist country services has been to support and supplement the primary role of country health authorities and also the local providers and those specialist country service therapists have provided therapy services directly to people with disabilities when no other alternatives were available at that time, so members of the Bunbury-based specialist country services team have also had direct therapy service provision as components of their roles.

When I have been travelling around the State with officers of the Disability Services Commission and recently we have been to Karratha, and the board goes around to all of the regions in the State to meet the people providing services with disabilities, there have been a number of concerns. I have listened to the families. Some of their concerns have been that too much time is being spent on assessments instead of treatment, too much money being spent on travel by staff or families and inequities between country therapy services and metropolitan therapy services. They actually, I think, confirmed some of the impressions that we had and to address those concerns I have asked the commission to investigate ways that we can better provide therapy services to rural areas. The board of the commission is discussing that matter right now and commission officers are gathering information to assist the board in making a determination.

Those comments made by the union officials certainly were not helpful at all, particularly the question about withdrawing specialist services from the south-west. It is just not the case at all. It is alarming families and I was quite angry about it. We have no plans to change the operations of the country specialist services program. Funding to rural therapy services was increased by \$80 400 for this financial year and will continue to be a focus for growth funding over the next five years under the second business plan. That will result in an increased provision of services rather than a decrease. At this stage we want to have a look at that whole situation so country specialist services can put in place some consultation with the

health services for delivery of services by the Education Department instead of people having to travel long distances or get therapists to travel long distances.

It also comes down to in the end attracting therapists to country areas and keeping them in country areas and that is a real challenge for us and something we will address, but certainly it is not the intention to reduce services to the country at all. In actual fact the second five-year business plan has specified components for both the metropolitan area and country areas and it focuses on prevention in the main, so I think people in country areas can rest assured that we are aware of the needs of people with disabilities in country areas. They are different in that there are long distances and their requirements need to be met on the same basis as they are in the city and we are going to do that.

Mr OSBORNE: In summary the concern that was put to me is we have the situation where two years ago there were around about 10 FTEs operating in Bunbury and that is now down to four substantive positions. Without, I suppose, guessing what the review is going to hold, you are telling me that services will be maintained. Secondly, is it the case that there is a different way of doing things in Bunbury where at the moment it is the responsibility of the DSC and in other parts of the State where that comment from Chalmers is saying, "Look, we are aware of the anomaly in Bunbury and it is becoming more apparent every year that there is an anomaly on column 4 there"? Is it your intention that there will not be a shift of responsibilities from the DSC to the Health Department? Is that what you are saying?

Mr OMODEI: I will get the CEO to confirm what the situation is.

Dr SHEAN: In Bunbury in fact Health Department staff do provide services to people with disabilities as do Education Department staff and we do, too. In each country area, though, we talk with families and find the best possible mix. In Narrogin, for example, and I think we spoke about this last year at budget estimates, we have quite a good collaborative team where we have the Health Department writing health therapy plans for kids in school. We have Disability Services Commission actually paying for therapy assistants who are then employed by the Education Department. What works in country towns depends on a number of issues such as staff who might be available, and the mix of children with disabilities who might be there at any one time.

The country services directorate is looking at each country town. Manjimup is one example where we have been last week, looking at the best mix to suit the needs of families at the moment. This is done in conjunction with families, it is done in conjunction with staff. The point that is being made is that we never sign off as final on any particular staff mix because the needs of clients change. The minister has said that if there are to be changes, there will be consultation on them and this applies throughout the State, but the assurance that can be given is that we actually have not reduced figures.

The minister has given you the increase for the last 12 months but, in fact, there have been significant increases in previous years, too. The business plan makes allocations for continuing increases. The statement about 10 FTE reduced to four FTE does relate, I would imagine, to contract staff being employed rather than permanent staff. The actual budget allocation, however, has been increased. That is not a decrease. For staff such as therapists where there are different mixes in therapy required - for example, for autism the therapy mix that is required is speech pathology and psychology whereas for a child with spina bifida, occupational therapy and physiotherapy might be required - it probably does make sense to keep a balance between what clients require and the staff that you employ to provide those services, in the same way that there would be no point in employing a paediatrician in a geriatric facility.

Mr WIESE: Madam Chair, my questions in fact relate to the next dot point and follow straight on from the questions that have just been asked. There are two which are very closely related, if I can just do the two. The first question would be what percentage of your clients would be in the metropolitan area versus in the country area, so non-metro? Are you able to answer that first of all?

Mr OMODEI: Madam Chair, the figures are 26 per cent of the clients are in the country area and 74 per cent in the metropolitan area.

Mr WIESE: Thank you. The next question follows on from that and it relates to this question of demand which is dealt with in that dot point where you are indicating a very substantial increase in the disabled persons in the older age groups, and the question is how many would there be of your clients who are under the age of 21 versus the clients who are above the age of 60?

Mr OMODEI: Madam Chair, could I ask the CEO to respond?

The CHAIRMAN: Yes.

Dr SHEAN: I do not have the demographics in front of me. We certainly have an increased number of ageing clients and in, for example, our residential facilities, that is quite a marked group because most of the growth for young people in recent years has actually been in non-Government agencies. The other difference is that 60 years ago people who had a child with a disability would be told to "put that child away and get on with their lives", which meant very short life spans for people with disabilities. Because around about 50 to 60 years ago that trend started to change, we are now seeing people who have actually had a good quality of life and are therefore growing old rather than dying prematurely, as was previously the case. Although I cannot give you the hard figures on that, that is the general trend and that is acknowledged in some of the planning we are doing.

We have, in our own services in particular, a trend of ageing clients and all the problems that go with ageing such as increased health needs, options relating to retirement from the workforce and the need for a meaningful life after work.

The overall trend, however, is that the prevalence of disability remains constant, so we are not seeing a smaller number of people with disabilities being born but of the new people with disabilities coming through, those with lower levels of disability are on the decrease and those with higher levels of disability are on the increase, so we are seeing a different profile. On the one hand we have an ageing group of people, probably with lower levels of disability because they are the people who have survived longest. On the other hand, the new groups coming through are those people with very severe and multiple disabilities, probably more severe than previously.

[4.40 pm]

Mr WIESE: Madam Chair, could I ask whether the information is available and could it be provided as a supplementary response?

Mr OMODEI: Demographics?

Mr WIESE: Yes, the demographics, if it is available, and especially in relation to under 21 versus over 60.

Mr OMODEI: Madam Chair, could I ask the CEO to respond?

The CHAIRMAN: Yes.

Dr SHEAN: What I can do is get you the Australian Bureau of Statistics data. We have some data on our own funded and provided services but we may have to content ourselves with the detail from the Australia-wide data, which should be representative. I will undertake to provide that information.

Mr WIESE: Madam Chair, can I just follow on a little bit from that with a question, and it follows on from what Dr Shean has just said. The question is as to what is the cause of those disabilities and the question I have here is how many of those with disabilities are as a result of accidents versus how many are as a result of medical situations?

Mr OMODEI: Madam Chair, could the CEO respond?

The CHAIRMAN: Thank you, Minister.

Dr SHEAN: My understanding is that not a high proportion are a result of accidents. The disabilities as a result of accidents fall into two main categories. There are those accidents around birth which tend to give rise to children diagnosed as having cerebral palsy and they are sometimes quite observable and easily identifiable accidents such as children in car accidents, but by and large they are incidents which cannot be identified in any way. I think the birth rate for cerebral palsy is around 2.5 per 1 000. The other group caused by accidents are primarily young men with either head injuries or spinal cord injuries. The spinal cord injuries are usually through traffic and other physical accidents and the brain injury can be either through traffic accidents or through substance abuse.

Overall, however, that second group is not a large representation. My recollections of the epidemiology of disability is that most disability types are actually unavoidable. I can recall Fiona Stanley saying some time ago that we should stop looking for the key under the lamppost and get on with better management of people with disabilities, because to seek to prevent disability at this stage means perhaps some screening for children with Down's syndrome, and there are a number of very wide ethical issues there, some of the issues being debated in Parliament at the moment on the testing prior to IVF processes, but for the most part disability is not preventable in our current society.

Mr WIESE: Can I ask, if there is that information available again in relation to that question, could that be provided as supplementary information?

Mr OMODEI: CEO?

Dr SHEAN: This information is not provided by the Disability Services Commission. I would be happy to contact the Institute for Child Health Research to see what statements they have about causality and epidemiology of disability. We have a document called "Disability Counts" that was produced some years back that probably gives you best estimates. You will find, however, it is a very imprecise analysis of the situation.

Mr WIESE: We are not just talking about child accidents.

Dr SHEAN: That is right.

Mr WIESE: We are talking about right across the board accidents. If it was available, Madam Chair, and it could be provided -

Mr OMODEI: We will provide "Disability Counts" for the member for Wagin.

The CHAIRMAN: Supplementary information.

Mr WIESE: Thank you.

Mr CARPENTER: I would like to explore this issue of local area coordinators again. I think you said the entire network would be covered by July 2000, so it is pretty close now. What caseload would each LAC be expected to carry?

Mr OMODEI: I think the figure, from my recollection, is about 55 on average. I think in some cases in the metropolitan area it is slightly higher, but it depends on the level of disability. For example, you could have 50 clients with disabilities.

It depends on how many have profound or complicated or challenging behaviours, so it varies. Usually the average is about 55. It also depends on the number of new clients that come in if you have a growing area. People do shift around the State, with their employment. We have found that, even in country areas like Karratha where there are large job opportunities with new projects, people tend to change their careers. But I must say the general impression that I have of local area coordinators is that we are very lucky to have the quality of local area coordinators that we have. Most of them that I have met are very gifted people in dealing with people with disabilities. There is no doubt that when you have a new client coming into the area, it takes time; it takes a lot of time out of the local area coordinator's day or week to establish a working relationship with the new client. Of course, in country Western Australia they have larger distances to travel and, therefore, the travel time eats into the time that they can provide for people with disabilities.

Mr CARPENTER: Can I just pursue that with a couple more questions? My recollection is that, say, two years ago the workload was 50 so it has actually gone up to 55. It has gone up by 10 per cent.

Mr OMODEI: My advice is that it has not gone up formally. If we had a major influx of people or a large number of clients, we would add another local area coordinator for that region.

Mr CARPENTER: By way of information provided later, could you provide me with whatever guidelines you have historically about the number of caseloads that each LAC would carry because I am certain - in fact, I think we discussed it in Estimates before - that number was 50? Could you also provide us with information as to how many LACs there will be servicing the entire State as of 1 July or whatever, and how many there were 12 months prior to that?

Mr OMODEI: Madam Chair, I can provide that supplementary information in relation to the number of LACs who are going to be in existence in July 2000 and those 12 months ago, and the numbers per LAC.

Mr CARPENTER: Yes, the caseloads. It is interesting because you know that in some of the country areas, especially the remote areas, it is very difficult to have many cases for an LAC. I am interested to know if there is a very significant difference in the number of cases that an LAC based say in Geraldton - covering that whole Murchison area - is expected to service as opposed to North Beach or wherever.

Mr OMODEI: Madam Chair, could the CEO make some comment on that issue?

The CHAIRMAN: Absolutely. Can I just remind all of us that the questions ought to be short and the answers should be short as well; if we could keep the answers brief so that we can get through the questions?

Dr SHEAN: Even in rural areas the spread of LACs differs vastly. For example, in Karratha where we were last week, there are quite a few people with disabilities living in the town but there are still some people - there might be a handful - in fairly remote areas. Where this is the case we actually use a different model of visiting. Rather than people being in regular touch through visits, we would depend on phone calls and perhaps longer visits of a duration of a day or so to a particular town.

The other issue with respect particularly to mining areas is that the population changes quite a lot. For us to change the boundaries of LACs frequently to take account of population variances would not support our families very well, so we try to minimise changes of staff which sometimes does mean that the boundaries get out of skew a bit and the case numbers also get out of skew. We have to balance keeping some sort of equity in case numbers with trying to keep stability between staff and client relationships.

Mr CARPENTER: Following along the same theme about staff numbers, can we turn to page 365, "Output 1, Residential Services" and the footnote to that output measure - "Full-time equivalents, 1999-2000 957; 957 for the coming financial year; people accommodated 1 565 in the current financial year and in the coming financial year 1 661" - so there are about a hundred more people being accommodated with no increase in staff. Could you just explain that? Down the bottom, the FTEs in the footnote - 957.

[4.50 pm]

Mr OMODEI: Madam Chair, the answer to that question is that the 957 figure relates to the Disability Services Commission FTEs. The figures in relation to people accommodated, the 1 565 going to 1 661, relate to the provision of services by non-Government organisations, as well as ours.

Mr CARPENTER: I think they used to provide these figures in the budget. There used to be a breakdown I think of the number of people accommodated by DSC directly and those accommodated by the agencies. You probably have not got the figures but could you make those figures available? That is constant. It has not changed.

Mr OMODEI: Madam Chair, I am told that the number of clients within the Disability Services Commission's responsibility is about 590 and has not changed but we will provide by way of supplementary information the growth of services in the non-Government organisation.

Ms PARKER: To the minister - and it follows on from comments that the CEO made in regard to the increase in the community of people with disabilities, in particular the aged - on page 362, the last dot point on that page referring to the community's capacity to support and include people with disabilities:

There is going to be a very critical response that will be required by the community for us to be able to deal with the demographic changes that we are facing as a society.

There is a reference here to some of the things that have been done, but could you just elaborate on what has been undertaken by the DSC to better build an increased community capacity to respond to people with disabilities?

Mr OMODEI: I think the answer to that question is that in the last five years in particular that I can recall, there has been a quantum change in attitudes in the community to people with disabilities. For example, under my other portfolio, Local Governments were required to produce Disability Services plans. They have all complied with those plans and now are putting them in place. Many Local Governments have specific disability officers within their Local Governments. The question of access is, I think, now quite common in Local Governments. The 1996 Building Code requires that all buildings be disabled-accessible. That is a requirement. If you are going to build a new public building, then it needs to comply. The Local Governments themselves are making sure that all of their library services and their municipal offices are accessible and, where they are not, we soon let them know. I think there has been an excellent response.

Even in our schools we have a prize for the most accessible school. We have awards at the end of each year in September, which is World Disability Day. We have Louisa Alessandri awards for both the community and individuals which recognised access initiatives. We have put in place a new program of our own provided by Disability Services called Accessing New Markets where we provide materials and a video. It was prepared and launched by the Premier a couple of months ago. It is available to all businesses. Businesses have sponsored that video. It is a 16-minute video that shows that people with disabilities are really valuable assets to businesses, can be considered customers of any business or in a corporation, the same as anybody else.

I believe that resource will be a valuable resource for us to not only circulate around Western Australia but around Australia. It is my intention to ensure that we circulate that prior to the Olympic Games so that businesses do employ people with disabilities and recognise their worth in the community. I think that attitudinal change has been quite dramatic, particularly in Western Australia.

We will provide all of that information we have to other States but, from the point of view of community facilities' grants that we mentioned under the Local Government portfolio, there is a requirement that those facilities be disabled accessible, whether it be playground equipment or a toilet facility or change room or recreation centre. It was not long ago that you could travel from Karratha to Perth and not find a single disabled accessible toilet and that has changed dramatically. So both the private sector and the public sector have been, I think, very much aware of the requirements of people with disabilities. Sorry, Madam Chair, that is a long answer, but it is an important issue.

Ms EDWARDS: My question relates to page 366 where under "Major Achievements" it says that the commission finalised the devolution of Pyrtton. My question is, when did the land tenure of Pyrtton change and what income is the commission receiving or has it received from the change of land use?

Mr OMODEI: It was 7 March that Cabinet endorsed a joint submission by the Ministers for Justice, Disability Services, Housing and Aboriginal Affairs to achieve the minimum security facility for women at that site. In relation to the funding, there was an amount of \$1.5m that has already been paid by the Ministry of Justice to the Disability Services Commission and the remaining \$4.5m is to be allocated to the commission in the 2003-04 budget from the consolidated fund. That figure is shown in the budget papers. The other thing we have done is I have met with the Bassendean Council and it is intended that the remaining land be devolved or handed over to the Bassendean Council. They have plans for that area in relation to some facilities for Aboriginal people. They have yet to get back to us on that issue.

You would be aware that that issue was submitted to Cabinet on 10 April and it proposed an allocation of the land to the Ministry for Housing and the rest of the land be vested in the Town of Bassendean, which will be about 26 hectares out of the total 36 hectares. They will have a substantial holding of land and they can plan the use of that land for the future.

Ms EDWARDS: A supplementary question. What would be the estimated ongoing cost to the Town of Bassendean of taking on that land?

Mr OMODEI: That is a good question. It all depends what they want to do with the land and how they are funded. They are talking about having a large Aboriginal centre there for Aboriginal people, a community-type facility. It would depend where they get their funds from and how they are allocated. But in the first place, I think it is an excellent opportunity for the Town of Bassendean to achieve the ownership of that land. The land is held in fee simple, owned by the Disability Services Commission. The important thing as far as we were concerned - and I think the member for Willagee asked questions last year in the estimates debate - was in relation to the value of the land, so that the Disability Services Commission received what was an appropriate valuation. We believe we have achieved that and it means that we will use those funds to retire debt along the lines of the plans that we had within the Disability Services Commission.

