

COMMITTEE REPORTS AND MINISTERIAL STATEMENTS - CONSIDERATION

Committee

The Chairman of Committees (Hon George Cash) in the Chair.

Joint Standing Committee on the Anti-Corruption Commission - Eighth Report - Report on the Hearing with the Anti-Corruption Commission on 29 March 2004

Resumed from 13 May.

Motion

Hon DERRICK TOMLINSON: I move -

That the report be noted.

I advise Hon Ken Travers that when one speaks properly, one controls one's breath. Speaking in debates does not require breadth of volume; it requires muscle control. I can speak without blowing out a candle.

In some respects discussing this report today - 20 August - after it had been tabled on 13 May makes the debate redundant. The report is about a committee that was held on 29 March. The debate on this report today is especially redundant because many of the matters contained in it were raised with the Corruption and Crime Commission at the first formal meeting held with the joint standing committee. The CCC responded to all the matters raised in the report, which was tabled on 13 May. Therefore, rather than speak to it, I simply draw members' attention to the report that will be tabled shortly.

Hon Graham Giffard, my colleague on the committee, wanted to make some comments on this report because it reported assertions made by the outgoing chairman of the ACC about procedures and provisions for the incoming CCC, which were not substantiated when members of the CCC spoke to the committee. Therefore, I will not discuss the content of the report. However, I draw attention to the need for these reports to be commented on much sooner after they are tabled. Talking about a report today that is already six months old is not the best use of the committee resources. I hope that in a future Parliament or the next Parliament the Standing Committee on Procedure and Privileges might give some thought to procedures whereby, at the discretion of the House, reports might be dealt with immediately if they are of such significance; otherwise, important matters that are deferred are forgotten about before members have an opportunity to speak to them.

Question put and passed.

Management of Fisheries - Statement by Minister for Agriculture, Forestry and Fisheries

Resumed from 11 December 2002.

Debate adjourned, on motion by Hon Kim Chance (Minister for Agriculture, Forestry and Fisheries).

Standing Committee on Public Administration and Finance - Seventh Report - Impact of State Government Actions and Processes on the Use and Enjoyment of Freehold and Leasehold Land in Western Australia, Motion

Resumed from 25 June on the following motion moved by Hon Barry House -

That the report be noted.

Hon BARRY HOUSE: I anticipated that a few other members might have made a comment on this report. Nevertheless, I will briefly add to the comments I have already made, because since the initial debate on this committee report, at least two sectors of government have responded by way of tabled papers in this House, and I have not been totally encouraged by the response. The first response came from the Minister for State Development regarding a couple of recommendations, the first of which was recommendation 23 of the report, which states -

The Committee recommends that the Department of Industry and Resources publish an updated version of the Great Southern Development Corporation's *Code of Conduct for the Owners of Farming Properties and Persons Exploring or Mining on Private (Agricultural) Land in the Central Great Southern* and *Guide for the Owners of Farming Properties in Relation to Exploring and Mining on Private (Agricultural) Land in the Central Great Southern* incorporating mining issues affecting all Western Australian landholders.

The response from the Minister for State Development is okay to a point, but he says that -

For these reasons it would in my view be somewhat presumptuous, inappropriate and probably counter-productive for the Department of Industry and Resources . . . to now assert an "ownership" of the Code

Hon Derrick Tomlinson; Hon Kim Chance; Hon Barry House; Chairman; Hon Ken Travers; Hon Murray Criddle; Hon Barbara Scott; Hon Ljiljanna Ravlich

for the purpose of publishing an “updated” version for distribution and application across all of the State’s agricultural regions.

His answer goes on to correctly point out that if this were to be done, it would be the province of other departments and would need to be done in consultation with local groups such as the Pastoralists and Graziers Association, the Western Australian Farmers Federation and the shires in each region. I acknowledge and accept all of that, but I hope that the minister in his response to that recommendation is not trying to handball the responsibility to-

Hon Ken Travers: No he isn’t, and if you read the full letter he also goes through the history of how those documents were arrived at, which members of the committee were not aware of at the time, and why it is therefore important that the ownership remain with the people who developed them.

Hon BARRY HOUSE: Yes; I accept that. That document came to the notice of the committee as a useful blueprint that could be adopted elsewhere.

Hon Ken Travers: The point the minister makes is that it is useful because of the way it was developed.

The CHAIRMAN: Order, members! We have only 37 minutes remaining.

Hon BARRY HOUSE: Yes. The second response was in regard to recommendation 37, which states -

Recommendation 37: The Committee recommends that the Government introduce, after a two year phase in period, legislative requirements that:

- (a) any policy, strategy, plan or other document impacting on administrative decision-making with respect to land use that affects one or more specific certificates of title, is to be of no effect unless it is registered with the Department of Land Information; and
- (b) all policies, strategies, plans or other documents impacting on administrative decision-making with respect to land use that are specific to a certificate of title are to be, upon registration with the Department of Land Information, cross-referenced with the relevant certificate of title.

The minister’s response to that, in short, states that it is a good idea but he thinks it is too hard. In fact, he does not support the concept of requiring the registration of interest on such titles of private land with the Department of Land Information. That is disappointing. Whether it is the responsibility of the department or whatever, government in general needs to take responsibility for that. The issue came to the notice of the committee on several occasions when private property owners had dealings with the Government in one way or another, and were either surprised, bewildered or, in many cases, angered to find that other policies were brought into play in their negotiations with government at a later stage by one sector or other of the bureaucracy of which they were not aware at the outset. In many cases, it appeared to them to be a convenient excuse for the administration of government not acting on an issue. It is the committee’s wish that some process or system be developed in government to reflect that, so that private property owners are fully aware and informed of the policies, statutory requirements and other regulations that impact on their property. We live in a day of modern technology; we are told a lot about modern technology but it often does not use all its capabilities to benefit end users. It is good at confusing end users but not always good at providing information if it is not in a proper form.

The second response was tabled on Wednesday by the Minister for Racing and Gaming and for Government Enterprises. It was a brief response, which was even more disappointing than the initial response. It states, in part -

I have contacted the Chief Executive Officer of the Water Corporation on this matter and he has provided the following information.

“The Water Corporation would support and participate in any review of legislation relating to the acquisition of privately held land for a public purpose and detailed consideration as to whether a ‘just terms’ or ‘fair’ compensation provision should be incorporated.

I suppose that is not dismissing it, but it is not exactly embracing it either. It is not giving a view either way on several of the recommendations and large parts of the report that deal with the impact on private property owners of agencies or organisations such as the Water Corporation concerning water easements across properties. They are the two responses that have been tabled to date. I am keen to see the rest of the responses, because this is a very wide-ranging report across a lot of arms and various agencies and instrumentalities of government. I am interested and keen to see that the Government takes the report seriously, because, as has been mentioned before, it is really a reference point. It reports a series of issues that were raised with the committee. This Government and any future Government need to take it on board, because it points to many areas of policy, legislation and

Hon Derrick Tomlinson; Hon Kim Chance; Hon Barry House; Chairman; Hon Ken Travers; Hon Murray Criddle; Hon Barbara Scott; Hon Ljiljanna Ravlich

regulation, and, in particular, many areas in which there is interaction between government agencies and private individuals that leads to disputes.

