

GOVERNMENT DEPARTMENTS AND AGENCIES, LITIGATION AND OTHER COURT ACTION

16. Hon George Cash to the Minister for Agriculture and Forestry
- (1) Has any Ministry, Department or Agency within your portfolio responsibility been either a plaintiff or defendant in any litigation or other Court action during -
- (a) 2001;
  - (b) 2002; or
  - (c) 2003?

- (2) If so, will you provide a summary of the action?

Hon KIM CHANCE replied:

Department of Agriculture

- (1) Yes.
- (2) This question was answered in May 2003 giving details of litigation up until April 2003. I refer the Member to the answer to question 592 (Hansard of Thursday 8 May, 2003).

Between the last answer and the end of 2003 the following actions took place.

Petty Sessions prosecution of Michael Arthur Bourke and Jodie Leanne Bourke under the Soil & Land conservation Act

Petty Sessions prosecution of Beermullah Pty Ltd under the Soil & Land Conservation

Petty Sessions prosecution of John Edward Neave and Mary Connie under the Soil & Land Conservation Act

Petty sessions prosecution of Triangle Agencies under the Veterinary Preparations & Animal Feeding Stuffs Act.

Petty Sessions prosecution of Michael Ken Patane and Pennie Joanne Patane under the Soil & Land Conservation Act

Petty Session prosecution of Thomson & Redwood 2001 Pty Ltd under the Veterinary Preparations and Animal Feeding Stuffs Regulations

The provision of a further summary of the actions would require a considerable re-allocation of resources and require legal advice as to whether such details could be given without prejudicing the case. Should the member require details of any particular matter I will endeavour to provide it.

Potato Marketing Corporation

- (1a-c) Yes
- (2) The Potato Marketing has taken the following action as Plaintiff during 2001-2002 to ensure compliance with the Marketing of Potatoes Act and Regulations.
- 2001 - Defendant Gaterange Pty Ltd. Found guilty and fined \$3,250 plus costs of \$4,622
  - 2002 - Defendant Gaterange Pty Ltd. Found guilty and fined \$15,000 plus costs of \$500
  - 2003 - Defendant A Galati - Matter was ongoing at 31 December 03
  - 2003 - Defendant Galati Nominees - Matter was ongoing at 31 December 03

Perth Markets Authority

- (1a-c) Yes
- (2) In 2002 the Perth Markets Authority was plaintiff in the following actions to recover outstanding rent and outgoings due under a lease agreement.
- Perth Local Court Action 14836/2002 Defendant - A Khan
  - Perth Local Court Action 23968/2002 Defendant - M Fontana
  - Perth Local Court Action 23970/2002 Defendant - Melonglow Pty Ltd
- In 2003 two breach of bylaws prosecutions commenced:
- 9 May 2003 Defendant - Domenic Scutti
  - 6 November 03 Defendant - Nicholas Langley

Forest Products Commission

- (1) (a) 2001 - No litigation.
- (b) 2002 - No litigation.
- (c) 2003 - Yes. Three matters.

- (2) Contractual Dispute with Mr W N Crocker - ongoing.

Mr W N Crocker placed a writ alleging the Department of Conservation and Land Management had prior to 16 November 2000 (when the Forest Products Commission incorporated) and the Forest Products Commission now has, an obligation to sign a production contract for log supply.

Mr Crocker has received advice from, and attended meetings with the Forest Products Commission with, several legal practitioners including barrister Hockley, all of whom appear to have accepted that the Forest Products Commission has no case to answer.

Mr Crocker represented himself at the hearing of his writ and the Forest Products Commission was represented by the Ministry of Justice. Mediation was considered inappropriate and Mr Crocker was to seek further legal advice on advisability of continuing his actions.

Mr Crocker has legal representation and is pursuing his claim. Discovery is proceeding.

*Auscorp Pty Ltd v Forest Products Commission*

Cross-claims Auscorp for breach of contract and the Forest Products Commission for unpaid amounts for wood delivery. Settlement terms agreed and court action suspended pro tem.

*Vasse Firewood v Forest Products Commission*

The Forest Products Commission denies breach of contract. Counter-claim for unpaid wood supply accounts. Litigation entered by Plaintiff. Crown Solicitor's Office advises no further action to date. The Forest Products Commission to pursue having Plaintiff's plaint struck out and orders for moneys owed plus costs.