From our point of view, from the Disability Services Commission point of view, or the Disability portfolio, I am happy with the result. We received the funds that we requested. I do not think the land would ever have been able to be developed for residential development. It may have been worth more under that situation, but this approval gives the Bassendean Council an opportunity and it also provides for a pre-release facility for women.

[5.00 pm]

Mr CARPENTER: Minister, in the budget papers as they are now presented - I think my memory tells me they once included the amount of unmet demand in each output - there is no reference to that in the budget papers any more. In relation to output 1, which is residential services, and output 2, non-residential services, can you give me information about the level of unmet demand, unmet need?

Mr OMODEI: We can give you figures for the accommodation support program, but in relation to the unmet need we can also use those national figures from that national study from the Australian Institute of Health and Welfare. So nationally there is, as you would be aware, member for Willagee, the Australian Institute of Health and Welfare study that identified - I think it was \$294m - \$294m, my CEO tells me - shortfall in unmet need across the nation, but as far as our own accommodation support program is concerned, currently the accommodation support program provides services for 721 people with disabilities.

The supports also include Service Plus funding, and in-home and out of home accommodation options. Of the 721, there are 21 individuals who have been offered an out-of-home accommodation option that has not yet been finalised. Of these individuals eight will have an accommodation option finalised within three months, four are waiting for the identification of a suitable foster family, four have complex adaptive needs and/or challenging behaviours that require specific expertise from a suitable service provider, two are waiting for housing to be constructed and three are waiting for compatible residents to be identified in share group home accommodation. That is some of the accommodation support.

In March of 2000 there were an additional 106 applications that were considered by the assessment panel and 70 of these applications were identified as having an immediate need for support. Some 60 per cent of them requested an in-home family support service rather than the out-of-home accommodation support. Individuals and families who requested in-home family support services will be funded through the intensive family support packages. Those who requested out of home accommodation and whose plan is ready for implementation will be funded and the remaining individuals or families will be offered interim funding while the commission assists non-government service providers develop accommodation options.

Mr CARPENTER: Can I just interrupt there, Minister?

Mr OMODEI: Yes.

Mr CARPENTER: That is close to the information that I am talking about. I think you would recall as well, the budget papers used to actually provide all that, did they not? They used to tell us how many applicants there had been, how many people met the criteria and how many people got accommodation and support.

Mr OMODEI: Those figures change regularly.

Mr CARPENTER: Yes, they change. They also made it almost impossible for us to find out, but I think that is close to the information.

Mr OMODEI: We can provide you information. You can get that in a number of ways. You can either write to me or you can ask a question in Parliament or whatever and we will provide the up-to-date information, but it changes regularly.

Mr CARPENTER: Yes, but your figure that you used there was something along the lines of 121 who had applied for accommodation services, was it, or in-home support?

Mr OMODEI: No.

Mr CARPENTER: In-home support.

Mr OMODEI: 106 applications -

Mr CARPENTER: 106, sorry.

Mr OMODEI: - were considered by the panel and 70 of these applications were identified as having an immediate need for support.

Mr CARPENTER: This is in-home support?

Mr OMODEI: Sixty per cent of them requested in-home support rather than out-of-home accommodation.

Mr CARPENTER: I see. All right. Perhaps I can get a photocopy of that page.

Mr OMODEI: We can provide you with the information, anyway.

Mr CARPENTER: Yes. You know what I am talking about.

Mr OMODEI: Yes.

Mr CARPENTER: The residential accommodation and the in-home support, the number of people who applied, the number of people who met the criteria, the number of people who got it and those who did not.

Mr OMODEI: I think it is important that you understand, and it is in the budget papers, the average cost of an accommodation position - and it varies, but the average cost here is shown as being \$59 000 per client. Some clients receive an assistance package far higher than that and some are below. If every person in Western Australia received a full accommodation support package it would cost something like \$2.8b.

Mr CARPENTER: If every person in WA who applied for it, you mean?

Mr OMODEI: Every person in WA with severe and multiple disabilities.

Mr CARPENTER: Yes.

Mr OMODEI: If they all wanted - and by the way, not all of them want that at all. I think from a family point of view and the wellbeing of the person with a disability, it is better that they are looked after under the loving care of their family or a close relative rather than be housed in out-of-home accommodation. In a lot of cases many of the people are just asking for a small amount of help and that is where the Service Plus packages and Service Plus Plus packages come in.

Mr CARPENTER: I agree with you. All I am trying to find out is the level of unmet demand.

Mr OMODEI: Yes.

The CHAIRMAN: Minister, can I clarify that therefore you are providing that information by way of supplementary information?

Mr OMODEI: Supplementary information to the member for Willagee, yes.

Ms EDWARDS: I was wanting to ask a very similar question and it arose for me looking at page 369 and the services provided by the local area coordinators. My question arises because of my connection with people with dual sensory loss through my association with the Blind Institute and my question is, how do you define unmet need? Are you doing it statistically or are you aware of people out there you prioritise and you target but you just cannot get to some of them yet? What can be done for people with dual sensory loss who have needs? They are a bit like the minister just described. They do not necessarily need accommodation. In fact most of them do not, but if they could have that bit of respite, that bit of other care, it improves quality of life and it really improves quality of life for the caregivers.

Mr OMODEI: I will ask the CEO to respond to that.

Dr SHEAN: The way, as we mentioned earlier, of quantifying unmet need is through national projections and they are usually done by the Australian Institute of Health and Welfare in conjunction with the Australian Bureau of Statistics. The figures the minister has just provided to Mr Carpenter are, however, based on the applications that come through to us at any one time. The integrity of those figures is affected by people who perhaps have need and do not put in applications and there are some of those. Suddenly someone will come forward having cared for their child for 50 years, never having asked for any help. At the same time there are people who ask for help which is perhaps not realistic. This gives us the reality of what people are asking for at any one time, so we do get the two different pictures.

Under the new business plan arrangements, the focus is to change overtime, the mix of large out of home packages in favour of putting more money into respite and lower care options. The minister has already mentioned the additional Commonwealth funding which in fact has been funding for unmet need. The Commonwealth's requirement of us is that we actually use this for in-home supports and there will be significant growth here. It should be easier for people to get support and I would think that on the basis of need people with dual sensory disability would be able to access those funds.

Mr CARPENTER: Minister, on page 366, the bottom dot point, "Major Initiatives for 2000-01", is "To complete the implementation of 10 housing projects for the Ministry of Housing to provide housing for 35 people with disabilities requiring residential services". The only information I would like in relation to that: could you provide by way of supplementary information the locations of those developments and of any proposed developments beyond this next financial year for residential services in the metropolitan area?

[5.10 pm]

Mr OMODEI: Certainly. I think I will ask the CEO to make a point on that. The Ministry for Housing of course is fundamental to providing those residential services and they vary depending on what demands the non-government organisations have.

Dr SHEAN: For the most part these would be houses for people in the non-government sector and not direct clients of the DSC. I do know of one or two houses that the DSC is seeking to rebuild because they are old and we could give you the locations of those. I am sure we could ask Ministry of Housing for the location of mobility houses, but they would not necessarily distinguish between the people that we would name here as being funded through our programs and other people with disabilities. We can certainly ask for that information though.

Mr CARPENTER: Perhaps I was working on a misunderstanding. I was under the understanding that Disability Services Commission with the Ministry of Housing located sites, either existing homes or sites for developing homes, to house people with disabilities and I was just wondering if you could provide me with the locations of those developments and the locations of proposed developments.

Mr OMODEI: We will provide the ones that we know from Disability Services Commission.

Mr CARPENTER: Perhaps I should get it from the Ministry of Housing.

Mr OMODEI: New houses are being built, and there is quite a number of non-government agencies that provide purpose-built houses that, by the way, are well and truly worth going to see, two such examples being from Brightwater and Nulsen Haven. There are houses right across the metropolitan area, particularly in the last few years when we have been moving people with disabilities out of some of the old hostels and putting them into houses in the community. There is a whole range of agencies that provide services to people with disabilities and the housing component is provided by the Ministry for Housing.

Mr CARPENTER: I have seen them and they are fantastic. What I would like to know is where these are going to be, the future ones; not just the metropolitan area, right around the State.

Mr McGOWAN: Just on that point, does the commission provide respite houses for people with disabilities to go and stay at to give their carers some respite? If so, how are they funded and, if so, where are they located?

Mr OMODEI: I just saw one last week in Karratha where they are building a respite house at Point Samson.

Mr McGOWAN: The commission is?

Mr OMODEI: It is Pilbara Home Care and Pilbara Home Care receive some funding from Disability Services. The Point Samson house, built to withstand cyclones, will have a fully self-contained unit plus room for people with disabilities. It is an excellent facility. That is just one example. Maybe the CEO can respond more fully.

Dr SHEAN: The commission itself runs very few respite beds. I think overall we probably have about 10 respite beds. It is around that number. The respite that is provided by the non-government sector, however, is substantially larger and facilities such as Catholic Care, Rocky Bay, Cerebral Palsy Association, have quite a large number of respite beds and they are primarily based in the city. Rocky Bay, I know, have some down in Beeliar and some at the southern areas of the metropolitan area. In rural areas, however, while traditionally there have been one or two respite facilities by the commission, our view is that for us to put money into bricks and mortar, building new houses, firstly is not core business for us and, secondly, is not necessarily what families want.

The Point Samson one that the minister has just mentioned is a good example where the community have looked at what the requirements are and they have decided in this case. It is actually a facility outside of Karratha where families can go for, in part, a holiday but also where a family member with a disability can be left with trained care. We actually pay for some of that care through the commission, but the facility is one built by the local people, owned by the local people.

There are a number of different options for funding. The Ministry of Housing has funded some respite facilities. They will sometimes do this under the community housing program, although I understand they prefer not to. I think the joint venture housing scheme is another approach that they use where they ask agencies to put up some form of contribution. In the case of the Point Samson beach stay, this was Pilbara Home Care who put up the land and that was purchased by an interest-free loan from the shire.

In Kambalda Western Mining have lent a house to a group of seven families and that is to be used for respite, for community access and also not just respite for children or family members to go and stay in, but where families are using in-home respite which is frequently a preferred option. Then mum and dad can actually get out for the night and stay cheaply somewhere else, rather than having to stay in an hotel for a break. There are a number of other models where that is happening. At the moment in the Goldfields we are working with the Local Government Authority and various groups to look at establishing a similar model. Along with HACC and some other funders we continue to provide the ongoing costs of staff for respite, but prefer not to build the buildings because they tend to tie people and resources up rather than free up resources and lead to flexible options.

Mr McGOWAN: In relation to my community of Rockingham I have often thought that one of these facilities would be excellent. In terms of who we should contact in the process I have tried with a number of different sources to try and organise something but it has just come to no appreciable outcome just simply because there seems to be so many strands and so many areas involved in this. When you talk to the Health Department, they say to talk to somebody else and when you talk to HACC, they say it is not their responsibility, then they indicate that they might fund something and then they always refer you on to someone else. Is there a central point that I can put people from my agencies and my council in contact with who we can talk to about this sort of project and if so, can you provide that to me?

Mr OMODEI: We can, and I think your first point of call would be your local area coordinator who would take that matter up with other staff at the Disability Services Commission, but I think you need to ascertain what the needs of your community really are. Is it respite in a purpose-built facility where you tie up a lot of money or is it respite by way of packages? There might be day options or just normal respite where people are given a break from being the carer or the client given a break from mum and dad or whatever, but I think increasingly day options are going to be very important for people with disabilities. To give you an example, some of the employment-type arrangements where we have Commonwealth funded agencies or private businesses running businesses with people with disabilities it is also a form of day option that takes the disabled person away from home and provides some kind of respite for the carer. They are federally funded. We provide some funds for some of those organisations. You really have to analyse what is best for your community. Do you want to tie up \$500 000 in a building or put those funds into some kind of a package where you can maybe service a lot more people? That is maybe for you and your community to work out. The CEO just suggested that we put the Director of Metropolitan Services Coordination charge of that and have a look at the needs for Rockingham.

Mr McGOWAN: That would be great. Everyone is of the view that their community is the most needy, but I will just say it is an ageing population and there are no services such as this in terms of a purpose-built facility within 30 or 40 kilometres of the area.

Mr OMODEI: How close is Beeliar?

Mr McGOWAN: Thirty kilometres or thereabouts; maybe 20..

Mr CARPENTER: Minister, can you tell me where in the budget papers I can find the receipts from the sale of Pyrtton or the transfer.

Mr OMODEI: Yes, they are there somewhere.

Mr CARPENTER: Is it page 375, "Receipts from the sale of non-current assets"? Is that what you are talking about?
[5.20 pm]

Mr OMODEI: Yes, page 375, the second top line, you have "Capital appropriations \$4.5m in the year 2003-04". If you then go down to "Cash flows for investing activities", there are receipts there of \$4.699m of which Pyrton is \$1.5m. That \$4.699m in the year 1999-2000 includes receipts of sales from Pyrton of \$1.5m and then there are other properties as well in that, the \$4.699m.

Mr CARPENTER: So you have \$1.5m from -

Mr OMODEI: That has already gone into this year's budget. We have already been paid that.

Mr CARPENTER: Yes, and the remaining \$4.5m is recorded as a cash flow from government in the year 2003-04.

Mr OMODEI: That is right. That has been built into the forward estimate. That is when we needed it as far as our budgetary arrangements for retiring debt.

Mr CARPENTER: Can I just ask why is \$1.5m classified as cash flows for investing activity and the other \$4.5m from net cash provided by government?

Mr DOWNES: When you have a look at the \$4.5m which is capital appropriation, those cash flows from government are self-explanatory. They do actually come from government, whereas cash flows for investing activities are receipts from the sale of non-current assets. Those are standard headings which are used within the context of the statement of cash flows for government. In our case we do not invest, but it is the most appropriate position to actually reflect the \$1.5m sale of the portion of the Pyrton site to the Ministry of Justice. For example, if in fact it had actually been sold to the private sector, that is where it would have been shown.

Mr OMODEI: So \$1.5m has come from the Ministry of Justice. It is already in the bank.

Ms EDWARDS: What was the previous valuation on the site?

Mr OMODEI: It has always been \$6m.

Mr CARPENTER: Page 361, the first page, under "Amount provided for capital services for the year, \$4.5m" at the end there, that is built in, is it, to your estimates of what you are going to be spending that year?

Mr OMODEI: As I said, it is for retirement of debt.

Mr CARPENTER: Without wanting to send everybody into a spin, if we can return to the initial point that I raised in this matter? We are within a month of the end of the financial year. I think each department minister provides the acquittal figures for each month and the end of the financial year to Treasury. Can we get those figures which would provide us with basically your actual outcomes for the current financial year? I think they are provided in what are called the Nyamiah papers which traditionally have been published by Treasury or provided by Treasury within about 10 days of the end of each month but no longer seem to be. Could we get them as soon as you have those figures available?

Mr OMODEI: Do you want cash or accruals?

Mr CARPENTER: Cash.

Mr OMODEI: My advice is that we can provide those figures by mid-July and there will be some supplementary figures within those figures.

Mr CARPENTER: Perhaps you had better provide some explanatory notes with it as well.

Mr OMODEI: There will be an application for supplementary funding particularly for workers compensation which was not in this year's budget but has since been approved by Cabinet. There will also be some other matters. I am certain that we can provide that information.

The CHAIRMAN: Are there any further questions, Members? No. In which case I shall put the question and the question is that the appropriation in relation to division 77 be recommended. I believe the ayes have it. That concludes the session, Members. Thank you for your time.

Sitting suspended from 5.26 pm to 7.03 pm

The CHAIRMAN: I now declare the committee open and I would like to read the chairman's statement. For the information of members, this Estimates Committee will be reported by contractors to the Hansard office. The daily proof *Hansard* will be published in two parts: tomorrow, part 1 at 9 am and part 2 at 8.30 pm. This year Hansard asked ministers, members and advisers to make their corrections on the daily proof *Hansard*. Hansard will forward the transcript to the minister's office for distribution to advisers. The cut-off date for corrections will be indicated on the transcript.

As has been the practice of previous Estimates Committees, members should not raise questions about matters of general concern which do not have an item of expenditure in the consolidated fund. The Estimates Committee's consideration of the consolidated fund's estimates of expenditure will be restricted to discussion of those items for which a vote of money is proposed. We are dealing with estimates of expenditure and that should be the prime focus of this committee. While there is scope for members to examine many matters, questions need to be clearly related to matters of expenditure. For

example, members are free to pursue performance indicators which are included in the *Budget Statements* while there remains a clear link between the questions and the estimates.