In a wider context, I believe we are becoming aware that the bigger picture is that many vehicles exist in our community - many conduits, I suppose, between government and the public, such as policies, legislation, regulations and so on - that are leaving a bad taste in the mouths of many people. It has been building up, but the publicity came to the fore in recent days about the impact that planning and regional schemes are having on a wide range of people. We have also seen the impact of policy documents that overlay that, such as Perth's Bushplan and Bush Forever. They are still having a great impact, and that is causing considerable angst for many individuals. Yet another one is the wetlands policy for the Swan coastal plain, which is out in the community, with the draft plans drawn on a desktop. Those plans are often drawn without any local knowledge of the real situation that exists on the ground, without any direct local consultation and without any direct involvement of the people who draw the lines on the maps. This leads to widespread concern among people. That is just one area in which the planning policies, regulations and statutory schemes will be an ongoing matter of disputation in some cases.

There are other arms of government. We have seen - I think I referred to it before - a discussion paper on the erosion of private property rights in Western Australia that was prepared by the Real Estate Institute of Western Australia, the Property Council of Australia and the Urban Development Institute of Australia. They refer to the increase in property taxes and point to the fact that 42 per cent, I believe, of state-based taxes are property based. That figure has risen rapidly in recent years. They also point to other issues, such as heritage and general regulation, that are impacting heavily on that sector.

There may be comments from other members. However, I believe that rounds off Parliament's treatment of this report for the time being. I certainly hope that it is not the end of the matter and that down the track, in two, four or even 10 years, legislation will be enacted in this Parliament that refers back to this committee report as the genesis of that legislation. It may not have directly pointed to it, but it may have been the catalyst for the Government taking some of these points seriously and starting to look at the specific terms of its legislation or policies that are having a perhaps unintended, but in many cases adverse, effect on individuals' private property rights.

Hon KEN TRAVERS: I take the opportunity now, because it relates to this report -

The CHAIRMAN: For those who are interested, there are 23 minutes remaining.

Hon KEN TRAVERS: Did anyone else wish to speak?

The CHAIRMAN: It does not appear so.

Hon KEN TRAVERS: I did not see any indication that anyone else wished to speak.

The CHAIRMAN: You are right. I was indicating that that was the time we had left.

Hon KEN TRAVERS: The clock should be running for me.

The CHAIRMAN: You are responding on behalf of the Government, as I understand it.

Hon KEN TRAVERS: I am actually responding as an individual member. The clock should be running. I am happy to take only 10 minutes to respond.

I will address some comments made by the Chairman of the Standing Committee on Public Administration and Finance. When I last spoke on this matter I urged members to read the report. I listened to the comments of Hon Robyn McSweeney in the adjournment debate last night and it was clear to me that she had not read this document. People are already seeking to slightly reinterpret this document. Hon Robyn McSweeney spoke about the Bunbury region scheme during the adjournment debate last night. That issue, in terms of planning laws and the like, was picked up in the report. The committee made some recommendations on how to do those things better. We did not attack the structure in the way in which the member did last night. I urge members to look at her comments in *Hansard*. The committee was directed to produce this report, which goes through these matters in significant detail. A member has now come into this place and used terms such as "stealing land" and "ripping off land". We went through this process. That sort of language was not used in the report because it is nonsense.

Hon Robyn McSweeney interjected.

Hon KEN TRAVERS: Before the member gets too upset, she should remember that the drawings that have been used to determine the Bunbury region scheme were issued in September 2000 by the Liberal Party.

Hon Robyn McSweeney: Alannah MacTiernan gave that response.

Hon Derrick Tomlinson; Hon Kim Chance; Hon Barry House; Chairman; Hon Ken Travers; Hon Murray Criddle; Hon Barbara Scott; Hon Ljiljanna Ravlich

Hon KEN TRAVERS: Hon Robyn McSweeney should not blame Alannah MacTiernan for it. Alannah is happy to take responsibility for good, orderly planning in this State.

Hon Robyn McSweeney: You go and talk to your department head.

Hon KEN TRAVERS: We will take responsibility for good, orderly planning. One noticeable thing about members opposite is that they seek to be good planners when in government but take no responsibility for that when in opposition. We have seen that time and again. I have seen that happen in the northern suburbs. The whole of the eastern Wanneroo area has been rezoned to urban without any regional roads being built because that lot ran around and made a political issue about it and took out those roads. Regional roads will eventually be built in that area. It was a deceptive move by members opposite. I am going back eight years. I get the sense that they will do that again. A document commenced when members opposite were in government is one that they are now trying to disown. What did Hon Robyn McSweeney say last night? She said that the communists would be proud of this! Was she referring to Graham Kierath the communist? It makes sense that members on that side are communists. I remember the finance brokers saga. They watched people rip money off older people in Western Australia. Maybe we are getting an insight into who are the real communists in this place.

We need to put in place an orderly planning system. The comments of the member opposite last night showed that she has not read this report and does not understand the planning structures of this State.

Hon Robyn McSweeney: Alannah MacTiernan sent her comments to the Press.

Hon KEN TRAVERS: Alannah MacTiernan was responding to some very inaccurate and incorrect -

Hon Robyn McSweeney: This came from her department head.

Hon KEN TRAVERS: I do not think *The West Australian* is a biased paper.

Hon Robyn McSweeney interjected.

The CHAIRMAN: Order! Hon Robyn McSweeney, one person has the call; that is, Hon Ken Travers. Let us have one person speak at a time. If there is any time left when he is finished, you will get an opportunity to speak.

Hon KEN TRAVERS: Sometimes *The West Australian* gets its facts wrong. In the articles it featured on the Bunbury region scheme, it completely misinterpreted the facts. With respect to the valuation issue, if Hon Robyn McSweeney wants to go down the path she is going down, I urge her to read pages 532 and 533 of the report, which has some interesting stuff. I challenge the member to see whether she is prepared to take up the views of John Hyde, the luminary of intellectual thought for the conservatives of Western Australia. He is not a bloke that I tend to agree with.

Hon Barry House: Which John Hyde are you talking about?

Hon KEN TRAVERS: The Liberal Party's John Hyde, not the Government's John Hyde. The Government has a John Hyde who is a luminary of intellectual thought, and the Liberal Party has one on its side! I am talking about the Liberal Party's John Hyde, the former member for the federal seat of Moore, who made some interesting comments. If members on the other side of the House want to be absolutely fair about this matter, they should pick up on what their intellectual leader has said on the matter. If Hon Robyn McSweeney wants to go down the path she is going down, she should consider John Hyde's view that when a Government gives a benefit, it should charge for it. The Liberal Party's John Hyde said that if the people in the Bunbury region scheme will receive a benefit when their land is rezoned to urban, they should be charged for it.

Hon Barry House: That's what you believe in - an enhancement tax.

Hon KEN TRAVERS: Do I? Have I ever said that in the Chamber, Hon Barry House?

Hon Barry House: I don't know whether you've said it in the Chamber -

Hon KEN TRAVERS: The member is very close to transgressing the standing orders.

Hon Barry House: Do you believe in an enhancement tax?

Hon KEN TRAVERS: It should be considered if people like Hon Barry House and his mate behind him want to go down the path of misrepresenting Western Australia's planning structures. If they are honest about the matter, they will consider the comments about an enhancement tax. Members may be aware that a betterment tax used to be a part of the legislation in this State. As I understand it, the original Town Planning Act 1928 included a betterment tax, although it has since been removed. If Hon Robyn McSweeney thinks I am misquoting John Hyde, a former federal member for Moore, I urge her to read page 532 of the report. Members should also read chapter 2 of the report. I made it easy for members when I previously stood in this place and

Hon Derrick Tomlinson; Hon Kim Chance; Hon Barry House; Chairman; Hon Ken Travers; Hon Murray Criddle; Hon Barbara Scott; Hon Ljiljanna Ravlich

said that if they read only one chapter, it should be chapter 2, because it would give them a good understanding about the State's land laws and how they work. Hon Robyn McSweeney should not come into this place and say that land has been stolen. No-one has stolen any land; that is a complete fabrication and misinterpretation of the facts. However, I am getting used to that from Hon Robyn McSweeney, because we get that sort of nonsense from her all the time. She comes into the Chamber, leaves the facts at the door, and puts together a complete fabrication of the truth.

I refer members to page 533 of the report and to a comment by John Hyde, a representative of the Private Property Rights Committee of the Pastoralists and Graziers Association of WA. He said -

If such responsibilities are removed, the Crown should sell the right to do the new thing on that property. In other words, if it creates a new right the reward should go to the Crown. During this ongoing argument, the Pastoralists and Graziers Association of WA has never sought windfall gains for its members. It asks only that the rights, *ex ante*, be respected.

He is saying that if we give rights, we should charge for them, and that if we take them away, we should compensate for them. I do not have a problem with that. Have we taken any rights from these people? The answer is no. Are they allowed to continue to farm the land as they have done previously? Yes. If they have been given the approvals, they are allowed to continue to farm in that way. Members must understand that this is where one of the key issues of this report comes in. Again, if members read the report - a lot of work has gone into it - they will understand the situation. Many people mistake - members opposite are making the same mistake - the difference between an anticipated right and a right that has been formally granted. I hope that members in this place will try to understand the facts so that when they talk in public forums and in this place, they correctly understand the situation.

Hon Robyn McSweeney: Have you been down there and actually sat down and spoken to the people who are being affected?

Hon KEN TRAVERS: Hon Barry House could point out to Hon Robyn McSweeney that I spent three years with Hon Barry House and Hon Murray Criddle and two years with Hon Ray Halligan and Hon Murray Nixon on a committee looking at these issues and travelling around the State taking evidence. I let the member know - and I challenge any member to disagree with me - that on every committee on which I have sat, one thing I have urged is that when the committee has issues to deal with, it should travel out to people and listen to their evidence *in situ*. It should not sit in this Parliament or the committee rooms on Hay Street. I have never argued for overseas travel, but I have always argued for travel within the State, and I will continue to do that. I ask Hon Robyn McSweeney: have I talked to people about the Bunbury region scheme? No. Have I talked to people about the Peel region scheme? Yes. Have I talked to people about other land issues in the south west? Yes. Have I done that for the past five years that I have been a member of Parliament? Yes.

Hon Robyn McSweeney: There is a difference -

Hon KEN TRAVERS: The member opposite needs to learn the laws of this State so that when she talks to people she does not mislead them. That is the first responsibility that we as members of Parliament have: to help people -

Several members interjected.

The CHAIRMAN: Order! The question is that the report be noted. Hon Ken Travers.

Hon Alan Cadby interjected.

Hon KEN TRAVERS: Hon Alan Cadby could have taken the call. I could have sat down and members could have taken the call, if they wanted to.

The CHAIRMAN: I looked around.

Hon KEN TRAVERS: I know you did, Mr Chairman. I looked around as well and saw no member jump to his or her feet; so they must all be agreeing with me.

Hon Barry House interjected.

Hon KEN TRAVERS: I find that interesting from the chairman of the committee. I would like to know when I have said anything so far that is in disagreement with what is in this report.

Hon Barry House: When did I say that?

Hon KEN TRAVERS: Hon Barry House said that I had read the report, which suggested from the tone of his voice that I was misrepresenting someone.

Hon Derrick Tomlinson; Hon Kim Chance; Hon Barry House; Chairman; Hon Ken Travers; Hon Murray Criddle; Hon Barbara Scott; Hon Ljiljanna Ravlich

Hon Barry House: No, I was not. I did not imply that at all. You were talking about a quote from John Hyde about a betterment tax and I asked you, by interjection, whether you believed in a betterment tax.

Hon KEN TRAVERS: No. In that sense I guess the question one should ask all members in this place is whether they agree with the general principle that we should charge for the right that a Government grants to someone and if we take the right away we should compensate that person. Do members agree with that general principle?

Hon Robyn McSweeney: How can you put a value on someone's property, which they have worked for?

Hon KEN TRAVERS: We cannot put a value on someone's property. That is why the system that operates in Western Australia is that when land is zoned under a region scheme, people are entitled to continue to retain ownership of the property and continue with the use and enjoyment of the property until it is needed for a public purpose. In addition, owners may complete any development or subdivision of that property that was approved prior to the reservation coming into effect. Therefore, someone who is operating a cattle grazing or horse training operation on farming land in the south of Bunbury that is currently zoned rural and subsequently rezoned parks and recreation -

Hon Kim Chance: So it does not interfere with an existing right?

Hon KEN TRAVERS: That person has those existing rights.

Hon Kim Chance: That is not what we were told yesterday.

Hon KEN TRAVERS: No. Anyone who listened to the debate yesterday would think we were going in there and grabbing the land and kicking people off it.

Hon Kim Chance: Mugabe-style, as we were told, which is clearly untrue.

Hon KEN TRAVERS: Yes. It is the same way in which land in Western Australia has been rezoned for many years. In fact, there are numerous regional parks in Perth under which, in many cases, the land is reserved and will not be sought by the State until the people who are living on it indicate that they wish to sell it to the State. That is the way it occurs in most, not all, cases with reservations. About 21 200 hectares of regional open space has been purchased in that way in Perth. About 90 per cent of the land in the greater Bunbury area that has been reserved for public open space under the region scheme is crown land. Only 10 per cent of the land has been reserved, which is significantly less than in the metropolitan area. The question that members need to ask themselves is this: in the Perth area, would we want to get rid of the Avon Valley National Park, the John Forrest National Park, the Yanchep National Park, the Herdsman Lake Regional Park, the Rockingham Lakes Regional Park, the Yellagonga Regional Park, the Beeliar Regional Park or the Jandakot Botanic Park; and the list goes on? Members also need to ask themselves the question: are people paid a fair value for their land? The answer is yes, they are, because it is interesting that under the Western Australian Planning Commission Act the same terms that are applied to the metropolitan region scheme are also applied to the Bunbury and Peel region schemes. I note that all members in this place ended up supporting the Peel region scheme. A few people tried to play politics with it, but at the end of the day it ended up going through this Chamber without a division being taken.