It will assist in the committee's examination if questions and answers are kept brief without unnecessarily omitting material information. It is the intention of the chairman to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point. The minister may agree to provide supplementary information to the committee, rather than asking that the question be put on notice for the next sitting week. For the purpose of following up the provision of this information I ask the minister to clearly indicate to the committee which supplementary information he agrees to provide. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the Committee Clerk by 14 days from today so members may see it before the report and third reading stages. If the supplementary information cannot be provided within 14 days, written advice is required of the day by which the information will be made available.

Details in relation to supplementary information have been provided to both members and advisers and accordingly I ask the minister to cooperate with those requirements. I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice with the Clerk's office. Only supplementary information which the minister agrees to provide will be sought within 14 days.

It will greatly assist the Hansard staff if, when referring to the program statement volumes or the consolidated fund estimates, members give the page number, item, program and the amount in preface to their question.

Division 63: Justice -

Ms Holmes, Chairman.

Mr Barron-Sullivan, Parliamentary Secretary to the Minister for Justice.

Mr A. Piper, Director General; Ministry of Justice.

Mr R. Harvey, Executive Director, Offender Management.

Mr T. Simpson, General Manager, Prison Services.

Dr R. Fitzgerald, Executive Director, Policy and Legislation.

Mr P. King, Director, Financial Services.

Ms A. Wells, Acting General Manager, Community Based Services.

The CHAIRMAN: Members, we are dealing with division 63 and we have outputs 7, 8, 11, 12, 13 and 15. I just wondered if members wanted to carry on the procedure that we adopted this morning whereby towards the end of the meeting we actually dealt with the outputs as one, rather than dealing with them individually and moving from one outcome to the other. It is entirely up to members but that is what we did earlier today. If members wish to do it that way so they can ask questions on each output and then we will move the division at the end, that is fine. Could members please indicate? All in favour of that? Thanks.

Mr BAKER: Parliamentary Secretary, my question relates to output 7, the third dot point from the bottom of page 757. There is reference made in that dot point to the integrated drug management strategy. There is reference to the use of naltrexone in the treatment of opiate dependent prisoners. Could you please provide the committee with just a brief summary of how that treatment system is implemented?

Mr BARRON-SULLIVAN: Just before I pass you over to the general manager of Prison Services, I suppose I will emphasise that obviously that particular program is only one component of a three-pronged approach in relation to the management of illicit drugs in our Prison Service but, yes, certainly I will pass you over to the general manager.

[7.10 pm]

Mr SIMPSON: We currently are running a pilot program for the use of naltrexone in the prison system. Naltrexone is an opioid antagonist, the effect of that being that it blocks the receptors to opiates and users, therefore, get no benefit from the usage of the drug. The program though is not just based around the use of the drug naltrexone. Quite importantly it is combined with a cognitive behavioural approach in providing support and treatment to drug users in terms of dealing with their drug habit.

The pilot project is being funded over a 12-month period at a cost of \$250 000. It is being done in conjunction with the Health Department so that prisoners who undertake this program in the last three months of their sentence move from the naltrexone program in the prison into the community based program that is available for drug users in the community. We have an arrangement with the Health Department whereby the people leaving that program in the prisons are automatically accepted into the community based program. What we hope to establish from that is the benefits of getting prisoners established on a naltrexone program and the related support services and continuing that on their entrance in the community so that there is the appropriate through-care. The pilot project is being thoroughly evaluated so that at the end of that we will have a far greater understanding of the potential benefits of such a program and its further use in the prison system.

Mr BAKER: How do you go about determining which particular opiate dependent prisoners to treat using naltrexone and which to treat using, for example, methadone?

Mr SIMPSON: Methadone is not used as a form of treatment in the prison system, except for maintaining certain prisoners who have commenced use before they come in. That is typically pregnant women prisoners or prisoners who are in the prison for a short period. Methadone is, in fact, just another opiate and although it has some advantages in being able to be taken orally, rather than intravenously, the preferred strategy in the prison system is to actually get people off using opiates altogether. Hence we do not have in Western Australia's prisons on the advice of our health experts a methadone program. The use of naltrexone, as I have said, is being trialled but again what I would emphasise is that naltrexone as a drug is only one small part of the strategy. Really the important part is the related services to assist prisoners to address their drug issues and develop a lifestyle that will be drug free.

Mr BARRON-SULLIVAN: If I could just add to that, I think something worth stressing is what the general manager said earlier on; that is, the through-care element. I know the Member for Joondalup, having chaired the Parliamentary Select Committee on the question of heroin use in the State in particular, obviously has a direct interest in this but I think the ministry does deserve in some way to be applauded for the fact that it has taken the management of the illicit drugs beyond the walls of the prison. In other words, it has given the opportunity to people who have a drug addiction beyond the prison walls once they are released back into the community to manage their drug problem and so on. That opportunity is there and it will be interesting to see what the results of the review show.

Mr BAKER: If I could just follow up, I know that as a fact there is not a methadone treatment program as a fact in prison, but you did mention there is an exceptional group involving pregnant women, I think was one example, where methadone is dispensed to them for whatever reason. In relation to that group, how do you go about determining whether or not to give them methadone or whether or not to, for example, use the naltrexone treatment? I would have thought that surely the abstinence model rather than naltrexone treatment would be the desired model.

Mr SIMPSON: The issue with pregnant women who are established on methadone is the risks of damage to the child of going through complete opiate withdrawal, so it is recognition of particular dangers in their pregnant state that we do not attempt to put them through a withdrawal program during pregnancy.

The CHAIRMAN: Just before we go on, all members have indicated they would like to speak and I would just like to have an indication of what members actually wish to speak on this particular item that we are dealing with at the moment.

Mr BROWN: Can I just clarify, Madam Chair, are you going to go one side for the Government, one side for the Opposition, because I am going to lead for the Opposition but if it is going to be to each member, then all of my colleagues will jump in as well because we are not going to have three sets of questions to one.

The CHAIRMAN: For the members' information, I have always done the committee so that it is a fair one to one to one, but I am only asking this on this particular instance because these members were indicating that they wished to actually speak on this particular item.

Mr BAKER: I am sorry, Madam Chair, those other questions I asked were intended to be supplementary questions relevant to the first question.

Mr MacLEAN: I just want to ask something on the drug issue. I will sit back and wait, but because we are already there -

The CHAIRMAN: That is the only reason why I asked that.

Mr BROWN: If you are going to go one for one across the table, that is okay.

The CHAIRMAN: I always go one for one. Member for Wanneroo?

Mr MacLEAN: Parliamentary Secretary, you have already discussed the drug regime in prisons. What I would like to know is how successful the drug enforcement has been. In other words, what is the level of drug use in prisons, either known or estimated, and how does that compare with say three or four years ago?

Mr BARRON-SULLIVAN: Really what you are looking at is some statistical basis.

Mr MacLEAN: How successful is the drug enforcement policy in the prisons?

Mr BARRON-SULLIVAN: Obviously I will pass you on to the general manager for the detail on that.

Mr SIMPSON: In terms of the rate of drug use in prisons, it is fairly difficult to give an exact indicator. We do not have that information. Probably the most reliable information that we have as an indication is the results of our urinalysis testing of prisoners and that testing is carried out both on a random basis and targeted testing. Probably the random tests, which are drawn from a computer program and just given a random population of prisoners, give the best indications and in the last 12 months the percentage of those tests that proved positive have been just under 25 per cent.

That has not varied considerably over the past three years. There has been a small increase but generally around the 20 to 25 per cent is what we have been getting. Targeted tests you would expect to receive a higher result because in fact that is where, acting on the basis of information, prisoners are tested and they produced a result of generally around about 40-plus per cent over the last three years. That is the best information we have on general drug usage, although I certainly would not say that could be quoted as a reliable indicator of the exact extent of drug usage.

The CHAIRMAN: Thank you. Member for Wagin, you have a question on this matter?

Mr WIESE: Madam Chair, thank you.

Mr BROWN: Are you going to go one for one, Madam Chair? That is what I -

Mr WIESE: Mine is a genuine follow-up.

The CHAIRMAN: I am only allowing -

Mr BROWN: I have not had one question yet.

The CHAIRMAN: Excuse me, member. Member for Wagin?

Mr WIESE: My question relates to the naltrexone and it was, can you give us an estimate of what the actual cost per treatment program of a prisoner on the naltrexone is?

Mr SIMPSON: That is somewhat difficult. I think from recollection it is in the vicinity of about \$6 000 per prisoner.

Mr WIESE: You are happy enough to give that answer or do you want to put that on a supplementary and get it -

Mr SIMPSON: I would rather put that on notice. What I can say is the naltrexone tablets themselves cost \$6 per day.

Mr WIESE: Would you be prepared to put that on a supplementary question and provide the answer to the committee?

Mr SIMPSON: Yes, I am happy to put that on a supplementary.

Mr BARRON-SULLIVAN: Member, we will provide that as supplementary.

The CHAIRMAN: Supplementary information will be provided. Member for Bassendean?

Mr BROWN: I am sure these questions will not come as a surprise. On page 757 of the budget papers, dot point 4 relates to, and I quote -

Negotiations were concluded on the establishment of a minimum security prison for women at the Pyrtton site.

Can I ask what other sites were examined in relation to the establishment of this prison?

Mr BARRON-SULLIVAN: I will ask the Executive Director of Offender Management, Mr Robert Harvey, to give some detail.

Mr HARVEY: I cannot recall the exact list, but it included a comprehensive list of metropolitan sites. It included sites from Salters Point. I could give you a selection of sites if you wish but I can provide the comprehensive list. There was a list of approximately 14 locations that we assessed pros and cons. We did a weighted evaluation according to a number of selection criteria. Consistently in that evaluation the Pyrtton site came out as the best.

[7.20 pm]

Mr BROWN: What was the cost of establishing prisons on those other sites?

Mr HARVEY: They varied enormously depending upon the level of infrastructure that was at the particular site. Some of the sites that were chosen had very little infrastructure, in some sites the infrastructure would have been good, so it did vary enormously depending upon the particular site.

Mr BROWN: What was the relative land costs of each of those sites?

Mr HARVEY: Again they are not numbers I have here this evening. I could take those on notice.

Mr BARRON-SULLIVAN: Member, if you wish us to, we can provide this by way of supplementaries.

Mr PIPER: Perhaps just to put the thing in context, a minimum security pre-release centre for women, if it were established on a greenfields site and new-build, was estimated, from my recollection, in the order of about \$12.5m to establish. That would mean purchasing a new site available for this sort of facility and building a completely new complex. The assessment that was done was done both on the basis of, if you like, the cost of establishment, which is one of the criteria, but also was on the basis of its utility for operating as a pre-release centre for women and the capacity of it to integrate within the prison system. Certainly the Pyrtton site, because it has a purpose-built residential accommodation for 50 people, proved to be very economical to convert into a pre-release centre for women.

It was also conveniently located as an annexe of the Bandyup Prison which would enable the sharing of management resources and reduction of operating costs associated with the specialist facilities for women, both in terms of things like medical facilities and program facilities, to be shared between the Bandyup facility and the annexe proposed at Pyrtton. There are a number of criteria clearly in establishing a facility of this sort and it was not just the purchase costs that were considered, it was also the operating impact on the balance of the system.

Mr BROWN: Can I ask by way of supplementary information that a list of the sites that were considered be provided, the cost of developing those sites be provided, and the cost of the land be provided for each of those sites and the criteria that was used in the selection of the site and basically the formula that was used in the final selection? Those matters can be provided by supplementary information.

Mr BARRON-SULLIVAN: Madam Chair, could I just get some advice and clarify this matter of the information required by way of supplementary information?

Mr PIPER: We can provide clearly the list of sites - there is no problem with that - and the criteria that we used. I believe we can provide clearly in the time limit for supplementary information the estimates of costs to establish. I am not sure we have valuations in a form that we would be able to put together on the land itself, in the sense of sworn valuations that we could put together inside the two-week time frame for supplementary questions.

Mr BROWN: Really what I am looking at there is, if there is land and buildings or whatever there is on these other sites, if there is a cost there of establishing, and you obviously have looked at the costs in terms of an all-up cost for land and buildings, can that be provided?

Mr PIPER: Yes, we will provide the information requested by way of supplementation but, as I said, in the form that has been requested we may not have a sworn valuation for every one of those sites.

The CHAIRMAN: Supplementary information will be provided.

Mr RIEBELING: I have two short questions in relation to page 756, the "Output Measures", in relation to three of the figures that have been shown there. Firstly, the rate of reoffending shown as 34 per cent this year estimation and the target of 34 per cent next year. I remember during the debate into whether or not we should have a private prison, it was said many times that a private prison would be benchmarked so as to perform at a greater rate than the Government prisons perform in the area of reoffending. I wonder if the committee can tell us what the rate of reoffending under that section will be when the private prison is now operating. At the base just under that figure I notice now that we have a targeted figure of zero per cent which is an improvement on the last year. We had last year a 2.3 per cent escape rate. I wonder if you can tell us what that is in actual people. I am also trying to work out why we have such a low community order success completion rate of 65 per cent.

Mr BARRON-SULLIVAN: Before I just pass you over to the Director General on this question of escape rates, the first thing to point out is that in some respect the figure of 2.3 per cent as an escape rate for all prisoner classifications represents a fairly significant improvement over the year previously. I just point out that in 1998-99 it was 3.73 prison escapes per 100 prisoner years and that has reduced to the figure of 2.3 per cent in 1999-2000. So I think overall there is some good news in that.

Mr RIEBELING: 1998-99 is when the department started calling them "walk-outs" or the minister did there were so many of them.

Mr BARRON-SULLIVAN: All right. Even if you take the figures back further and you compare apples with apples, if you wish to do it that way, you will still find that 2.3 per cent per 100 prisoner years represents a pretty good news story. If you go back to even as far back as 1993-94, you are looking at 3.24 per cent. So you are looking at a fairly significant reduction over the years in that respect. If you look at the breakdown of the categories too, whether it is open security level or whether it is at secure levels, you are looking at reductions in both those categories. You were also asking obviously about the rate of reoffending and I will hand you over to the Director General who can give you some more detailed information.

[7.30 pm]

Mr PIPER: The estimates quite simply are just a very conservative way of stating that it is hard to estimate a priori the impact of the programs that are being placed into the Acacia Prison. We definitely expect because of the emphasis on employment and work and the offending programs that have been put into Acacia that it will impact its outputs. We have taken a conservative view and said that it will be no better in the next year, but there is also clearly a work-through issue in the sense that the budget papers allow prisoners broadly to be going into Acacia in the middle of this financial year at a very slow take-up rate because the way that a prison is generally commissioned is not to establish it with 750 prisoners on day one and therefore by the time that we talk about the 2000-01 target, the prison will be really only its early stages of operation.

As the secretary has indicated, the escape rate for the last year has been a very significant improvement and, just commenting on the point made by the member, notwithstanding the semantics in the public debate about prisoners absconding, escaping or walking out, we have not actually counted them any differently, so the counting rules are the same. I do know that the general manager for Prison Services has some more detailed information on the escape rate and I think it may be appropriate for him to give that.

Mr BARRON-SULLIVAN: Just before he does I might make the comment - and I do not say this flippantly - that this is the sort of thing that might make a good Dorothy Dixier because if you actually go back in the figures over a number of years, you see that the escape rate for that year, the 2.4 per cent escape rate, is actually the lowest in 10 years so it really is a good news story.

Mr RIEBELING: Of course you have a higher rate of people in maximum security now.

Mr BROWN: Much higher. There is no comparison. It is not apples and apples. It is apples and pears. You have 700 people in a maximum security prison.

Mr SIMPSON: The total escape rate that that figure represents is 65 escapes for this year which compares with 100 last year. As the parliamentary secretary has said, in the 10 years that we have been actually creating the statistic to give aggregate escape rates that is the lowest escape rate in that history. Certainly that is not by accident. It has been a result of a very concerted effort over the last 12 months to address the issues of escapes in prisons. That is being done by a range

of strategies, including taking those peak periods such as Christmas, New Year, Easter holidays, etcetera, when escapes tend to be at a maximum and prisoner unsettlement tends to be at its highest with increased level of activities to keep prisoners gainfully occupied as well as considerably increasing security patrols and emergency support group presence, etcetera.

We have also initiated in this 12-month period a strategy of routinely interviewing every prisoner who has been recaptured - and I might also mention that all 65 of those have been recaptured so there are none at large at the moment - and ascertained the issues surrounding the escape which is enabling us to build up a far greater intelligence network surrounding the issues that precipitate escapes and educating the prison staff about that and through use of other intelligence measures in the prisons it means far more potential escapes are being pre-empted and remedial action taken in relation to issues affecting that prisoner. So I am extremely confident that not only is that an outstanding reduction in the rate of escapes but it has been achieved not by accident but as part of a very deliberate and comprehensive strategy.

Mr RIEBELING: Two of the questions I do not think have been answered. I just would not mind following up the other two. In relation to the 34 per cent I understand that the new prison is going to not be filled on day one and you are going to ramp it and all that sort of business, but during the debate which was long and protracted in relation to the private prison, on numerous occasions we were told that the Government reoffending rate would be exceeded quite substantially by innovation and private sector involvement. What I am trying to find out is - because these are all guesses as targets - what is the target for the private prison, because you are now in the process of building and the like, so presumably you have some sort of target. The other question was in relation to community orders, why in fact the success rate is going backwards, not forwards, and why it is at such a low rate of 66 per cent, going down to 65 per cent.