Hon Barry House: I think you will find that is wrong. I will check my facts, but I think you will find that you blokes bought the Greens by promising another conservation estate. We actually opposed it.

Hon KEN TRAVERS: I do not think members opposite divided on it.

Hon Barry House: That may well be so, but -

Hon KEN TRAVERS: Members opposite play politics with these issues all the time.

Hon Kim Chance: Does the Bunbury region scheme have any history?

Hon KEN TRAVERS: It has a lot of history. Its history goes back to that great communist - the former Minister for Planning, Graham Kierath. Do members remember the terms that have been used about communists? That is where the documents come from. Obviously there is a process that must be gone through, and amendments will be made to the documents as a result of the EPA processes, the public consultations and the on-site visits that have been taking place over the past couple of years and have involved the Department for Planning and Infrastructure officers going out to the sites and meeting with the affected landowners. I do not expect there will be a huge number of amendments, but amendments will be made. The Leader of the House is absolutely right. There is a process that is gone through. Those documents and that process were commenced in September 2000. They were commenced not by Alannah MacTiernan but by Graham Kierath. However, Hon Alannah MacTiernan will happily go out and defend the planning system in this State, because that is the sort of person

Hon Derrick Tomlinson; Hon Kim Chance; Hon Barry House; Chairman; Hon Ken Travers; Hon Murray Criddle; Hon Barbara Scott; Hon Ljiljanna Ravlich

that she is. She is not like members opposite, who, even though it was their Government that commenced this process, are now seeking to disown it.

The legislation provides that people shall be paid the valuation price, and that valuation price shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to the regional planning scheme. Therefore, even if the land is rezoned by means of legislation, there is still a requirement that the owners be paid - I think the terms are the highest -

Hon Robyn McSweeney: What about what has happened at Peppermint Beach?

Hon KEN TRAVERS: Again, the member is demonstrating clearly that she has not read the report, because the report talks about the issue of valuations.

Hon Robyn McSweeney: Actual, not potential.

The CHAIRMAN: Order!

Hon KEN TRAVERS: It is very interesting that the report does talk about valuations. This is a complex area, and I do not profess to be an expert on it, but one of the things that struck me as a member of the committee is that people will say that they are not land speculators, but in the same breath they will say that they bought the land for their superannuation. They either bought the land to farm it, because it is zoned rural - and that is fine - or they bought it because they believe it has the potential to go up in value down the track. Often the reason that the land goes up in value is not because people are suddenly allowed to run more head of cattle on it, therefore it becomes a more profitable economic venture, but because people assume that it will be rezoned urban or industrial or for some other purpose that will give it a higher value than it will have as rural land. I remember a classic case in point. When I was a member of the committee that preceded this one and that considered the same matters, it looked at some land in the Peel area. The explanation given to us was that the land had previously been valued at about \$5 million. It was valued at a time when people had the expectation or hope, or were speculating, that it may be rezoned urban and there would be a canal development at the edge of the river. I asked someone whom I respected and trusted would have a fair understanding of how to value rural land. I could see him doing calculations in his head about the number of cattle that could be run on the land and all the other aspects of its value from a rural point of view as an operating farm. From memory, he said that it would be worth about \$500 000. I made the comment that it was a nice block of land and that if someone wanted a farmhouse on it, he might pay a bit of a premium, because the house would be by the river. I said that surely it would add a bit to the value of the land. He said that it may increase the value to about \$750 000. The Government was offering over \$1 million for that land. The difference was that people were speculating that it would be rezoned and therefore go up in value. I accept that valuation is difficult, but part of the problem, which is why regional schemes need to be in place early, is that people start to speculate on what they believe the future worth of the land will be because they expect it to be rezoned and not remain farmland.

Hon BARRY HOUSE: I realise that there is not much time left, but a couple of points the previous speaker made may need to be responded to. There is no dispute from me or my colleague about the need for long-term planning. There is no dispute about chapter 2, which, as a good reference work, sets out the current planning laws in this State. The parliamentary secretary seems to imply that planning laws are set in concrete forever and a day, but they are not because Parliaments can change them. That is one aspect I was trying to confirm. If planning legislation needs adjustment, we must do it as a Parliament. This report does not rule out the possibility of planning legislation being changed at some future time to take into account changes in society or whatever.

Hon Ken Travers: With respect to the issues with the Bunbury region scheme, where does current legislation need to be changed?

Hon BARRY HOUSE: We heard evidence arising from the remnants of the Peel region scheme and other places. I think the member will find that the issues of contention relate to two aspects of it. One is the implementation of the overall planning scheme and the way in which it is handled by public servants. Quite frankly, it is sometimes handled appallingly, and not just with planning. We heard from individuals affected by Main Roads resuming land for road extensions. We heard other examples of AlintaGas easements across people's property. The way in which government interacts with people is important. Sometimes it is appalling. The people affected must deal with different government officials all the time, and they are not always notified of things properly.

Hon Ken Travers: The Bunbury region scheme, and the things we asked them to do in that regard -

Hon BARRY HOUSE: The implementation of it has been a real bone of contention for many of the people who have been affected.

Hon Derrick Tomlinson; Hon Kim Chance; Hon Barry House; Chairman; Hon Ken Travers; Hon Murray Criddle; Hon Barbara Scott; Hon Ljiljanna Ravlich

The other issue, of course, is compensation. My view is that if the Government wants to plan to acquire land, let it acquire it, compulsorily if necessary, but let it pay fair and adequate compensation and then lease the land back to the former owners, if that is the wish. Of course, valuers play an important role in compensation. I have not had time to look up the quote, but we have heard evidence from one valuer who appeared before our committee. Terry Dicks said some very illuminating things about the way in which the evaluation process addresses these issues. I have run out of time, but I think those are the critical aspects.

Hon KIM CHANCE: May I seek your advice, Mr Chairman?

The CHAIRMAN: The Leader of the House may seek my advice as long as he is not asking for an extension, because the standing orders do not provide for it.

Hon KIM CHANCE: I quite understand that. I simply seek your advice, Mr Chairman, acknowledging that the standing orders would not provide for an extension. However, this is an important issue. I would like to give Hon Barry House at least the opportunity of finishing what he was setting out to say.

The CHAIRMAN: With the indulgence of the House the honourable member could be given an opportunity, and we would not put the clock on at all. The time would not be recorded against that debate because the allotted time has expired. There are a number of other opportunities for members to raise this and other issues, such as via a motion or during members' statements at the end of the day. The good news is that members were able to speak for one hour and 45 minutes on this report, and it has been worthwhile.

Question put and passed.

Tabling a Report on a Review of the Agricultural Practices (Disputes) Act 1995 - Statement by Minister for Agriculture, Forestry and Fisheries

Resumed from 17 December 2002.

Motion

Hon MURRAY CRIDDLE: I move -

That the statement be noted.

I will make a few comments and ask what the situation is at the current time with the processes in place. This statement goes back to 2002, when the paper, the report into the Agricultural Practices (Disputes) Act 1995, was tabled. The report indicated that there had been very few functions for the board. Eight disputes were mediated in five years, although some approaches were made in the early stages. There were 62 approaches in 1997-98 about issues that may have been settled, and three of those I understand were mediated in that year. On a number of occasions there were requests for promotion of the functions of the Agricultural Practices Board. Even with that, only eight disputes were settled, and the recommendation in the report was for the repeal of the Act and for some of the processes to take place through the department itself. The three functions that were asked to be promoted were the mediation of disputes; participation and research into causes of disputes arising from the management of agricultural practices; and assistance in the prevention and minimisation of such disputes into the future. The department was apparently to assist with that process. What is the progress on the repeal of the Act? The Environmental Protection Amendment Bill 2003, which was before the House earlier, is referred to from the point of view of the Agricultural Practices (Disputes) Act. I seek the comments of the minister on the progress of those issues.

Hon KIM CHANCE: I thank Hon Murray Criddle for making those comments and seeking those clarifications. I can answer in two ways. Firstly, I will answer in the technical sense about precisely where we are in the formation of the repeal legislation. Cabinet has now approved the drafting of a Bill to repeal the Act, but drafting is not complete because greater priority has been placed on other legislation that has taken precedence. I cannot really indicate to the member when I may be able to bring the repeal Bill into the House, but it seems highly unlikely that I will be doing that this year. Secondly, setting aside the technical matters, I will answer from a more political or strategic viewpoint. I do not personally place a great deal of priority on this repeal legislation. I am happy enough to leave the Agricultural Practices (Disputes) Act and the Agricultural Practices Board in place for the time being. The board operates at a minimum level to simply meet its statutory obligations. The point was made to me - this is part of the reason I am in no hurry to proceed - that although the number of disputes literally mediated by the board is few, the very existence of the board and its informal processes have resulted in a reduction in the number of disputes. It has performed a valuable role without ever getting to the formal mediation stage. I am inclined to accept that argument as fact.

I turn to the final issue that Hon Murray Criddle raised: what will we do in its stead? I reported in the statement that I intended that the department establish its own mechanism for dispute mediation, and also to participate in

Hon Derrick Tomlinson; Hon Kim Chance; Hon Barry House; Chairman; Hon Ken Travers; Hon Murray Criddle; Hon Barbara Scott; Hon Ljiljanna Ravlich

research into causes of disputes arising from management or agricultural practices. The one that particularly springs to mind is aerial spraying and, in the broader context, agricultural spraying more generally. There is a clear role, and I believe an increasing role, for a body of some kind to carry out mediation. Its role to provide mediation as contemplated in terms of the original Act - of which I was a strong supporter; it was a good initiative of the former Government - should be extended so that issues that arise from time to time can be dealt with more proactively. For example, let us consider the use of agricultural chemicals. My research on the current legislation indicates that we have very robust law for the aerial application of chemicals with the very good Aerial Spraying Control Act 1966, but the capacity to control ground spraying is really poor. I am sure that Hon Murray Criddle is aware of the issues that have arisen. I refer to the marron kill at Mt Barker.

Hon Murray Criddle: I was the chairman of the committee that looked into those issues.

Hon KIM CHANCE: Indeed the member was. The consultative group grew out of Hon Murray Criddle's report. I recently have had the need to reconvene that consultative group, which gave a very good report that has further clarified those issues. I thank Hon Murray Criddle for reminding me of that matter.

Two issues are involved. First, if we repeal the Agriculture Practices (Disputes) Act, how will we deal with the vacuum that will remain? Second, how will we deal with the proactive issues picked up in the past, if Hon Murray Criddle does not mind me using the term, through more ad hoc measures with purpose-type committees? That is not to denigrate their role at all; some very good work was done.

A range of issues are involved. We recently had a difficult and painful issue to deal with in which a farmer fell into dispute with the Department of Agriculture over the requirement to inoculate cattle coming from the eastern States as a guard against liver flu. This caused the farmer to withhold milk from those cattle for a period, which was taken to be the entire lactation cycle of those cattle. We need someone outside a courtroom context to deal with such issues, and this must be someone trusted by both parties. In that latter instance we were able to go to the Ombudsman as an appeal point, but we need something of the nature of the Small Claims Tribunal, on which this legislation was modelled, to take its place. I am not sure that that can be done in the departmental context. However, I have said in the statement that that is the way we intend to do it. I want to go back and look at this issue much more closely. I will not be happy to introduce the repeal legislation until such time as I am able to adequately answer the questions that Hon Murray Criddle has just asked. We need to show where it is we are going if we are to take this legislation away. However, it is very difficult to show on paper that the legislation has been successful, but perhaps the story off paper is somewhat different. These other issues need to be picked up in that resolution.

Hon MURRAY CRIDDLE: I was surprised to see the statistics when they came through because I thought more disputes had arisen. I am not sure that people understand that there is a capacity to achieve the resolution of these matters. The minister rightly mentioned that spray drift and the like are very serious issues. Other issues go well beyond that, and a board or a committee is a very good mechanism for settling what are often quite simple disputes in a manner that will not cost people the earth. I encourage the minister to put something in place to service that requirement. I am not sure that it should be strictly for agricultural purposes either. I recently heard that some people were in dispute over a small amount of money and were required to go to court, which involved the consequent legal costs. I understand there is a minimum amount of money that cannot reasonably be disputed through the court process without costing a lot more than the sum concerned. A simple means of resolving small disputes is needed other than going through the court system. We all need to do some work on that aspect.

Question put and passed.

Select Committee on Advocacy for Children (Appointment of a Commissioner for Children) - Final Report and Appendices

Resumed from 2 July.

Motion

Hon BARBARA SCOTT: I move -

That the report be noted.

My motion put to the House last year resulted in the establishment of the Select Committee on the Advocacy for Children (Appointment of a Commissioner for Children), and it was agreed to by all members in the House other than government members. Members from the Greens (WA), One Nation and the Liberal and National Parties supported the establishment of that select committee. The committee was established and was due to report on 30 June this year. The members of that committee were Hon Giz Watson of the Greens (WA), initially Hon Jon Ford from the Labor Party and me as chairman. That three-person select committee was established by the

Legislative Council on 11 June 2003. Hon Jon Ford found that he had to resign from the committee due to a heavy workload. I thank Hon Kate Doust for her very valuable contribution to the committee. Much can be said about this report. However, I will endeavour to provide the House with a snapshot of the committee's deliberations. I place on record my thanks to the members who contributed a lot of time, and to the committee staff, particularly Mia Betjeman for her continued legal advice. We needed to seek clarification from her on a number of issues. I also acknowledge Anne Turner and Jan Paniperis, the committee staff, who all worked very diligently to try to meet the deadline of 30 June this year. We sought a slight extension to 2 July 2004 because much work had to be done.