Mr BARRON-SULLIVAN: Member, if I can just clarify, in respect of the first part of your question, you are really asking what would be a reasonable projection for the escape rate -

Mr RIEBELING: What is the projection?

Mr BARRON-SULLIVAN: - in the first full year that the new prison has been fully mustered and is up and running.

Mr RIEBELING: I do not care whether it is a full year or six months. I do not care. What is your target?

Mr PIPER: The expected escape rate from the new prison is zero.

Mr RIEBELING: No, reoffending rate. The reoffending rate, I am talking about, the 34 per cent.

Mr BARRON-SULLIVAN: I am sorry, no, you did mention escape.

Mr RIEBELING: I said 34 per cent.

Mr BARRON-SULLIVAN: In the first full year that the new prison is operating. Is that what you are saying?

Mr RIEBELING: However long this particular period - yes, the first 12 months, the first six months, if it is not commissioned for six months. We are told that the rate of reoffending out of that prison is going to be much lower, the reoffending rate, so the percentage would be substantially different.

Mr PIPER: I do not have the contract with me. It is published on our Internet site and if we had a browser I would give you the number, but I unfortunately did not bring the contract with me. We will take that as a supplementary question if the secretary is happy to.

Mr RIEBELING: And the community orders?

Mr HARVEY: The 65 per cent successful completion you make reference to as being low. Within the jurisdictions across Australia it is neither particularly high nor low. It sort of sits in the middle. There are a number of jurisdictions that have higher and a number that have lower. It is one of these indicators that depending upon which way you look at it is either good or bad if it is high or low. It is a question of getting the right balance. It is one of these things where if we are vigilant in our duties the breach rate can be quite high and successful completion can be seen to be declining, but if we are achieving our objectives of safety to the community, that is what we should do. There has been significant movement in the breach rate in recent years following some significant community concern about the rate at which we were breaching. Breaches occur for two primary reasons: Firstly, for non-compliance of the parole order, and secondly, for reoffending. Breach rates for non-compliance have gone up in recent years a little. That has come back down again a little more recently, but we do not see radical changes to these figures in the near future.

Mr BAKER: Just a question regarding the officer's definition of the term "reoffending". What is meant by that term "reoffending"? For example, if a person has served a term of imprisonment for an assault, they are released and they are charged and convicted with a drink driving offence, does that constitute reoffending?

Mr HARVEY: Yes.

Mr BAKER: Any offence. Is that what you are saying?

Mr HARVEY: You need to be careful about the wording here. Recidivism is a complex measure and there is a lot of debate about it. The definition that has been applied here is actually the rate of return to imprisonment within two years. If an offender reoffends but does not go back to prison, then in this particular statistic he is not counted. This statistic only counts those that result in a term of imprisonment.

Mr BAKER: Also there is reference to the escape rate. How does that escape rate for all prisoner classifications compare

with the other escape rates of other Australian States and territories? I am just curious. Are we at the top, down the bottom, in the middle? You have had some comparative figures, I gather, for the community orders successes.

Mr HARVEY: Yes, I have.

Mr BAKER: I am just curious as to how we compare, how we rate.

[7.40 pm]

Mr HARVEY: The comment that I can make in respect to the escape rates is: for example, if you go to New South Wales you will find a good number of the minimum security prisoners are actually housed in closed institutions. We have a much lower proportion of our minimum security prisoners in closed institutions and we operate our minimum security institutions with less perimeter security. It is complex because in fact if you go to New South Wales or Victoria you find quite a variety of styles.

Mr BAKER: It is just not possible to compare the figures. That is the answer.

Mr HARVEY: The answer is that it is very difficult to compare the figures.

Mr BAKER: A quick question too regarding the costs. There is reference to the average cost per day of managing an adult offender in custody. Can you just give me your definition of the term "managing"? Are you referring here to all in-costs, so to speak, because on my figures, if you are, that pans out at about \$11 840 per annum per adult prisoner. That is my understanding, because it normally pans out about \$64 000, but there are so many different figures quoted. What is your definition of the term "average cost per day of managing"?

Mr HARVEY: This is full accrual costs, so this includes all the cash costs, the corporate overheads associated with operating the prison, all the systemic activities that are associated with the managing of the muster that we currently have.

Mr BAKER: The containment, the custody, the care role, the rehabilitation.

Mr HARVEY: The whole lot.

Mr BAKER: That just seems quite low, that is all, compared to what I believed to be the higher figure of around \$64 000.

Mr HARVEY: No. If you multiply 176 by 365 you should get considerably more than 11 000.

Mr BAKER: I see. Yes, I beg your pardon. I have divided it back as well. Just bear with me. There is reference to that figure increasing in the next financial year. There is an explanation given for that. Could you just explain that explanation in more detail, what the cost increase incorporates?

Mr HARVEY: There are a number of complicating factors here. We are in a period of transition where we have to move from a single public supplier to a more complex public and private supplier and there are transition costs here. Incorporating here, what we are seeing is the initial operating costs of Acacia. So there are some transition costs into Acacia. There are some additional prisoner population costs. The normal numbers of prisoners are going up so the costs are going up, and we are also seeing for the first time the full-year costs of the court security and custodial services contract kicking in here. That, for example, is an additional \$7m added into here where we are picking up what was a police function.

Mr BARRON-SULLIVAN: Madam Chair, if it is all right with you, to save a little bit of supplementary information, we have got a copy here of the extract from the Acacia contract and I can just point out that the percentage of prisoners at the prison for 12 months or more who reoffend within two years of discharge, the figure provided for under the contract is 30 per cent or less. As you can see, that is four percentage points lower than the rate of reoffending, which is included as an output measure in the budget.

Mr BROWN: When I last asked about this Pyrtton question it was said that putting a new facility on a new site would cost \$12m. Are there costings available for that and can I have a copy of those costings?

Mr PIPER: My recollection on the matter is that the costings were provided by CAMS based on an assessment of that requirement and those costings are based on their standard indices and, yes, we can provide that as a supplementary.

Mr BROWN: The reason I inquire about it is that it seems possible to build a new maximum security prison that will accommodate 750 prisoners for \$79m. Fifty prisoners is one-fifteenth of that in a minimum security prison and it is certainly not one-fifteenth of the cost. Even if you allow for additional things like toilets and those sorts of extra add-ons, it seems a remarkable cost when you can build for six times the amount, that is, six times the amount of that figure, you can build a maximum security prison.

That ought to be a prison with a lot more security, both perimeter and internal, a lot more security throughout the organisation. You can build a maximum security prison for \$79m, but you cannot build a minimum security prison for 50 women for less than \$12m. I find it absolutely remarkable that that is an impossibility to do when you can build a brand new one for that.

Certainly at the time when I was involved representing prison officers in this State, which was for a long period of time, and looking at the costings of building institutions, building maximum security prisons was always much more costly than building minimum security institutions. I do not know how things have changed. I do not know what has happened to push

up the costs of minimum security institutions for women so high above the maximum security costs for men. It seems unbelievably extraordinary, so I would be very interested in getting those figures. The next question I want to ask in terms of this is, has the Ministry of Justice purchased the Pyrton land and, if so, what was the purchase price of the Pyrton land?

Mr BARRON-SULLIVAN: I will pass you on to Mr Piper. You did not really ask the question the first time, I realise, but he might want to make some comment on your comparison of the two models.

Mr PIPER: The interesting comparison and perhaps the more relevant comparison about the cost of Acacia versus other maximum security prisons is that the total cost to build the Casuarina Prison all in for 450 standard beds was in the order of \$95m completed and occupied in 1991 and the Acacia Prison is sitting at \$79m. That does not include, as you would see from the budget estimates, the forward works, which we paid for, which were separately estimated for things like power, telecommunications and water, and it does not include land, of course, because we own the land at Wooroloo. There is no question that in putting together the contracting framework that we have for Acacia, which is a State-purchased prison, we have ended up with a very economical construction framework with a lot of repeated effort.

Part of the reason in a large construction of that sort is that a lot of the set-up and construction is repeated and it is possible in effect to get a fair bit of it through that efficiency at marginal cost. Certainly we are happy to provide the estimate that was provided by contract and management services for Pyrton and there was no attempt in any way to do other than estimate a fair cost for what was a small but fairly complex facility, because when you are trying to account for those sorts of facilities on a per prisoner basis, even though you do not have the perimeter security costs, which I agree for a maximum security prison are large, you still have the program, health and other associated facilities that are required to go around the standard accommodation associated with that facility. As I said, I gave you my best recall of the numbers, because you asked the question, in order to expedite it, but we will take that number on notice and provide it as a supplementary answer.

Mr BROWN: Can I have the cost of the land?

Mr PIPER: The land has been purchased, or the part portion for the present has been purchased, and the cost was \$1.5m which has been paid to Disability Services.

Mr BROWN: There is a further cost, is there not, to the ministry for the land?

Mr PIPER: In terms of land purchased or in terms of project cost?

Mr BROWN: In terms of land to be purchased.

Mr PIPER: As I understand it, that is the cost of the portion of the land that is required for the pre-release centre for women, which is only a portion of the old Disability Services site.

Mr BROWN: The only cost to the Ministry of Justice is \$1.5m?

Mr PIPER: For the portion of the site required for the pre-release centre for women at Pyrton. It is only fairly small.

Mr BROWN: Is the Ministry of Justice buying more land at Pyrton?

Mr PIPER: No.

Mr BROWN: It is not?

Mr BARRON-SULLIVAN: As I understand it, the total amount of land that was purchased for \$1.5m is six hectares.

[7.50 pm]

Mr BROWN: You might want to consider your position because earlier today in the Estimates Committee for Disability Services my colleagues were told in the *Hansard* that there is an agreement between the Ministry of Justice and Disability Services to buy the remaining portion of the land in 2003 and 2004 for \$4.5m. Is that true? That is not true?

Mr PIPER: I am aware of no such agreement. Can I clarify how that misunderstanding may have arisen? It is very clear that the Ministry of Justice has no requirement for additional land at Pyrton and has no intention to expand the facilities. Disabilities Services, as part of the agreement with us, have a collateral agreement with Treasury to underwrite in effect the value of the balance of land and it has nothing to do with the Ministry of Justice. To the extent that, for example, when the balance of the land is reviewed and it maybe is turned over to public purposes, which will provide little or no return to Disability Services, then they are in fact underwritten so that the disabled people of this State in fact get the return to them that they are counting on in their program. I would be surprised if the answers in the previous Estimates varied from our account. I have no agreement. I have made no agreement. I intend no agreement for other than the portion of land that we paid \$1.5m for for the pre-release centre for women.

Mr BROWN: Can I ask then in terms of that, as you would know the Disabilities Services Commission sought planning approval through the WA Planning Commission to change the zoning of the site and that was knocked back by the Statutory Committee of the Planning Commission, which I will go through in a while. All sorts of things happened in relation to this site, but do you know when the \$4.5m, the general allocation, was made for the remainder of the site?

Mr PIPER: It is a matter between Treasury and Disability Services Commission. As I understand it, their requirement is a future requirement and this is a very general answer. It is really an question that should be directed to Disability Services. They have in fact not had money transferred. What they have is an undertaking that underwrites the value of that land as

an asset to Disability Services to ensure that they can manage their future program. As to when that would be crystallised and under what circumstances, that is a question that would be better directed to Disability Services, but it is not an undertaking that has been made by the Ministry of Justice and there is no intention for the Ministry of Justice to purchase additional land for the pre-release centre for women, now known as the Bandyup Annexe.

Mr BROWN: With respect to the amounts shown in the budget papers, which is \$3.5m, I see \$1.9m has been expended and there is \$1.8m.

Mr BARRON-SULLIVAN: I am sorry, member. Could you identify the page this is on?

Mr BROWN: On page 781, down the bottom of the page, the second-last line, Pyrton - Facilities, Acquisition and Upgrade, shows the total cost of the project \$3.5m. The estimated expenditure in the 1999-2000 financial year is \$1.831m and the estimated expenditure in the 2000-01 financial year as \$1.593m. What is the precise nature of the work that is to be carried out in those buildings or on that site?

Mr HARVEY: Firstly, the \$1.907m that we expect to expend this financial year includes the \$1.5m that we just spoke of, plus some costs in terms of what we have expended to date in getting us to this point in studies that have had to be undertaken in getting us to this point.

Mr BROWN: And the perimeter fence?

Mr HARVEY: The perimeter fence I think will go into next financial year.

Mr BROWN: So prisoners will be moved in without the perimeter fence there.,

Mr HARVEY: No. There is already a perimeter fence. The exact nature of the final fence has not yet been agreed with all the stakeholders. That is yet to be finalised.

Mr BROWN: Can I just clarify? You are moving prisoners in, as I understand it, on 30 June. I think that is the instruction from the Attorney General. On 30 June you have to have people in there to do something. I am not sure what, but to be in there. Does that mean they are moving in with the current fence as it is?

Mr PIPER: Clearly we are under some muster pressure at Bandyup, through Nyandi, and we are also undertaking a building program at Bandyup. You will see from the papers that there is something like a \$4.7m upgrade of Bandyup Prison. It is our intention to operate the three sites to provide capacity both for the additional women prisoners and in fact to allow for the building works. In fact, it is important that we move prisoners into the site as quickly as possible due to the operational demands for accommodating women.

Mr HARVEY: To deal with the specifics of the fence, because you wish to pursue that, I would invite Christine Ginbey to comment. She would be across the detail better than I at this point in time. Christine is the superintendent at Nyandi Prison.

Ms GINBEY: It is the proposal that we move 10 prisoners in on 30 June with the existing fence which exists around the accommodation unit. By the time the bulk of the prisoners move in, when the first floor accommodation is completed, a further fence will be in existence.

Mr BROWN: What is that to be?

Ms GINBEY: The final recommendation or proposal has not yet gone before the Attorney, so I am unable to say at this stage exactly what it will be.

Mr BROWN: But there will be a fence of some description?

Ms GINBEY: Yes.

Mr PIPER: Clearly the nature of the fence and its location in this particular site is an important matter for a number of the people who are stakeholders on that site. The point of view that has been taken is that the existing facilities are adequate for the small number who are proposed for the end of June, and it is important to get it right in terms of both the nature of the fence for operational purposes and the stakeholder input as to exactly how it is located and how it is done. That work is being undertaken. It has not yet been concluded but it is being done with some care, as you would expect it to be done.

Mr BROWN: I just want to make the observation that the Ministry of Justice circular which was distributed to residents and I am not sure why the Ministry of Justice is playing politics. That should be for the minister, but in any event the Ministry of Justice circular would have people believe there is no fence there because it talked about what the fence was not going to be but did not actually say there was going to be one, which I did not think too kindly of, I must say; but can you tell me what the work is? What is the nature of the work that will be carried out for the \$1.5m or \$1.6m and who will carry out that work and will it be put to tender, because it is \$1.5m or \$1.6m?

Mr BARRON-SULLIVAN: There is a small amount of refurbishment work at the moment which is being undertaken using the current maintenance contractors who do work for the Ministry of Justice. That is Chiefton Management. The balance of the work for the three-storey building which will accommodate the women will be put to tender. The documents are near to complete and we would expect to get a competitive proposal. It is largely a minor refurbishment and make-ready exercise, together with some Building Code improvements. Since the original building was established, there are new requirements under the Building Code in terms of access and egress for fire protection. The basic fabric of the building,

as I indicated earlier, could have almost been purpose-built to accommodate 50 women and there is not a lot of need there to actually change the building itself, other than to make it suitable for occupation and to undertake some minor modifications which are required for the security rating of the people who are involved.

Mr BROWN: Will that work involve asbestos removal?

Mr PIPER: As I understand it, the building has been subject to an asbestos management plan which recommended that the asbestos be left in situ, to the extent that there is any, but there is no asbestos in the accommodation unit is what I am being advised.

Ms GINBEY: There is a small amount of asbestos on the accommodation unit which we are advised is in good condition, is painted and is not being moved or damaged in any way during the refit. We are advised that it can stay in situ.

[8.00 pm]

Mr BROWN: It is as good as some of the school rooves.

Mr PIPER: As the member would understand, asbestos cement products that are properly sealed are in fact of very, very low or zero risk, particularly in interior locations.

Mr BROWN: They are being removed from schools.

Mr PIPER: The risk from asbestos is if you get weathered asbestos and you start to release the fibres. As I understand it, the asbestos is in good condition and painted and therefore does not represent a risk. I am not an expert on the matter but we have taken advice that is part of an asbestos management plan. If there is a problem with it, I presume that it will be picked up under maintenance.

Mr BAKER: Parliamentary Secretary, a question concerning output 7, the second bottom dot point on page 758. Under the heading "Major Initiatives for 2000-01" there is reference to the implementation of a new prisoner grievance process. Has that process been formulated yet and, if so, could you perhaps highlight some features of the process and just give an indication as to when you anticipate it will be implemented?