The select committee's report is broken up into several key parts based on the terms of reference. We examined membership of a commission and sought to travel. Initially, we had hoped to travel to some countries in which there is an established children commission. However, that was not possible, and I understand the financial constraints that prevented that from happening. I am in the fortunate position of having visited in 1999 the English Office for the Rights of Children. It is working towards developing a commissioner for children in England. It had only just introduced legislation into Parliament when I was there in June this year. The legislation had not passed through the House of Lords, but it was being debated. When I first moved the motion to establish the Select Committee on Advocacy for Children (Appointment of a Commissioner for Children), I think 19 countries had a commissioner for children. I am very pleased to inform this Chamber that, in 1997, the United Nations Children Fund had identified 16 Commissioners for Children throughout the international community. By this year, more than 30 countries had such a commissioner. Since the select committee was established here, the Scottish, Welsh and Northern Ireland Parliaments have all legislated for the appointment of a commissioner for children.

The executive summary is short because there was unanimous support for a children's commission in Western Australia headed by a commissioner for children. We talked about the structure of the commission and the commissioner enjoying comprehensive powers, which we drew from other jurisdictions. Those powers would enable a commissioner to establish in Western Australia an advocacy for children and young people. The committee decided at the outset that we needed a definition of children so we adopted the legal definition in Australia of zero to 18 years. That was settled without any problems.

The committee intended to draft a Bill to present to the Parliament but it was not unanimously agreed to. I hoped for and intended that the committee would take advantage of the committee system to do that. However, I was outvoted on that issue; therefore, a draft Bill does not appear with the report. The executive summary notes that on 19 May 2004 the current Minister for Community Development, Hon Sheila McHale, announced that the State Government intended to establish a new independent children's commission in 2005 to be headed by a children's commissioner. The committee welcomed that decision and believes that the report that has been tabled will be a useful basis upon which work can begin to establish a commission for children and young people. Indeed, in June last year the committee was given approval to establish a committee of three members, and the committee met several times in December before the parliamentary recess. From the beginning of this year the committee met regularly and spent a lot of time on this inquiry.

The committee had hoped to travel throughout Western Australia to consult children and young people about the proposal to establish a children's commissioner. However, funding for that was not approved and nor was funding approved for the committee to travel to other jurisdictions to conduct inquiries. Funding was not approved for the committee to meet with the Commissioners for Children in New South Wales, Tasmania, Queensland or New Zealand. Once again, it was fortunate that I had already travelled to New South Wales, Queensland and Victoria, and had met the then Commissioner for Children from New Zealand when he visited Western Australia and spoke at the summit I organised in 2002. Although funding was not made available for the committee to travel, the committee could draw on much work that had already been done.

I will be disappointed if the Government launches a new inquiry to examine other models of commissioners for children. I have great faith in the committee work of the Parliament. The committee did a very good job and I acknowledge the staff and its members. The framework is in the report for the Government to pick up and run with. The report contains useful information about the powers, functions and work of the commissioner and how the legislation ought to be framed.

The second recommendation of the committee is that the work of a children's commissioner ought to reflect the principles that are consistent with the United Nations Convention on the Rights of the Child. I noted the interesting comments of Hon Derrick Tomlinson in a debate this morning when he made it clear that social attitudes have moved on since the Convention on the Rights of the Child was first spoken about, particularly in Western Australia. Today people accept that children have special rights that must be considered. Those rights include the right to an education, safe housing and protection, and the right to be healthy, which includes such things as vaccination. They are the types of matters the convention embodies. Therefore, it is important that the

commission for children reflect, and be consistent with, the Convention on the Rights of the Child, which Australia has ratified and endorsed. Based on advice I have received, I do not believe that the Western Australian Parliament would need to introduce special legislation to endorse the rights that are embodied in the Convention on the Rights of the Child, although a group of people do hold that view.

The committee's third recommendation refers to the independence of the children's commissioner. It is important for a special Act of Parliament to be passed that establishes the commission for children as an autonomous body that is outside government. Therefore, it can sit outside the agencies and comment on practices and projects and reflect on the work that agencies do and the needs of the community. The commission needs to be autonomous and free from government direction and control, which was part of recommendation 3.

The committee suggested that the commissioner be appointed by the Governor on the recommendation of the Premier and after consultation with the leader of each political party and at least five members in either House. It was also suggested that the commission be accountable directly to the Parliament including, but not limited to, a requirement to table annual reports. That is the framework for establishing the role of the commissioner.

The committee then considered the powers to be given to the commissioner. This was discussed in detail and it was thought that a commissioner should be provided with comprehensive statutory powers to perform functions. The commissioner represents, as I said earlier, all children, not just those at risk, from zero to 18 years of age, and the committee thought it important to note that in the report.

The majority of committee members also recommended the consideration of a joint parliamentary committee to oversee the commission. A comparison was drawn with the Anti-Corruption Commission or the now Corruption and Crime Commission in which a standing committee of both Houses of Parliament oversees its work to enable direct referral and reporting to the Parliament.

When I was in London in June of this year, just prior to bringing down this report, I met with the chairman of the House of Lords' parliamentary committee that oversees all children's legislation. When the children's commission legislation passes through that Parliament, that committee will look at it. It is a very large reference group of some 300 people, not all of whom attend all meetings. However, it is open to people who are interested and it is headed by a Labour peer, a baroness in the House of Lords, who sits on that committee, as do other members of Parliament. It means that a broad range of people can feed into the parliamentary process to consider the affairs. However, our committee considered having a joint parliamentary committee along the lines of the one that oversees the CCC.

The report recommends the eligibility criteria for the appointment of a commissioner and a five-year term of office, once renewable.

I have talked about recommendation 6 and about having a commissioner who represents all children, not just children at risk.

The majority of committee members also recommended that the commission provide the Government with a screening function, as does the Commission for Children and Young People and Child Guardian in Queensland. A discrete part of the children's commission office works on the child card. In Queensland, anybody who is employed or works as a volunteer with children must have a child card. To obtain that child card a person must have a national police clearance from CrimTrac. In Queensland, paid employees pay \$40 for the card and volunteers do not pay anything. That screening function will protect children, we hope, from people who are unsuitable or who have had convictions or charges recorded against them. There is a decided difference in the legal interpretation and description of a criminal history check and a police check. A police check records only crimes, but a criminal history check will include charges. That will embrace a wider scope of the community that has been charged with, for example, child assault or child sexual abuse but not been convicted.