Mr BARRON-SULLIVAN: Perhaps Mr Piper can give us an overview.

Mr PIPER: Members will be aware that the Parliamentary Commissioner Ombudsman in his most recent annual report pointed to the issue of prisoner complaints. There has been a significant increase in the number of complaints to the Ombudsman. One of the reasons for that, of course, is that we have changed the procedures whereby complaints are made to the Ombudsman and we have made it much clearer that those complaints go directly to the Ombudsman, whereas there was a perception amongst prisoners previously that that was not the case, so it is not surprising that there has been an increase.

We have been in discussion now for some time with the Ombudsman about the matter of prisoner grievances. It is our agreed and preferred position that we will establish a more robust prisoner grievance procedure within the ministry to adequately resolve prisoner grievances without the need for recourse to the Ombudsman. Clearly that is highly desirable. There is a pilot commencing in June of this year and there was in fact a report that has been commented on by a number of the stakeholders which was completed in May 1999, but Mr Harvey is managing that project. It may be appropriate for him to give you more detail.

Mr HARVEY: It was one of those things that the issue of the number of grievances that was going to the Ombudsman's office was of significant concern to the Ministry of Justice and it was one of those things which the Ombudsman raised with me early in my time within the Ministry of Justice. The Ministry of Justice had commissioned a report which was tabled in May 99 called "The Review of Prisoner Grievance, Discipline and Punishment Procedures" by Hall and Larkin. Arising from that report we have picked up the issue more aggressively. We have commissioned further consultants to engage with a wide number of stakeholders and put in place a new grievance procedure.

The principle is that the grievances should be resolved at the lowest level possible. Processes and procedures will need to change at the unit management level within the prison system, but to the extent these are not able to be addressed within the prison they will be escalated to either myself or we are looking at an independent group of three people to adjudicate on these grievances, and hopefully by establishing a credible and quick-acting grievance process satisfy internally many of the grievances that currently go to the Ombudsman. The process will always enable at any a prisoner to go to the Ombudsman to have his grievance heard but if we establish a credible process, then we have some early indication that the Ombudsman's office will ask that grievances first at least attempt to be resolved within the ministry as an option. There is some way to go yet. We have not finalised the process. We are looking to pilot a process in approximately July this year and have it tested in the prison system and on the ground through the second half of this year and fully implemented early next year.

Mr CARPENTER: There are a couple of points I would like to raise and ask questions about and I hope you might be able to provide me the information that I am seeking, probably by supplementary. I notice that the incarceration rate in WA has gone up by 40 to 50 per cent in the last two years, which is probably unmatched anywhere in the free world. This is page 756.

The daily average number of adult offenders in custody this financial year is 3 052 looking at going to 3 250, compared

with two years ago when it was 2 200. That is more than a 40 per cent increase in the number of people in prison in Western Australia whilst the number of people who are on community service orders has gone down significantly. First of all I would like a comment on that, then I would like you to provide us with the information which tells us what percentage of those people incarcerated in Western Australia are Aboriginal people, both male and female; what percentage of the people on community service orders are Aboriginal, both male and female, and how that figure has changed over the last 10 years. The other question, if you would take it on notice in relation to the prison population in Western Australia, is do you keep statistical records of their education standards and if so, can you provide us with that information?

Mr BARRON-SULLIVAN: I might have to work through those one by one. I think your first question related to the figure of daily average number of adult offenders in custody and the target for 2000-01 of 3 250. I will ask Dr Fitzgerald, if he can, to elaborate on that.

Dr FITZGERALD: Yes, there has been a very significant increase of growth in the prison population in recent years.

Mr CARPENTER: 50 per cent.

Dr FITZGERALD: In the seven years up to 30 June 1998 the prison population increased by 24 per cent. Then in 1998-99 the prison population increased by 30 per cent, so a very significant increase in 1998-99. What we have experienced since then is a slow return to a growth rate of about 5 per cent per annum. The experience we are having and that is showing up in our projections is that the rate of growth which we experienced in 1998-99 is not going to be typical of future growth but rather we are going to return to that 5 per cent growth rate which we had previously been experiencing. Coming to your questions about the rate of Aboriginal -

Mr CARPENTER: Before you go on, I understand what you are saying. Nevertheless, I think that is a remarkable increase in the number of people in prison. I do not know if that would have happened anywhere else in the world in a single year; 30 per cent growth in a single year. To what is it attributable?

Dr FITZGERALD: If I could comment first on how this compares with other jurisdictions, and I cannot give you precise information but certainly there have been some very spectacular growth rates experienced in other jurisdictions. For example, in New South Wales, I think it was between about 1989 and 90 or 91, there was an increase from roundly 4 000 prisoners to around about 6 000 prisoners, so very substantial growth in that State. More recently, Queensland has experienced a very substantial growth in its prison population. I am sure some of my colleagues here would be familiar with the growth rates in some other States. It is true to say Western Australia experienced a very substantial growth in 1998 and 99 but we are not orphans in that regard. Maybe in that particular period we are, but we are not when you compare us with other jurisdictions. Moving on to the issue of the rate of Aboriginal imprisonment, and I can give precise figures but it is in the order of 33 per cent of the total prison population is made up of Aboriginal people.

[8.10 pm]

Mr CARPENTER: 33 per cent?

Dr FITZGERALD: In the order of 33 per cent. It might be 32.8 or something like that but it is in the order of 33 per cent. That percentage has been fairly constant for a long time. The percentage of women prisoners who are Aboriginal is somewhat higher, and I can give those details to you. The remaining parts of your question?

Mr PIPER: There are in fact a number of matters that are contributing to the increase in imprisonment. We did in fact to some extent discuss this last year so we are enjoying the same question. To give you some indication of those, the charges that are being brought to the courts by the police from 1994-95 when there was something like 63 400 charges to the last year when there were 85 000 charges being brought by the police to the courts is indicative of the sort of increase of police activity and clearly when you are getting that extra number of charges coming into the court system, and presuming the police have done their job properly, then a number of those people go through to imprisonment.

The system at that level is seeing increased numbers of people coming into the justice system from the police and that is fairly significant. There has also been a pattern of increased sentence lengths and some of that is due to legislation and some of it is due to, if you like, judgments that have been used as a guideline or pattern within the courts. Also there has been a significant increase in breach rates for higher-risk offenders on parole. There are a number of those matters and as we discussed this morning, there was also at the same time a lack of capacity due to the number of courts in the District Court to process criminal matters. Coming at all of those times, you have had an increased through-put of the District Court on criminal matters. So some of the things that we are seeing in terms of the broad trend, as Dr Fitzgerald has indicated, there was a very sharp increase because of the confluence of some of those events, but a decreasing rate into the earlier part of this year. Some of the higher projections that we had coming into this year have not been realised. We are sitting at, if you like, the lower of the forward estimates that we had initially when we discussed the increased prison numbers at about a year ago.

It certainly is not unprecedented. The UK system has also had a very significant increase in imprisonment over the last three or four years, to the extent where they have been looking at all sorts of extreme measures for the containment of prisoners. So this sort of effect in terms of people going into imprisonment and fluctuations within a shortish period of time is not that unusual.

Mr CARPENTER: You mean it is not unusual in other jurisdictions. It has happened once.

Mr PIPER: I think the member made the point that it is unusual internationally, and it certainly is not. In fact, it is more

the rule than the exception, but it nevertheless has put very significant pressure on the prison system and I would not deny the impact that it has had on the capacity to manage.

Mr BAKER: You have mentioned that 33 per cent of male prisoners are of Aboriginal descent. How do you go about making that determination? Do they self-identify, as such, or is that a determination that is made by other persons?

Mr PIPER: It is a complex issue and certainly people in prison probably are better identified in terms of that issue than in many other parts of the justice system. You would probably be aware that there is in fact a national task force on this issue of exactly what is an indigenous person and how do they identify. Broadly speaking though, within the prison system it is self-identification, but keeping in mind that people are with the prison system generally longer than they are with other parts of the justice system, it is probably a more accurate measure than some other parts of the system where people may or may not self-identify, for example, when they are confronted by a member of the police force. It is a difficult situation.

Mr CARPENTER: Just to stick with this increased incarceration rate and the reasons it has happened, I notice that from last year's figures to this year there has been a decline from 5000 to 4200 on community service orders, or adults on community service, and I take on board the comments that you are making about longer sentences and so on. Perhaps if I could get Dr Fitzgerald to tell us, has there been a significant change in this period of the types of offences committed - more serious armed robberies, violent assaults and that sort of thing? Does that explain this fall-off in the number of community service orders and increase in imprisonment rate in part? Has the nature of the offence become more serious or have we simply been punishing people more seriously for the same offences?

Mr BARRON-SULLIVAN: Just before I do ask Dr Fitzgerald to answer that, obviously you have also got to take into account legislative changes that have taken place in 2000. That is going to have a significant impact in relation to the daily average number of adults on community orders.

Dr FITZGERALD: What we have certainly found is that there has been an increase in the police clear-up rate for certain serious offences such as home burglary and aggravated burglary, that sort of thing, and obviously they are offences which tend to carry heavier penalties. Also parliament, of course, has increased the maximum penalties for burglary, which may have contributed in that area as well. We are finding also that the Magistrates Courts are or have been more inclined to impose terms of imprisonment than previously; not a huge shift, but a sort of a slight shift in that direction. I do not have an indication as to whether that is because they believe that the offences that are being presented before them are more serious or not, but certainly the penalties such as imprisonment are being used a little bit more commonly than it used to be.

Mr RIEBELING: Is that because of the three-month minimum?

Dr FITZGERALD: We do not know the answer to that. As you know, the intention of proscribing three-month terms was because we believed that those three-month terms served no usual purpose, and that in fact was a recommendation that came out of Joe Berinson's report. It certainly is a possibility that the courts may be increasing the penalty to get around that, but we have no evidence that that is the case.

[8.20 pm]

Mr PIPER: Perhaps as a supplementary explanation, our figures are showing that if you take the total number of charges coming through from again 94-95 where we are seeing an overall police clear-up rate of about 27 per cent to - the most recent view that I have here was up around 33 per cent. So you are seeing a fairly significant clear-up rate and it is interesting if you recall the ABS statistics that were recently published which show a lower victimisation rate; in other words, a lower expected overall crime envelope for Western Australia.

If you assume that most property crimes are reported, which I think is generally true because of the insurance implications, what you are tending to see is that those other crime categories are not only having higher clear-up rates but probably more effective policing. So the police, when they charge someone, they have to send them somewhere, and generally they go to court and, if the court determines, into prison. That is a very overview comment on those sorts of numbers, but I think that that is a fair summary of what we are seeing at the moment within the justice system.

Mr CARPENTER: I am interested to find out whether or not the Justice Ministry keeps records of the education levels that have been attained by people who end up in prison. I think it is a very significant component of the reason that people end up in prison, and if so, can we be provided with them?

Dr FITZGERALD: Yes, the ministry does collect that information and certainly we can provide that information to you.

Mr CARPENTER: I am not asking for individual information, but in broad terms.

Mr BARRON-SULLIVAN: Perhaps if Mr Simpson could give a bit of a rundown on that and if you require something further by way of supplementary information - because I think you are sort of scratching on the surface of the question - I am sure we can oblige.

Mr SIMPSON: Certainly sentenced prisoners are assessed in terms of their educational attainment and their educational needs and I am confident that is available in individual prisoner files. What aggregated information is available regarding that I will have to ascertain, but certainly if the aggregated information is available I will be in a position to provide it.

Dr FITZGERALD: I do have some information here. I can provide it. It is quite detailed. In some of the summary

information, 76 per cent of prisoners on receipt had primary school education only. The table, which I will provide to you, does provide information and the primary school only was 78 per cent, some high school, 12 per cent, finished high school, 2 per cent, some vocational training, 6 per cent, tertiary, 1 per cent and unknown, 1 per cent. So if you wish to have

Mr CARPENTER: Yes, if I could, that would be much appreciated.

Dr FITZGERALD: In fact, I was giving you the 1993 figures, but they have not changed very much till 1999. If you wish I can certainly provide that.

Mr WIESE: So can you provide us the whole thing?

Mr BARRON-SULLIVAN: By way of supplementary information. Can I just say, Madam Chair, that you have had a very objective and detailed explanation in relation to the daily average number of offenders in custody, and the fact that there is provision in the budget papers here for an additional number of 198 between 1999 and 2000-01, in very simple speak, I think the way to sum it up is that you cannot expect to move to a system where you are meeting community expectations in terms of a sentencing regime, and you certainly cannot expect to have an arrangement where the police are improving clearance rates and basically improving their performance through a number of measures without at the end of the line the Ministry of Justice in some way having to put the net up to catch the final results. That is what you are seeing here. You are seeing, in this budget paper here, the fact that the Government in terms of community expectations in relation to sentencing is on the ball and I think the points raised earlier on in terms of the improved clearance rates by the police are very important. That is what that number of 198 means.

Mr RIEBELING: Yes. Following up from your statement of some little fact, but mostly not fact, you have been remarkably inaccurate in estimate musters each year. I only have the last three here, which you say you are very good at doing. This year you say your target is 3 250 and the estimate of this year is 3 052. Last year you thought the target would be 2 900 so you were 150 out there and the year before where the actual was 2 600, you estimated it would be 2 300, so you were some 350 out. Is this one accurate?

Mr PIPER: The member will recall, as we had this discussion last year, we did provide both upper and lower bound estimates in the estimates debate and the outcome, while a little higher than was printed in the budget papers, is reasonably close, to the numbers that we quoted on the day in the Estimates Committee. You will always have some variability. As has been noted in the discussions today over a two-year period where you have had an increase from something like 2 250 to something in the order of 3 000 prisoners to be estimating within this context to about 100 prisoners on average is not bad.

Mr BROWN: That is the best you have done. 150 is the best you have done.

Mr PIPER: I will accept the compliment.

Mr BROWN: Two years ago you were saying that this new prison would be sufficient and it is 700 beds?

Mr PIPER: It is 750 with capacity to go to 1 100.

Mr BROWN: Since then, when the system was in crisis, you have had an increase on your figures of 1 000.

Mr PIPER: We have put additional accommodation into the system in addition to Acacia, as you would be aware.

Mr BROWN: Yes, but you are already double bunking and all those things are already taking place. Then you were saying the system is in crisis and we need this new prison of 750 and we all said, "That is not enough. You should not be building. You should be doing other things to cater for the increase that you knew was coming." We are now two and a half years down the track. We have a thousand new prisoners in there and we are building accommodation for 750. How is that the solution?

Mr PIPER: Firstly as we indicated 12 months ago we had established at about that point two or three methods of predicting muster and it is true that those prediction methods had been developed and were fairly new at the time that we put together last year's budget. They have performed reasonably well and, in fact, the numbers that were publicly talked about 12 months ago have ended up more at the lower bound than the upper bound of the sorts of numbers that we were talking about.

Mr BROWN: No, you have not.

Mr WIESE: Yes, you have. You only have to have a look at the transcript of last year.

Mr CARPENTER: The target was 2 900. That was the target from last year.

Mr WIESE: I think you will find you estimated about 3 300.

Mr CARPENTER: The target that we are talking about was 2 900 last year. The estimated actual is supposed to be 3 052. That is 150 more than you estimated.

Mr PIPER: There was a very detailed discussion of that number at last year's estimates and in fact we did discuss a range and the outcome is pretty much within that range. Based on those projections what has happened in fact through this year is that the demand for prisoner accommodation had been more in the lower quartile of that estimating than in the upper end, so to that extent the forecasting, I think, has been reasonably accurate, but there will still be, as there is from month to

month, volatility in those numbers. The Acacia Prison, as you would be aware, has been designed so that it is capable of expansion to 1 100 as its standard bed capacity. It has an initial capacity of 750 and has a contract provision for double bunking of up to 250 beds.

The accommodation strategy that we are trying to establish and maintain is a short-term flexible regime that is operated around double bunking and a capacity in most of the prisons to put additional unit style accommodation into existing prisons in the same way that we have made additional provision in Acacia. We can do that sort of addition in about a 12 to 14-month time frame, particular off established designs as we have demonstrated with the additional units at the Hakea Prison and then to have an underlying program of new-build around the full estimated capacity. Certainly our emphasis after establishing the contract for Acacia has been to address the need for women's accommodation and there is, as the member would be aware from the budget papers, a significant investment in the Bandyup Prison to increase its firm bed capacity to allow for suitable accommodation for women prisoners, which we felt was a significant priority.

We still believe, based on the reasonable expansion capacity of Nyandi and the somewhat slowing down of the rate, as Dr Fitzgerald has indicated, that we are certainly well placed into the period around 2002 plus and we are looking at planning options beyond that. The establishment time is in the order of three to four years for a new prison and we are certainly looking at the forward options with a proposal that we would have a forward capital works program that runs out to about 20 years that has a lot of flexibility in it to meet the demand, whether it increase or decrease.

[8.30 pm]

Dr FITZGERALD: I do not know whether I should defend our forecasting models because certainly forecasting is an inexact science. However, I think it is worth commenting that at the Australia and New Zealand Society of Criminology conference last year, we did present a paper on the short-term forecasting model which is a two-year ahead forecasting model which we had developed, which generated a great deal of interest at that conference.

Mr RIEBELING: It would have because of how far out you were.

Dr FITZGERALD: I would feel quite confident in saying that the models that we are using are as sophisticated as any models that have been used in Australia at present and I think that they are inexact, but I do not think, given the material that we are dealing with and the variables that we are trying to cater for, that we can expect that we will have less than precise forecasting, but we will always be forecasting within a range.

Mr MacLEAN: I would like to follow on a little bit from the member for Willagee's question on education. Using the flexibility we agreed to, if we could go to output number 8, juvenile offenders, page 760, "Major Initiatives for 2000 to 2001", dot point 1, increase in funding for recruitment of Aboriginal mentors for young Aboriginal offenders in the metropolitan area. I would like to know what evaluations have been conducted on this program. I would also like to know how many new mentors you are considering hiring and which areas you will be targeting for these mentors.

Mr BARRON-SULLIVAN: If I am not mistaken, I think there is a fairly substantial budget allocation in relation to this particular program component. I think actually it is an additional \$152 000 that has been allocated for the coming financial year to expand this program throughout the metropolitan area. That is the magnitude of it.

Ms WELLS: The program referred to is the Aboriginal family supervision program which targets young offenders between the 16 to 21-year-old age group. That is the highest risk group for reoffending. It operates from Maddington, Midland and Joondalup and Mirrabooka presently. Initial evaluations show that it has had some success in improving the completion rates of Aboriginal offenders on their community supervision orders so we are keen, because of the issues of over-representation of Aboriginal people in the justice system, to increase that program.

Mr MacLEAN: Could I just expand on that a little bit? Is the Aboriginal mentor program going to be encouraging young Aboriginal people to stay at school? One of the biggest problems that I have in my electorate is that they are not encouraged to stay at school for 100 reasons and if they were encouraged to stay at school through the mentor program, then a lot of the problems that they face when they are off doing their own thing will not occur so they won't have the initial contact with the justice system to start the cycle.

Ms WELLS: Two things: this group is the 16 to 21-year-olds so you are looking at post-compulsory school age kids. There is another mentor scheme that is not just for Aboriginal youth that we use for all kids within the justice system. The idea of the mentor scheme is not just to look at education programs but the broader life skills. It is trying to link them into constructive activities of any sort that will be likely to reduce their reoffending. That includes education, employment, recreation.

Mr MacLEAN: Could I just expand my question a bit more because this is all the feeling thing? I can appreciate that you start the mentor program at 16 and you try to get them into TAFE colleges and into apprenticeships, etcetera. The problem I am having is the ones who are just entering upper primary school whose older brothers and sisters are already in the system. The family is not what you could consider a loving, supportive family. They are starting to get involved in the system because they do not want to go to school and they are getting involved with older siblings or older friends of the siblings who are encouraging them to offend. Are you considering bringing in a mentor program or extending your mentor program to start covering these younger people who are affected by the 16-year-olds and above?

Ms WELLS: We have the other mentor program that I was talking about so there are two, but for that particular group that you are looking at they are more likely to come under the auspices of the Killara Youth Support Service who work closely

with the police. The point that you raise is the link between truancy, failing to attend school, and offending. They are well-established links. The Killara Youth Support Service work very closely with the Police Department. They get copies of all the police cautions. In particular they work with the juvenile aid group out of the Northbridge area. If there are kids that are picked up by the police or cautioned, they work with those families, with the children. They take them back to the school and identify those sorts of problems, offer short-term counselling support and linkage to other agencies that can help them in the longer term.

Mr PIPER: If I interpret the member's question correctly, you are really talking about a group of children who hopefully are not yet in contact with our services.

Mr MacLEAN: Some of them.

Mr PIPER: We would rather that they were not. It underlines an important issue in the justice system. In a sense I talked a little earlier about the role of policing and police, but the sort of issues that you are talking about are right upstream from that. Through a couple of programs, one of which we are intimately involved which is the Aboriginal Cyclic Offending program, which is a terrible mouthful of a name but really it is a community support program which attempts to focus the energies of Government agencies around an Aboriginal reference group to assist exactly those sorts of issues for young people in particular, but others as well, to provide the sort of support and facilities and encouragement in terms of mainstream Government programs to ensure that they are well supported and that we never see them. That would be certainly our preference.

The Justice Ministry is very engaged in that and certainly through the Safer WA program and a number of those sorts of community based issues we also, through our Juvenile Justice area and community based services, fund a number of community programs directly that are supporting particularly youth with a view to keeping it as flexible and as direct as we can in areas where we see that there is a positive influence to be achieved in these sorts of areas. So we are very engaged. Again with the committee's indulgence it may be appropriate for Mr Camis Smith as our director of Aboriginal Policy and services to comment on the cyclic offending program and some of what we do.

[8.40 pm]

Mr SMITH: We have a couple of pilot projects or what is now actually in its formative period. We had the Geraldton cyclic offending project initially established as a pilot project and subsequent to that there has also been a program commenced in Midland. Ideally the program looks at establishing an Aboriginal reference group with a view to those people having a better knowledge about those families at risk in that neighbourhood. So essentially those people help inform agencies like the Ministry, Family and Children's Services, Health Department, Education, where those families have a potential risk element that exists in their home environment.

What this program intends to do is target families at a very early age where their kids have the potential of going on and choosing a life of crime or choosing a life in the mainstream where they do not come into contact with the police system. So essentially this program has been established in two places at this stage. There is the intention to expand the program at some stage into the future. We are yet not in a position to be able to say where those locations are going to be, but the early indications are that the program is showing signs of success. Primarily it is a partnership model where for a long time the Aboriginal view in the community has been, "It's all right for Aboriginal people to sit back and receive services from the Government," but here is an opportunity for us to work constructively with Government agencies and Government generally in a partnership model.

Essentially Geraldton is a partnership program and so is the one in Midland and the idea is that Government and the Aboriginal community will decide where the priorities are in terms of which families, how to target them and what program to target and particularly how to be able to engage constructively with those families or individuals in order to prevent them from coming into contact negatively with the criminal justice system. So at this point in time it is very much early days but the potential is there to engage the goodwill of the Aboriginal community in terms of their intention to help those families who they know are at risk but to be able to access the resources of Government in order to be able to deal with the problems within those families.

Mr MacLEAN: The problem in the metropolitan area is that by the time you connect an Aboriginal family in crisis to all the services that are in an area, they move to another electorate and you lose them from knowing which services they are because sometimes they go from Homeswest to private accommodation and disappear out of the system. The other problem I see is that if we cannot start filtering down from the reoffender program into the younger siblings who are being drawn into the cycle by the older brothers and friends of the older brothers, then all we are going to be doing is trying to patch up the whole way through. If we can get down to the younger ones then we have a greater hope of success.

Mr PIPER: In the metropolitan area of course we have the Killara service but we also have four community-based education officers and we are participating with other agencies. There is an initiative by Aboriginal Affairs which involves the Aboriginal community in delivering some services in a coordinated way to some of those at risk people in the metropolitan area. That program is receiving support from ourselves, Family and Children's Services, police and all of the agencies involved so that there is an appropriate well-skilled Aboriginal group who are helping to assist with particularly those sorts of mobile families. The issues are not being ignored and even though the justice system may be seen as, if you like, the other end of the process, we are very, very engaged and aware of our responsibility and perhaps special knowledge to some extent and our capacity to participate to support all of those initiatives that stop people from getting into prison, and that is where we would like to be.

The community funding program that I discussed for juveniles is about a \$1.6m support of community organisations with programs that are designed to support particular needs in the community and reduce offending, so we are fairly active and aware in this area and see it as very important. We would much prefer that people did not start the journey into the justice system.

Dr FITZGERALD: One of the important elements of the program that Camis Smith described and also the programs that Alan Piper described is that in addition to the concept of partnership between Government and Aboriginal people, one of the other important elements is that there is a recognition that single Government agencies cannot address the problem on their own. It is necessary for all of the relevant agencies to work together: justice, police, education, health, Family and Children's Services, etcetera. The intention is that we have more of a joined-up approach to the delivery of services so that it is not sort of individual agencies in their silos sort of marching along working with families but rather trying to link together and in that way delivering services far more effectively to families. This is a concept which has certainly been embraced in these particular initiatives and it is reflected in some of the approaches which are being adopted in the UK in the crime prevention area now.

Mr BROWN: If I can just return to the Pyrton land, when did the ministry purchase the Pyrton land? Do you have a date?

Mr PIPER: As I understand it, we actually finalised payment for the land in May; in other words, in this month. I do not have an exact date.

Mr BROWN: I am just interested in whether the ministry had any consultations with the Minister for Works about the taking order that was issued under the Land Administration Act for the Pyrton land.

Ms MURRAY: I understand your question was did the Ministry of Justice have discussions with the Minister for Works in relation to the taking order?

Mr BROWN: Not necessarily the minister, but any discussions in relation to the taking order.

Ms MURRAY: The Ministry of Justice had extensive discussions with the Ministry for Planning, the Department of Lands Administration, the Contract and Management Services and Disability Services Commission. The land, as you know, was owned by Disability Services Commission and the taking order depends on their agreement that the land be purchased by that means.

Mr BROWN: Why was the taking order arrangement done? Why was there not just a straight purchase between the Ministry of Justice and the Disability Services Commission?

Ms MURRAY: A straight purchase would assume an existing title. It would assume that all parts of the necessary arrangements were in place. One of the main reasons is the creation of the separate title which gave us a separate boundary for the purpose of establishing it as the proclaimed prison area.

Mr BROWN: And to change the zoning?

Ms MURRAY: No, the zoning was not changed. The taking order under the Minister for Works allows for the refurbishments to be done as a public work.

Mr BROWN: I know the taking order allows it to be done as a public work of a prison, but the WA Planning Commission previously determined, when an application was made to it to change the zoning of the site, not to allow the change of the zoning to the site. Since that time there has been no application made to the WA Planning Commission to change the zoning of the site other than the fact that a taking order has been issued and there has been no application to the Planning Commission.

[8.50 pm]

Ms MURRAY: The Planning Commission did not actually require a change of zoning. The Planning Commission required a full site-use plan and they required that we address the Aboriginal cultural heritage issues. Both matters have been addressed, although the full site-use plan has not been completed subject to further discussions with Bassendean Council.

Mr BROWN: Can I put it to you that this matter went to the Statutory Planning Committee of the WA Planning Commission who said they did not approve it and that it was the expectation of the WA Planning Commission that a further application would be made by the Ministry of Justice or Disability Services, whoever made the application, once those matters had been addressed and no further application was made.

Ms MURRAY: We always had both options open to us, to consult with the Planning Commission and seek approval for development or to proceed down the route of a taking order and undertake a public work, so both options were always available. The Planning Commission was an extremely useful step in the process for identifying the larger site issues, which Disability Services Commission were interested in, and they submitted the application on our behalf, and also identifying the residual Aboriginal cultural heritage issues. It is not to suggest that one is better than the other. Both options were available and eventually we used both options.

Mr BROWN: The taking order effectively allows you to avoid going back to the Planning Commission.

Ms MURRAY: Unless we want to do development, so there are conditions. There are things we could do there that would constitute development, such as erect a new building, and we would be required to go to the Planning Commission for that purpose. We originally went there for a type of development application.

Mr BROWN: Which was not approved.

Ms MURRAY: It was not not approved. It was held pending our meeting the two conditions, which were the full-site plan and the Aboriginal heritage issues. It was not disapproved. It was neither approved nor disapproved. It was held.

Mr BROWN: Has the Planning Commission approved this work?

Ms MURRAY: They are not required to approve it.

Mr BROWN: No, they are not required to approve it since the taking order was issued.

Ms MURRAY: They were not required to approve it at all.

Mr BROWN: Why was the taking order issued then?

Ms MURRAY: The taking order provides a separate title and provides for works to be done under the Minister for Works. We are discussing here two separate processes under two separate sets of legislation. They are not mutually exclusive nor mutually and directly comparable.

Mr BROWN: We may find out about this. Another place may determine this, and probably will. I certainly hope it will. I am only a simple Presbyterian. I do not understand about these things, but others who are more elegant in the law understand them, but I certainly hope it is tested elsewhere because it seems like a rort to me, I can say that.

Mr PIPER: If I can make a further comment for the benefit of the committee, it is fairly unremarkable and is, in fact, the normal course where a work is to be undertaken by the Water Corporation or Western Power or Alinta Gas or by education or by anybody, that if a work is required, then a taking order is part of that work in order to obtain the land and secure the title in order for the work to proceed. In fact by far and away the majority of matters that would constitute a work where title issues are not clear, in fact, go to this process. It has always been the case since the establishment of the Public Works Act in 1902, which I think was the original act. It is in fact the preferred and normal course for the establishment of a land requirement for a work to be undertaken. As Ms Murray has indicated, the two processes are not in conflict and in fact operate in parallel. Suitable advice, notification and information will be provided to the Planning Commission as required.

Mr BROWN: That will probably be tested elsewhere. I certainly hope it is. Has the ministry engaged Richard Elliott in any consultation work in relation to the Pyrton site?

Ms MURRAY: Yes, we have.

Mr BROWN: For what purpose was he engaged?

Ms MURRAY: He was providing preliminary advice on our works but also to gain agreement between all the respective parties. That was the Disability Services Commission, the Ministry of Housing, the Department of Lands Administration, the Ministry for Planning, the Aboriginal Affairs Department, Contract and Management Services and Treasury - primarily Treasury, and Ministry of Justice of course. Treasury was a very important party because we were not wishing to purchase the entire Pyrton site. We were wishing to purchase a subportion which, of course, could be seen as a difficulty for the Disability Services Commission which needed to recoup their full cost, so the involvement of Treasury was necessary and one of the reasons why Richard Elliott was engaged.

Mr BROWN: So he was engaged by the ministry to negotiate with other Government departments.

Ms MURRAY: Yes, and some of the preliminary -

Mr BROWN: That is amazing. My understanding is that he was paid about \$11 000 for that work. Is that right?

Ms MURRAY: That is correct.

Mr WIESE: My question relates to page 757, the first dot point under that particular section dealing with the work camps. In regard to work camps as against any other form of incarceration, does it cost more to have these work camps or to keep persons in these work camps in comparison to a prison? What are the costs per prisoner for prisoners in a work camp? What are the cost benefits to the communities in which they actually perform their work and has that been part of the assessment of how good they are and how successful they are? I have to say that all the feedback I get is extremely positive. Is there going to be a further expansion of these work camps?

Mr BARRON-SULLIVAN: I am not going to give you the detail myself but I will answer the last question first. Yes, there is going to be a further expansion. As the member has alluded to, the two original work camps at Walpole and Badgingarra have proved an enormous success. Expressions of interest, as members know, were called for. I think there were 28 submissions lodged. That indicates the amount of support out in the community for this particular concept. We have three new work camps already established at Millstream National Park, Kellerberrin and Toodyay and a further two planned for Broome and Garden Island. The bottom line is that they have been extremely successful. They provide for a range of local and worthwhile projects which I think would otherwise not be undertaken. As a south-west member, I know there has been a lot of interest in trying to get a work camp in that region as well. For the detail of it you might need to go through some of the steps or questions you have given earlier on because there were quite a few in there. Do you perhaps want to start on the first detailed question you asked about cost?

Mr WIESE: Yes, the cost comparison between work camp and prison.

Mr BARRON-SULLIVAN: I think you are looking at about \$300 000 a work camp but for the detail of it - Mr Piper?
[9.00 pm]

Mr PIPER: That figure is approximately correct. However, it is our view that the value of the reparative work that is undertaken far exceeds the additional cost of setting up the work camp. In addition, as we talked about a little earlier, there is a real issue about prison to community transition. We are talking here about lower risk, minimum security prisoners and we are talking about people who are nearing the end of their sentence where we need to shift them from a prison culture and give them an opportunity or a managed experience in the community. We are still talking about a work camp operating under prison officer supervision, so it operates within that regime.

The whole approach is to create that transition back to the community in the context of reparation. Instead of just being released through the work camp experience, the prisoner is in fact working for the community in some very open and conscious way. It operates through a community reference group and the sort of work that is involved is everything from the fairly high profile opening of the Bibbulmun Track where the Walpole work camp was very extensively involved down to a comment that I heard from one community member in Walpole where the prisoners, for example, were chopping wood and doing minor clean-ups for some of the older members of the community who were not able to do it for themselves. There is a very direct connection.

For the community, they see these people in context. I think one of the questions we got more often than not from people who were asking for work camps was, "Are there any good tennis players?" In fact at Walpole, for example, there was participation in recreational sports and use of the local facilities for purchasing and the community then understands much more what it is that we are working with. We have had a number of offers, for example, of employment for prisoners on exit that would have been almost impossible to arrange in any other way.