The primary task of the children's commissioner is to provide systematic advocacy for the community; to advocate on behalf of, and for, children. That can be done in a variety of ways. The committee looked at ways it could be done. It can also bring together a coherent or joint agency response to issues dealing with children and some coordination across agencies. We found in Western Australia - although it is not uncommon in other States - that there is a problem that needs to be addressed. The delivery of services in the regions, through the police, health and education services and the Department for Community Development, is governed by different boundaries. As in the case of Susan Taylor, children are often referred to many agencies. Susan Taylor was known to 13 agencies. Not all the agencies are aware that there is a serious problem. One role of the commission is to try to encourage interagency cooperation. That is very important; it is not easy to achieve. I do not believe any Government would find it easy to achieve. Certainly, the role of the commission is to put in place systems that will not only advocate for children, but also bring about some interagency cooperation.

Hon Derrick Tomlinson; Hon Kim Chance; Hon Barry House; Chairman; Hon Ken Travers; Hon Murray Criddle; Hon Barbara Scott; Hon Ljiljanna Ravlich

The second part of recommendation 9 comes from our discussion in detail on whether a commissioner ought to have the ability to investigate individual complaints. Some commissioners do not do that; they investigate only systemic or wider issues. We felt it was important that the commissioner be able to respond, if he chose, to a complaint from a child. That would be in exceptional circumstances. The commissioner should also be able to comment on the adequacy of complaints handling systems in government agencies to ensure that they are accessible to children and young people and meet their needs.

The report contains 11 major recommendations. The final recommendation was to describe the powers and duties of the commissioner. The first duty was to prepare impact statements on legislation. I discussed this in June in detail with the children's commissioner for Northern Ireland after I visited and spoke to people in the House of Lords. It is one of the key things that they regard as an imperative. If legislation that deals with children comes before the Parliament, an impact statement should be prepared by the commissioner's office to determine what sort of impact the legislation will have on children and families. There is also a role in monitoring existing legislation to assess its impact on children and to comment to Parliament, if necessary. The commissioner could comment on community issues that are relevant to children and young people. Almost every day an issue is reported in the newspapers that is relevant to children and young people. Such issues include curfews, vaccinations, discrimination because of transport issues, and violent video games on the market. The commissioner might want to make comment about such things.

Hon Robyn McSweeney: There are kids running around the streets of Kununurra at the moment.

Hon BARBARA SCOTT: All those sorts of issues. The commissioner would have the power to initiate an inquiry into any government agency. That is where the power of outside scrutiny is given to the commissioner to allow the commissioner's office to look at the way in which agencies are responding. Indeed, that is why the Gordon inquiry was set up; that is, to look at the way in which agencies had responded to the situation of the young girl Susan Taylor at the Swan Valley Nyungah Community. Therefore, the commissioner's office will be able to initiate inquiries into a government agency.

We had an extremely erudite exposé from Hon Derrick Tomlinson this morning about the history of native welfare in this State and the way in which Aboriginal children have been dealt with. One would hope that the commissioner who is selected is a person who has the ability to foresee some of these issues that we can make a judgment about only historically. Maybe some people were saying at that time that things were not right. However, we need a children's commissioner who has the vision to be able to determine what inquiries need to be taken up.

The committee also recommended that the commissioner have the ability to act as - my Latin is not marvellous - *amicus curiae*, or a friend of the court. We felt it was very important that the commissioner be able to do that if it was felt necessary to give children the ability to have a strong advocate and a strong voice in the court.

The power to enter and inspect visitable sites was quite a contentious issue within the committee. However, the committee has recommended that the commissioner have that power so that the commissioner can enter any site where there is a child, whether it is a foster care home, a camp or whatever. The final recommendation of the committee was that the commission be funded by a direct allocation from the consolidated fund.

Flicking through the report, there are a couple of things that I want to put on the parliamentary record. The committee received a lot of submissions, and I thank all those people who gave of their time and energy to respond to our invitation for submissions. I will read a brief comment made by the then head of the State Child Development Centre, Dr Trevor Parry. According to the report, Dr Parry, who is the Head of Department, Department of Community and Developmental Paediatrics, Women's and Children's Health Service, stated -

"We believe that the present Departmental structures of Government, while keenly engaged in many ways in providing services for children do not, as presently structured, have sufficient independence and neutrality to speak freely and comprehensively for the needs of children and to be inclusive of their views."

That is quite a telling comment from Dr Trevor Parry, who is held in extremely high esteem in this community.

There was another comment from a Department of Health acting chief executive. According to the report, she stated -

"At present with children's issues being addressed by a spread of agencies, there is a tendency for a piecemeal or uncoordinated approach to assessing and meeting children's needs. This can result in duplication of services in some areas and an absence in others. A Commissioner for Children would provide leadership, be able to advocate for the rights of children in WA and bring a 'whole of

government' focus to the development of coherent and comprehensive policies in relation to issues impacting on children";

Another very good submission was received from the grandparents association. In light of recent debates in the Parliament, it is becoming much clearer that in this day and age many grandparents in our society are being asked to take on the care of their grandchildren. Sadly, grandparents are often asked to take on this role as a result of either the marriage breakdown or drug dependency of a son or daughter.

There are just over 500 000 children in Western Australia. It is interesting to note that the figures for Northern Ireland are almost identical to those for Western Australia. The Northern Ireland model was one that I could, in my own mind, compare with the situation in Western Australia. When in Northern Ireland I met the Acting Commissioner for Children and Young People, Barney McNeany. The commissioner was very ill at the time. We looked at the models for children's commissioners. The model on which the Northern Ireland legislation is based is very good. The committee did not get to France but we looked at its model. The children's commissioner in France has become very outspoken and up front, and is expected to make a comment on every move of the Government. It is interesting to watch how this role has developed. The nations that originally introduced the role of an ombudsman or commissioner for children were the Scandinavian countries - Sweden, Denmark and Norway. That has now moved across Europe and has finally got to England, Ireland, Scotland and Wales; they have joined many other European nations in looking at this position.

The select committee looked at the justification for having a children's commissioner, the powers and functions of children's commissioners, and the cost of a commissioner. That might be an interesting point to pick up. The situation in Northern Ireland is directly comparable with that in Western Australia because of the number of children in both places. I found it most interesting that the Northern Ireland Government set aside £2.4 million to establish the commission and provided a yearly budget. I think £200 000 was allocated in the first year of the commission to engage Queen's University, which is the local university, to undertake an in-depth study into the needs of children in Northern Ireland. The children were being compared with an index set by the United Nations Convention on the Rights of the Child on how well children were looked after. That most interesting research project was being undertaken by the children's commission in Northern Ireland. It will be interesting to see the report on that. I look forward to it.

The select committee report made an interesting comparison between budgets and how much would be spent. I refer to page 97 of the report, which outlines the budgets allocated in Australia. Three States have children's commissioners - New South Wales, Tasmania and Queensland. The budgets all noted the number of children in those States. The budget for New South Wales was more than \$6 million, but that State has 1.5 million children. The committee did a per capita comparison of the budgets. New South Wales allocated \$3.90 per child, Tasmania allocated \$2.52 per child and Queensland allocated \$10.18 per child.