The third dimension to that is the prison officers involved. Certainly the feedback is that they find that they get a level of independence and achievement through involvement in the work camp experience. That means that they highly value it. There is a bit of self-selection under this process, but they feel that bit of separation from base, independence, their own projects and people to manage has responded extremely positively. We believe that this thing will expand as we find suitable prisoners and locations. It needs to be done reasonably gently in the sense that there needs to be always things in place and the community acceptance needs to be high and we need to be able to manage it from some sort of suitable prison base, but it is a dramatic shift in terms of the prisons' engagement with the community in a very positive way. I think everybody involved in it is really pleased and it has exceeded all our expectations.

Mr WIESE: There were a couple of questions where I was looking for some detail. You have the average cost per prisoner of \$176 projected for this coming year. How does that compare with your expected cost per prisoner in these work camps? How does that compare and has there been any costing of the benefit to the communities in which the work is done?

Mr SIMPSON: The cost per work camp per 10 to 12 prisoners is \$300 000 per annum which works out, in round figures, at \$30 000 per prisoner which I think is about \$90 per day in round terms. That is significantly different from the \$176 figure but they are not directly comparable because there is a range of costs of providing programs, education etcetera that are not part of the work camp figure, but certainly to the extent that there is capital infrastructure a number of other major costs that are part of the \$176 per day do not have to be met by work camps. It is a significant saving in terms of prison infrastructure for the community.

Mr WIESE: And the cost benefit to the end user? Has there ever been a figure put on that in the various areas where you work? The Bibbulmun Track is a completed work. There must be some value of what that was worth if we were getting it done privately.

Mr SIMPSON: There certainly have been values put on that from time to time. I do not have exact figures immediately available.

Mr PIPER: Part of the early establishment has not been a focus on what I would call commercial projects. In fact, quite the contrary. The way these operate are to try and do the things that are probably not commercial to be done, the sort of clean-ups and extra work around communities that are highly valued when they are done but where there is not the spare dollar to do them. That applies particularly to small communities in rural areas where they stretch their money as far as they can but there are some things they cannot do. Certainly I think our contribution in equivalent terms to the Bibbulmun Track was about \$1.5m equivalent, but that includes work of prison industries as well. The example I gave of chopping wood, it is maybe of low dollar value but high community value in terms of what it contributes.

Frankly, probably the greater issue is if we can in fact create reintegration through these processes where the offending lifestyles of the prisoners involved are altered in some way, then the greater benefit probably is in the reduced economic cost to them and others, and including the justice system, if they go on to contribute to the community in a more positive way. I know the committee would enjoy the debate, but we do not have enough time to discuss the components of the economic cost of crime, but that is a really fascinating subject.

Mr WIESE: I think in response all I can say is if CALM had to do the work that you did down there at Walpole, it would have cost an absolute fortune, and it is fantastic.

Mr RIEBELING: I just want to take you back to figures that were given in relation to the reoffending rate for private prison and take those that were here in the last couple of years back to figures that were given. Such as last year, the target rate

for 1999-2000 was in fact 30 per cent, the rate that the private prison are now contracted to achieve. The estimate for 1988-99 in that budget was in fact lower than it; 29.7 per cent. The year before we had a target in 1998-99 of 29.8 per cent and an estimation for 1997-98 of 30.3 per cent. In both of the last budgets you highlighted by saying, almost in identical wording -

Rate of reoffending changes in rate of recidivism provides an indication of success of the personal development, activities and rehabilitation programs.

In both of the previous two budgets you say everything is chugging along nicely. You now indicate, with no explanation at all, that the estimation for 1999-2000 is 34 per cent, some 4 percentage points higher than your target, and that the target for this coming year remains at 34 per cent. I wonder how we have gone so horribly wrong when the private prison can achieve what we used to be able to achieve.

Mr PIPER: You will note from your study of the contract that minister is in fact the maximum rate and there is an incentive-linked fee and we would expect them to do better.

Mr RIEBELING: I am talking about the Government rate.

Mr PIPER: The member is correct to point out that recidivism rates are very slippery and difficult to actually base predictions on. If there was one completely recalcitrant offender in the State who the minute they walked out the door reoffended, you would have 100 per cent recidivism but you might not have a very large prison population. If you add an extra offender who stays out a little longer, then you in fact improve your recidivism rate, so in fact there is another line of argument, which I am not attempting to run, that says if you are incredibly successful you actually put your recidivism rate up because you are only putting in prison the people who are truly recalcitrant. These numbers are in fact very difficult and certainly it is our intention to have a greater success rate in terms of people returning to prison.

Mr RIEBELING: I just wonder why we have had 4 per cent in this budget with no mention of it, whereas in the two previous budgets -

Mr PIPER: I will ask Mr Harvey to comment on that.

[9.10 pm]

Mr HARVEY: I would just like to preface my remarks by saying there is a high proportion of people in the corrections industry that dislike intensely this measure of performance because in fact it measures a large number of things that are well outside the control of the prison system and amenable to influences from everything from sentence lengths; for example, if we have a large number of shorter sentence lengths, you are inclined to get higher recidivism rates, and this is certainly true of our population in Western Australia. Because it measures entry back into the system two years after, we are talking about effects that are old, slow-moving, and if you look at the figures across the jurisdictions in Australia, Western Australia is a little bit at the high end but certainly not embarrassingly so. We do reasonably well. It is a very complex measure and a full understanding of it would require a considerable briefing of considerable length because it raises all sorts of issues, some of which are the responsibility of the prison system but certainly a good number of them are well beyond the responsibility of the prison system.

Mr RIEBELING: However, even in this budget it is highlighted as one of the effectiveness measures that you use, and I keep going back to the debate on private prisons. A large proportion of our time was spent on recidivist rates; a large proportion. That was what we were going to benefit from. Yet at that particular time, even though we tried to get it out of the minister at the time, we knew that the recidivist rate he was talking about was already being achieved in our prisons and he was saying that it was not. These budget documents actually show that it was. I just cannot see how we can allow that 4 per cent, which is a large blow-out in anyone's terms in relation to recidivist rates, to just go by. There must be an explanation for it.

Mr HARVEY: Can I just say that in the 2000-01 there is a point we have not emphasised here. The number of private prisoners in the system will be very small.

Mr RIEBELING: I am trying to find out in the Government system. What has gone wrong to create an increase? What we are to glean from it is the effectiveness measures you ask us to look at, the keys, will be going backwards with no explanation.

Mr BAKER: I have a question in relation to output 15, if I can move forward to output 15 just briefly. Specifically, page 771, there is reference to output measures dealing with strategic policy information and legislative services. Parliamentary Secretary, can you please advise the committee as to the progress of the proposed forfeiture legislation, commonly known as the non-conviction based forfeiture Bill, and can you also indicate who has standing to bring applications under that Bill? Is it, for example, the Attorney General, the Director of Public Prosecutions or some other person? Perhaps could you just give a dot point summary of what is being proposed in the draft legislation?

Mr BARRON-SULLIVAN: As I understand it, it was actually handled under one of the divisions that was considered this morning by the Attorney General. The matter is being handled by the Director of Public Prosecutions. As for the scheduling of the legislation I cannot recall. It is imminent but I cannot recall an exact scheduling. If you want, we can provide that by way of supplementary information.

Mr BAKER: Yes, if you could please. I have another question too on, once again, output.

Dr FITZGERALD: The only thing that I can add there is that the drafting is certainly well advanced.

Mr BAKER: When is it going to be tabled or first read?

Dr FITZGERALD: There has not been a date set for that.

Mr BAKER: I have noted that supplementary information will be provided in response to that question. Another question in relation to output 15: on page 773 there is a reference under the heading "Major Initiatives for 2000-01" at the second dot point -

Major reviews of legislation will include a review of the "3-strikes" legislation.

What are the objectives of this review? What sorts of things will you be reviewing?

Mr BARRON-SULLIVAN: Essentially there are two categories of the review. The first one is in terms of reviewing the technical operation of it and the second one is in terms of reviewing the effectiveness of the legislation. By that I am obviously referring to the deterrent effect of the sentences provided for under the legislation, the effect on sentencing patterns and crime rates and also, I suppose, the overall perceived value of the legislation. I think one very important thing to point out is that although the review is under way, it is a requirement, as I understand it, of the legislation that a review be carried out within four years and that that review, I think, is basically starting to crank up now.

The point to stress is that although if there is a requirement or recommendations for the legislation to be improved in any way to make the arrangements more workable or even more effective, then I am sure I can speak for the minister and say that that will be taken on board. Certainly the fact that there is a review under way does not in any way whatsoever indicate that the legislation is at all likely to be dumped, if I can put it very bluntly, if that is one of the things you were alluding to, but I will hand you to Dr Fitzgerald who can give you a run-down on how the review is going to take place specifically.

Dr FITZGERALD: The review will be covering the sorts of issues that the Parliamentary Secretary has mentioned already. One of the considerations, of course, that has arisen in respect of the so-called three strikes legislation is whether there have been unintended consequences, whether there have been any groups who have been disadvantaged as a result of the legislation, so certainly the review will be looking at who has been affected by the legislation, whether there have been unintended consequences, whether any particular groups within the community have been disadvantaged as a result of the legislation. The review will also be obviously generating information, and I think information has already been provided to the Parliament on this, about things such as the ages of those who have been caught up in the legislation. In respect of adults, one of the bits of information where we do not have adequate knowledge at present relates to the effect of the legislation as it relates to adults, how many adults have been caught up with the legislation.

In terms of whether it has achieved its objectives, one of the important objectives of the legislation of course was to indicate the seriousness with which the Parliament viewed the offence of home burglary, so clearly we will be determining a method of measuring whether the legislation has been effective in achieving that objective. In respect of the effect of the legislation as a deterrent, the Attorney General in his Second Reading Speech was careful to make the point that the legislation was not intended primarily as a means of deterring the offence of home burglary. Nevertheless, one of the things that we will be examining will be whether the legislation has had a deterrent effect.

Mr BAKER: Are you aware of any intention on the part of the Government to extend the three strikes principles to other areas of offences such as offences involving assaults against the person?

Dr FITZGERALD: I am not aware whether there is an intention or not. I cannot comment.

Mr BARRON-SULLIVAN: I can understand the intent of the member's question there and I would like to add to what Dr Fitzgerald said and to paint a picture, I suppose, of the situation we are looking at with this three strikes legislation. Obviously there has been a fair amount of discussion about this legislation in recent times and I would like to put on record a couple of figures to give you an idea, particularly in relation to juvenile offenders, of the sort of character we are dealing with here and to demonstrate the significance of this legislation when you are dealing with repeat offenders.

An audit in February of this year determined that there were 26 juveniles in custody on convictions which included those that result from the three strikes legislation. Of those 26, we had a breakdown of 14 from the country area, 12 from the metropolitan area, but it is interesting to note that 13 of those offenders had a charge history of up to 40 charges, nine of them had up to 60 charges and three of had more than 60 charges. That really puts the debate, if I can use the jargon, in the appropriate context and I think it will be very interesting to see what comes out of this review, to see what the impact has been or how efficiently the legislation has operated.

[9.20 pm]

Mr BROWN: I want to ask one more question on the Pyrtton issue and turn then to Court Custodial Services. It has been reported to the committee that the Pyrtton Prison, if and when it opens, will open with 10 prisoners. Is it intended to have staff there 24 hours a day supervising those prisoners, seven days a week?

Ms GINBEY: Yes. It is the intention that we have two staff members on during the day shift for 12 hours and two staff members for night shift for 12 hours.

Mr BROWN: In terms of the contracting out of Court and Custodial Services, what is the "estimated saving" that will be made by the Ministry of Justice?

Mr PIPER: The contract was not in fact a contract that was designed to create savings. The purpose of the contract was to return trained police officers to police duties and in the first phase of the contract there are something just under 100 police officers who will be returned to policing duties and funding has been provided to the Ministry of Justice in order to contract for those services as a replacement for services that were somewhat less than those full policing duties that were being undertaken by police within the Court and Custody Services.

There is also a performance standard around this contract because it lives in the boundaries between police, courts and prisons where, by creating a unified service, it is much more capable of controlling the performance of that part of the service. It has certainly been one that has been very fragmented in the past and there has been a lot of attention to getting a good quality of service out of the contract. There has not been a view put that other than the obvious benefits to the community of the return of police services, there is a massive saving to be made out of implementing this contract and none has been projected.

Mr BROWN: Can I then put this to you and you can make a note of these and say whether you know about this or whether you do not: is it true that the workplace agreements which all people have to sign if they want a job working for the contract security company provide during the training period the minimum wage under the Minimum Conditions of Employment Act and provide a wage for a Court Security and Custodial officer of \$12.39 per hour for a 40 to 42-hour week? Is it also true that by comparison with prison officers that the rates for prison officers doing the same job range between \$16.68 and \$18.70 per hour; that is, there is a reduction somewhere of \$4 to \$6 per hour, meaning a reduction in wages for the people doing that job of somewhere between \$160 and \$240 per week?

Is it also true that the people who have been engaged by CCA to carry out this work have completed their training and have not yet been picked up by the Ministry of Justice and have now been unemployed, waiting to receive unemployment benefits, for the last three weeks? Is it also true that these people will be required to take themselves, with no allowances in terms of travel allowances, to country areas where they are required to serve? Is it also true they will be getting less allowances than those in the Prisons and Police Service?

I do not know whether you actually know those things or not. You could perhaps indicate if you know them or not or whether in fact you care or not, but I just wonder in terms of the level of service that is going to be provided, given the huge reduction in wages and employment conditions that have taken place, with the transfer of this work from the Police Department - and I have not even compared police officers' wages - to this private security company.

Mr WIESE: What output are we discussing here?

Mr BARRON-SULLIVAN: I was going to say, is there a specific output in this regard?

Mr BROWN: Are you going to answer the question or not? If you want to avoid it, avoid it.

Mr BARRON-SULLIVAN: Madam Chair, if the member could point us to an output, it would help.

Mr BROWN: Why do you not look at the total cost of providing the service under item 7 because presumably that is where it is?

Mr BARRON-SULLIVAN: I will ask Mr Piper to provide some generalised comments on the area that the member has discussed in relation to that particular output.

Mr PIPER: I will make some general comments. Corrections Corporation of Australia who have been contracted for this service have pretty much completed their early stages of establishment in terms of purchasing of the transport vehicles and establishing the infrastructure in order to carry out the service. That is correct. They have also undertaken six weeks of training for something like under 300 people who are engaged in the service.

Mr BROWN: Are they completed now?

Mr PIPER: Six weeks of training has been completed.

Mr BROWN: Have they started in the Ministry of Justice?

Mr PIPER: There are a long list of questions and I will attempt to try and answer as many as I can.

Mr BROWN: I am just helping you along.

Mr PIPER: I appreciate the assistance. It is very gratefully received. I do not have with me the employment conditions that you discussed, but my understanding is that the people who went into that training understood that there would be a period between the training and the commencement of services. The service commencement is a contractual matter and it is a matter that we will engage with CCA on when they are ready to undertake the service. The employees are theirs to manage. The commencement of service starts with what is called a shadowing period. It is an odd name, but what it means is basically that they work alongside the people who are delivering the current service to understand the subtleties or complexities and that they then move into full delivery of services. It is correct that we have not yet started the shadowing service but nor were we scheduled to. In fact at the moment I think we are close to commencement but we have not yet established the date and we are in discussion this week with CCA about the detailed program to establish that.

Mr BROWN: When is that due to commence?

Mr PIPER: It is due to commence in the next week or so but I cannot give you an exact date.

Mr BROWN: What, the shadowing is due to commence in the next week?

Mr PIPER: Due to commence shortly.

Mr BROWN: No, when is the shadowing due to commence?

Mr PIPER: A date has not been agreed. It will commence when they are ready, as per their contract. We need to certify the service as being ready to be completed. There are discussions being undertaken at the moment.

Mr BROWN: Can I just put this to you: there are a lot of people who do not have a job at the moment. They do not have any income.

Mr PIPER: I understand.

Mr BROWN: They are sitting at home. They have been engaged by this company to perform work doing these contract services. They have been engaged. They have been paid the minimum wage, and I invite people to go and check on this. I have a copy of the workplace agreement for anybody who wants to check the veracity of it. They have been paid the minimum wage for their six weeks' training or whatever period it was. They are now sitting at home unable to go and take another job because they allegedly have a job. They are stood down without pay. I do not agree with this process, but is there any acceptance for these poor bastards who are actually in this position that something will actually be done for them?

Mr PIPER: I do not know of the parentage of any of the people involved -

Mr BROWN: Very funny.

Mr PIPER: - but I do understand the issue that is being raised and certainly, if I can comment further on one of the earlier questions that the member raised, the very point of the contract at its inception is that you have very highly skilled and well paid police officers and prison officers as well who have been using a portion of their training in undertaking some of these services. The whole purpose of the contract is to release those skills to the better utilisation of the community so that in fact the police officers, for example, can return to full policing duties and utilise their full training for the benefit of the community. We are talking here about a new class of employment which is neither a prison officer nor a police officer. As to the exact industrial details in terms of the current employment, I would not choose to comment at this time.