I have talked about the Queensland commissioner's office quite a lot in this Chamber. It has taken on a number of roles. Queensland has identified that money needs to be spent on the advocacy of children, and that is reflected in its budgetary process. We also looked at three United Kingdom commissioner for children offices and presented their budgets, converting the pounds spent into dollars for a comparison. Wales has just over 660 000 children and spends \$3.77 a head. Northern Ireland spends \$9.49 a head, while Scotland spends \$2.45 a head. It is interesting to compare what other States and countries spend on their children's commission offices. In my limited experience, Queensland is the most proactive and effective children's commission office in Australia - it allocates the most money - while Northern Ireland, in its initial operation, has a good reputation. It is too early to make any real assessments of the Northern Ireland office.

The report of the select committee confirms to me that committee work in this Parliament is extremely important. The report is of the highest integrity, partly due to the staff, to whom I give credit for supporting the committee's members, and also to the members themselves. The Parliament of Western Australia has been presented with a historic document. It says to this Government and to all Governments that we recommend a children's commissioner for Western Australia along the lines outlined in the report. We have thoroughly reviewed the costs and legal frameworks of other jurisdictions, and we have looked at the function and role of a commissioner for children. The Government made a commitment, before the committee reported, that it would introduce legislation to develop a commissioner for children for Western Australia. As a member of this Parliament, I can only say thank you to Hon Kate Doust, Hon Jon Ford and Hon Giz Watson for the work they put into this report. This is a historic document. When we see a commissioner for children in Western Australia, we can herald the work done by this Legislative Council. I thank members for their time.

Hon LJILJANNA RAVLICH: I congratulate Hon Barbara Scott for her work in chairing the committee. As members would be aware, this issue has been around for a long time. On occasions it has been quite contentious and has been lobbied backwards and forwards between the two major parties. I am pleased that we have a

Hon Derrick Tomlinson; Hon Kim Chance; Hon Barry House; Chairman; Hon Ken Travers; Hon Murray Criddle; Hon Barbara Scott; Hon Ljiljanna Ravlich

resolution of this matter. I remember some time back when Hon Barbara Scott and I had an interesting debate about who supported and who did not support a children's commissioner, whose Government did this and whose Government did that, and who was to blame. That is a part of the adversarial system of debate in this place. However, real progress has been made, and I am particularly pleased to see that come about. I congratulate the members of the committee: Hon Jon Ford, Hon Giz Watson, and Hon Kate Doust, who I understand took over from Hon Jon Ford when he was discharged from the committee as a result of heavy workload commitments. I know, from my experience of working with those individuals, that they are very capable and they would have made a very significant contribution, as is evidenced by this report.

I was a little surprised to discover that in 1997, for example, the United Nations Children's Fund identified only 16 ombudsman or commissioners for children throughout the international community. Given the size of the international community, I thought there would have been many more; however, that does not appear to be the case. As indicated by the report, the figure at that time did not include three Australian commissioners; therefore, the real number would have been 19. Once again, considering the nations in the international community, the number appears to be a little light on. I guess this is a growing trend and that other nations will follow suit when they see for themselves the benefits of a children's commissioner.

Ultimately the real challenge is to determine the key functions of the commissioner. Children's commissioners in some jurisdictions have more wide-ranging powers than those in other jurisdictions. It will be interesting to see which model the Government decides on. I believe the Government is investigating models from other States and internationally to come up with the best model to suit Western Australia's specific needs. The Department for Community Development and the minister's office are consulting with a wide range of stakeholders who also participated in the work of the committee, which was well chaired by Hon Barbara Scott.

The committee had proposed that the primary task of such a commissioner could be systematic advocacy for all children and young people, and that the commissioner be provided with the discretion in exceptional cases to investigate a complaint from an individual child or a young person. The committee also suggested that the commissioner have the discretion to initiate investigations into any agency or organisation if, in the commissioner's view, it was in the public interest. The committee also supports the proposal from the Youth Affairs Council of Victoria that a commissioner should comment on the adequacy of complaint handling systems in agencies. That is the view of the committee and, obviously, the challenge is whether the Government agrees that they should be the specific functions of the commissioner, or whether it will narrow or broaden the scope of the commissioner, depending on the models it investigates and what it finds are the pros and cons of each model under investigation.

Hon Derrick Tomlinson: Our Government will have a best practice model.

Hon LJILJANNA RAVLICH: I do not want to get into a slanging match in this place, and I do not intend to. However, Hon Derrick Tomlinson's Government will build upon this historic step that has been taken by the Gallop Labor Government.

Hon Derrick Tomlinson: Yes, that is important.

Hon LJILJANNA RAVLICH: The fact is that the foundations have been laid. There will be a children's commissioner. It was a decision of this Government, irrespective of the history of it; this just seems to be the appropriate time for it. I must say, in all fairness, that Hon Barbara Scott has been an advocate for a children's commissioner. If there is an issue on which she has been very dogged, it is this, because on numerous occasions I have had to argue in this place the Government's point of view on the appointment of a children's commissioner. In this case, Hon Barbara Scott's persistence has paid off. I commend Hon Barbara Scott for her hard work and determination to ensure that this has come about. It is a shame she did not have more success in convincing her party when it was in government to make that decision.

Hon Simon O'Brien: You fought this tooth and nail!

Hon LJILJANNA RAVLICH: That is not true. We were getting on very nicely before Hon Simon O'Brien interjected, and I can see that the debate will deteriorate if he continues to interject, so I suggest he does not.

I thank the people who took the time to provide information to the committee. The list of witnesses is extensive. It is clear that in addition to making written submissions, many witnesses also presented before the committee over a six-day period. It is commendable that so many people, some of them practitioners and experts in their field, and others community people or representatives of community organisations and the like, were willing to give of their time so that the committee could hear from them at first-hand. We are very pleased that the Government made the decision in May 2004 to approve the establishment of a children's commissioner for Western Australia. The Government acknowledges the work of the parliamentary select committee, the report of which we are now debating. We acknowledge the submissions made to that committee by a wide range of

Hon Derrick Tomlinson; Hon Kim Chance; Hon Barry House; Chairman; Hon Ken Travers; Hon Murray Criddle; Hon Barbara Scott; Hon Ljiljanna Ravlich

stakeholders. The Government will continue to engage with those stakeholders, including children and young people, as this work progresses. Various models of children's commissions operate in other jurisdictions, and we will certainly be looking at those models. I think we all agree that the key features of the commission must be independence, accountability and accessibility. We may not agree on a lot of things, but I think we can agree on that. I support the motion that the report be noted.

Question put and passed.

Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers - Interim Report - Ministerial Statement and Tabled Paper

Resumed from 4 March.

Motion

Hon DERRICK TOMLINSON: I move -

That the report be noted.

Debate interrupted, pursuant to standing orders.