[9.30 pm]

Mr BARRON-SULLIVAN: Madam Chair, could I just make a point in this. I think the member obviously has raised a very important point in relation to the particular people concerned? Member, what I would suggest is if you are prepared to put a question on notice in that regard, I will discuss with the minister and I will ensure you get an answer to that as quickly as possible. I think it is a little bit difficult putting the Ministry of Justice officers here today on the spot on those sort of technical details, but I can see what you are driving at. It is a very important point you are making. I cannot comment on the accuracy of what you are saying, but if you prepared to put those points on notice, I will ensure that you get a response as quickly as possible.

Mr BROWN: Can I just make this observation: I appreciate your bona fides about that, but I want to tell you there are a lot of prison officers pretty worried about their jobs, because there are people in the driving services here - this was a place where you put people towards the end of their career who will have great difficulty going back into the prison service. They are offered no redundancy. People have been in the service 20 and 30 years. This is the way they are being treated. You go back inside. They will have great difficulty coping with that. No redundancy is being offered to them and people are being replaced by lower paid workers. I will tell you this will go through the prison system. I will make it my personal responsibility to make sure every prison officer in this State understands what is going on here and the way these people are being treated. If it is good enough for these people to be treated this way, it will be good enough for all of them.

The CHAIRMAN: Can the member please just say what the question is please?

Mr BROWN: I hope that question will come back very quickly, but I want to tell you there are a lot of worried people out there because of this issue.

Mr BARRON-SULLIVAN: With your indulgence, Chair, because I realise it was not a question. I know you are allowing a lot of latitude, but I think it is important that that point be covered.

Mr PIPER: I would like to follow a couple of the points. It is my understanding that the employment arrangements that were made for training are not the final employment arrangements, but we will seek by way of supplementation and, in any event, to the extent that whatever the contractor is doing is causing concerns amongst the workforce we will raise those issues with them through contract management because it is a matter of concern to us. I would like, if possible, to have the general manager of Prison Services talk about our employees, but before that I would like to make a couple of comments.

Firstly, there is absolutely no diminution of our commitment to either the quality or the existence of the public prison system and, quite the contrary, we have been investing considerable capital expenditure into the public prison system. We were talking earlier about the capacity through Acacia. We have put nearly another 400 beds, male and female, into the public prison system through the same period, but we have also seen as part of this increased muster growth a very strong demand for prison officer staff and certainly we are aware that our staff who have been involved in these services need to be listened to, understood and worked with and we have no intention in any context of abusing either their goodwill or their role within the service.

Mr BROWN: The minister has indicated there will be competition between the two groups.

The CHAIRMAN: Excuse me, I am allowing people to make their explanations to this, but I would ask that we keep it brief please.

Mr SIMPSON: Certainly in relation to prison officers who have been carrying out that transport role as identified positions there has been a very lengthy and comprehensive process of case managing each of those in terms of what their transition plans will be. There has been no severance or redundancy packages offered because they are not redundant. They are qualified prison officers and there are positions for them in the Prison Service. A number of those were contemplating retirement and would have done that anyway and will do that shortly after this occurs.

Those prison officers the majority for whom that is not the case will be accommodated within the Prison Service and a good deal of time has been spent on informing them of the progress of this project and dealing with their issues in terms of their placement within the service. If I could comment briefly in terms of the issue of competition, we are not talking in terms of competition in relation to prisoner transport. The Prison Service will not be providing prisoner transport, so it will not be in competition with CCA on that front.

Mr BARRON-SULLIVAN: Rather than carry on this more of a debate than questioning, I genuinely can see what you are driving at here, but I do not think we are going to achieve a great deal with this sort of debate over the table tonight. I will give you the option, member. If you wish to put questions on notice, as I said earlier on, I will ensure you get prompt responses to them. Alternatively, if you wish to, I am happy to arrange for an extensive briefing on this matter for you. I will leave it to you after this meeting to decide which way you wish to go.

The CHAIRMAN: I have a question which relates to page 764, output 11. Having regard to the changes in registration procedures that will be required to implement the Gender Reassignment Bill, can you please advise what costs have been included to enable this to take place?

Mr BARRON-SULLIVAN: Madam Chair, I will ask the Registrar of Births, Deaths and Marriages, Mr Don Stockins, to provide some information in this area. I am wondering how many questions the registrar will get today out of this particular budget component.

Mr STOCKINS: The Gender Reassignment Act has been the subject of discussion as at it affects my area. It will enable the birth of some person subject to that Act to have their birth re-registered showing the reassigned sex.

The CHAIRMAN: Can you advise me what costs, if any, associated with those changes have been set aside?

Mr STOCKINS: There have been no funds set aside for that purpose at this point.

The CHAIRMAN: Will funds be required to be set aside for that?

Mr STOCKINS: There certainly will. In my area there would be only a minimal amount. There is a provision within that Act for the establishment of a board, etcetera, which will not directly affect me, obviously, but there will be a requirement for funds for that purpose.

Mr BAKER: Is it proposed that there will be regulations drafted as well, or not, and is it necessary to have the regulations in place before the funding issue is even addressed, because the regulations, of course, may result in additional funding issues.

Mr STOCKINS: I think they work in tandem. On my understanding there will be the need for regulations and there will be the need for funding.

The CHAIRMAN: There is nothing actually in this particular part to fund your part of it?

Mr STOCKINS: No, there are no funds within this documentation related to that Act.

[9.40 pm]

Mr RIEBELING: In relation to output 11 just a couple of quick questions. One is I see you are maintaining the outstanding confidentiality rating of 99.93, which I am sure other sections and departments would be proud of. However, in this world where we have people checking on family trees and the like through checking of births, deaths and marriages, I wondered if you can tell us how you maintain confidentiality in that new era. Also, in relation to the estimates from last year's budget, last year's budget said that in 98-99 there would be 3 032 000 registrations held in storage with a target of 3 084 000. I do not know whether we had no children born in Western Australia this year, but we appear to have gone backwards. I just wonder what happened.

Mr STOCKINS: I can assure the member we have not gone backwards.

Mr RIEBELING: This year's figures, are they right, or were last year's wrong?

Mr STOCKINS: What page are you referring to?

Mr RIEBELING: Page 765 and last year's was 750. Last year's figures were 3 000 000 -

Mr STOCKINS: That figure refers to the number of services. That is the number of registrations we effect, the number of certificates we issue, etcetera. It just does not relate to the number of children born.

Mr RIEBELING: I appreciate that, but in last year's budget you estimated there would be more at the end of this year than you are saying is going to be in store at the end of next year.

Mr STOCKINS: I think we are at cross-purposes. I see it as the number of services that we deliver rather than the number of registrations that are held.

Mr RIEBELING: How do we maintain confidentiality when we give access for people?

Mr STOCKINS: We have a prescribed access policy which is uniform with all registries throughout Australia and certainly the information that is available is restricted to the person themselves or their immediate family, etcetera. Even when they are progressing their research into family trees, if they get too far away from the direct line we seek the agreement of the people concerned in the certificates they are searching.

Mr PIPER: Just for clarification, registration services listed include all new births, deaths, marriages, changes of name, corrections to existing records, certificates and extracts issued.

Mr RIEBELING: I presume that is the same as last year.

Mr STOCKINS: Yes, it would have been.

Mr WIESE: Just as a final comment, and while we are talking on that area, the thing that I find surprising in there is that you have only a 99 per cent accuracy recording. That means that 3000 of those records are in fact inaccurate. How can you explain that, or what degree of inaccuracy are we talking about?

Mr STOCKINS: That covers the range of areas. Some of them are very minor, as you would appreciate, and sometimes they are outside of our control, inasmuch as the correct information may not have been provided in the first instance.

Mr MacLEAN: How do you adjust something like that? Let us say a person is of an ethnic background and as the translation is being made or whatever for a birth, they spell the name incorrectly. How do you change that around?

Mr STOCKINS: I request that they have a document to support their application to change the record as it has been made.

Mr MacLEAN: So if they write the name down "John" and it is a different spelling of John, all they have to do is prove that -

Mr STOCKINS: Passport or birth certificate or something of that nature.

Mr MacLEAN: What if it is a birth certificate? What if it is a different spelling of John that the family have because they are, say, Celts so they spell the name differently.

Mr STOCKINS: If they request for it to be spelt in that manner and having supporting documentation I would effect the change.

Mr RIEBELING: I just have a question in output number 8, juvenile offender management, page 759. I notice on the output measures that we have a daily average muster of juveniles in detention of 145. I just wondered what the capacity of our juvenile detention centres are and, secondly, something that no doubt the departmental people will be aware of. There is a push for a detention centre to be built in the north of the State. I have not been able to locate in this document any allocation for such a detention centre. It is mainly coming from the Police Department, as I understand it, but I just wonder if there are any plans for a detention centre north of the 26th parallel.

Mr BARRON-SULLIVAN: I think, Member, the increase in that figure relates to a change in the way that the figure is calculated.

Mr PIPER: Can I speak generally? The Banksia Hill Detention Centre has a current capacity, not counting special cells, of 120 detainees with a design capacity in its ultimate expansion, and that requires extra build, of a touch under 200. Rangeview has a capacity of 56. You will notice in the capital works funding that there is, in fact, a funded increase in the size of Rangeview of an additional 24 beds that are budgeted in this period, so in fact the number of juveniles in detention has been reasonably stable over the last little while. The other issue is a matter of discussion between the police and ourselves. As you would be aware, there has been some media comment about the issue of transport of juveniles. The matter is relatively simple in that the police are funded to transport juveniles. We are examining the possibility of an alternative facility and we are talking to the police about some of their transport funding being used to fund it and them retaining the balance, and that is why there is nothing showing in these areas.

Mr RIEBELING: I know the budget process where you take out of one pocket and put it into another and the like, but to the public it is a huge waste of money, a massive waste of money, to be flying officers and juveniles backwards and forwards. I come from the Pilbara region where you see them on planes every second day and it is just such a huge waste of money. But I hear what you say about the allocation actually coming out of the police so perhaps we should be asking that question -

Mr PIPER: It is a matter that is under active policy consideration and certainly we are examining some options and talking to the police about it. We are not insensitive to the matter and we would like to see some different approaches to it.

Mr RIEBELING: In this same section, and this will be everyone's last question, we have the key effectiveness indicator again and in this particular section we have the rate of reoffending at 50 per cent. From what you have said in relation to the numbers of juveniles in detention centres, we do not have an overcrowding problem, we have sufficient resources to

deal with the numbers of people in detention. I just wonder, is a figure of 50 per cent an acceptable rate throughout the world or are we lagging behind the field or what?

Mr PIPER: Can I make a preliminary comment and then I will ask Annette, who I think was anticipating a response. One of the things that has been incredibly successful with juvenile offenders has been the implementation of restorative justice approaches through the juvenile justice teams and the consequential reduction in the number of juveniles going through the formal court process. In the juvenile area we have been much more successful in dealing with and diverting juveniles out of the formal court and detention process.

Mr RIEBELING: We always have been, have we not?

Mr PIPER: We have been, but in fact over the last four or five years since the implementation of juvenile justice teams and the changes to the Act the numbers have shifted a fair bit and, to some extent, even though my comments earlier were somewhat facetious, they are nonetheless accurate. If you divert a lot of people from the front end of the system, and the secretary quoted the sort of average numbers of repeat offences for some of the people who end up in detention, then you are dealing with a group who are much more likely to reoffend who end up in detention.

Mr RIEBELING: You also then concentrate your resources on those remaining in the system.

Mr PIPER: Yes, we do, and in fact if you have had the opportunity to visit the Banksia Hill Detention Centre what you will see, because of the requirement to work with juveniles, is a very active, full daily program for all juveniles in detention involving education, training and other sorts of therapeutic and case management programs. You will notice from the average cost of managing a juvenile that we spend a lot more money on each of the juveniles. There is no lack of focus and, in fact, the assessment of the education programs, for example, for the juveniles in Banksia Hill, independently assessed, showed them to be a very good program and often we get at that point young juveniles who have had only a passing association with schooling.

Because they are in detention they are required to go to school and you are seeing accelerated learning rates for young offenders in detention, which demonstrates their capacity to learn, but due to their offending behaviour and lifestyle they have not had a chance to before. There is, in fact, a lot of energy and effort applied to juveniles in detention but notwithstanding that, partly due to their age and therefore volatility and partly due to the fact there is significant diversion before we get to that point, we are still seeing reoffending rates in this sort of order. I think Mr Harvey wanted to comment, if the committee are happy.

[9.50 pm]

Mr HARVEY: This is a good illustration of the issue of complexity around about this rate of reoffending statistic. It is a classic example of exactly the effect we were talking about earlier. The juveniles that we have in detention here are the high risk classic repeat offenders. We have done a good job in recent years in diverting lower risk offenders. Here we have the classic high-risk offender cycling through, it is true. Our rate of reoffending is high but it is not a measure of any lack of attention or efficacy that we are putting into this, I can assure you.

Mr RIEBELING: What is the world rate? What do they tell us around that?

Mr HARVEY: I think this is pretty middle of the pat by the interjurisdictions across Australia.

Mr MacLEAN: Madam Chair, my question relates to output 15, page 773, dot point 1 and it is the introduction of Family Violence Courts. Mr Parliamentary Secretary, could you tell me what type of evaluations were done for this program to be implemented and what ongoing evaluations are taking place to gauge its acceptance and success?

Mr BARRON-SULLIVAN: I will ask Dr Fitzgerald to give some advice on that.

Dr FITZGERALD: Before we implemented the Family Violence Court in Western Australia we visited the Domestic Violence Court in Elizabeth in South Australia where they had recently undertaken an evaluation of the effectiveness of that court. In addition to that we undertook a review of similar courts operating in other places in Australia, and one of those is in the ACT in Canberra. I think there is another one in Queensland. We really looked at how those courts are set out. I think the Elizabeth court was the only one that had been properly evaluated, but certainly the results of that evaluation of the Elizabeth court were sufficiently encouraging for us to believe it was worth piloting a Family Violence Court in Western Australia.

The way in which we are evaluating the Family Violence Court here is that the court has been set up in Joondalup. We will be comparing the outcomes of that court, and when I talk about outcomes I am really talking about repeat family violence, repeat offending related to domestic events, satisfaction of the participants in the court, both the victims and the offenders, and also the court staff and the police.

We would be comparing that with a comparison court where the concept of a Family Violence Court is not operating. It is always difficult to say whether you are comparing like with like. If we were to do a really scientific study, we could possibly do that, but it would cost a great deal of money to do so. If you are willing to accept some of the limitations of the comparison that we are using, then I think that this should provide us with a reasonable basis for determining whether the Joondalup Family Violence Court is, in fact, achieving the objectives that we are hoping to achieve.

Mr MacLEAN: The police officers involved with that court are not earmarked for replacement because they are specialist officers, are they not? They are the Family Violence group of the police force who handle that section.

Dr FITZGERALD: I cannot really comment on the replacement. Certainly there will be a dedicated police prosecutor working in the Family Violence Court. Out at Joondalup there is a domestic violence police group who will be involved as well. I am not too sure about the deployment arrangements for the police.

Mr PIPER: If I could comment on that with the committee's indulgence, I think one of the features of this particular project, however it is evaluated, has been the level of coordination and cooperation that we have managed to achieve, particularly amongst the magistracy and court administration, the Ministry of Justice more generally in terms of its program delivery, the Police Service and Family and Children's Services. The project officer who is supporting the project is a police officer on secondment to run the project and that signals, I think, the very strong support for this project by police senior management. In addition, and because of that close coordination, there has been the establishment and trialling of a responsive unit within the Joondalup police area. One of the reasons for choosing Joondalup, of course, is that it is one of the longest facilities where the police and courts are almost completely co-located. It is in an easy location to do that.

My understanding is that once that is all established and presuming the thing continues, that resource in Joondalup will be the resource for that issue in that area, but obviously the project personnel, both on our side the police side, may or may not move on. The other element, as was discussed at another time, as with the Drug Court, is the greater case management involvement of the court which is requiring the agencies who supply case support, both non-Government agencies and Government agencies, to be better coordinated and that case management aspect is somewhat unique to this trial in Western Australia and is testing, if you like, our shared processes between agencies. It is another example of getting it right together. I would have to say that all the signs at the moment, just out of the work that has been done to set up the pilot and people looking into each other's area, is extremely positive in terms of better overall process, so regardless of all the rest I think there is going to be an ongoing re-evaluation of what each of the agencies is doing in this area.

Mr McGINTY: Is it possible to provide by way of supplementary information in respect of the Laverton Boot Camp what happened with the equipment there? By that I mean the initial purchase price and also the disposable revenue that came in from that source. I do not particularly want it now, but is it possible to show a breakdown of what happened with all the gear?

Mr PIPER: By all means.

The CHAIRMAN: In view of the time, Members, I will now put the question. The question is that the appropriation for division 63 outputs 7, 8, 11, 12, 13, and 15 be recommended. I think the ayes have it. I will now leave the chair.

Committee adjourned at 10.00 pm
