

# Legislative Council

Thursday, 2 April 1992

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**THE PRESIDENT** (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

## **ACTS AMENDMENT (CONFISCATION OF CRIMINAL PROFITS) BILL**

### *Introduction and First Reading*

Bill introduced, on motion by Hon J.M. Berinson (Attorney General), and read a first time.

### *Second Reading*

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [2.35 pm]: I move -

That the Bill be now read a second time.

This Bill will strengthen existing provisions which enable the courts to order the forfeiture of illegally gained profits and assets. The Bill creates an offence of money laundering and also proposes to amend the Crimes (Confiscation of Profits) Act 1988 to overcome difficulties which have been experienced with the operation of that Act.

Clause 11 of the Bill proposes to insert an indictable offence of money laundering into the Criminal Code. The concealment or disguise of the nature or source of property, including money, which is the product of illegal activities such as drug trafficking, is conduct which is commonly referred to as money or property laundering. Insofar as drug trafficking is concerned, the proposed money laundering offence will implement articles 3(1)(b) and (c) of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances which Australia signed on 14 February 1989 but which, as yet, has not been ratified. Articles 3(1)(b) and (c) of the convention require countries to establish as criminal offences conduct which involves the conversion, transfer, concealment or disguise of property, which is the proceeds of offences involving illicit cultivation, production, or manufacture of narcotic drugs or psychotropic substances, or property derived from such proceeds.

The Commonwealth Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990 implements some of the provisions of that convention. There is also presently before the Commonwealth Parliament a 1992 amendment Bill to implement the money laundering offence in article 3. That Bill relies on the external affairs power of the Commonwealth Constitution. However, the Commonwealth Bill provides for regulations to prescribe States, to which the Commonwealth Bill will not apply, if the States themselves have enacted legislation creating a money laundering offence. It is, therefore, necessary for this Parliament to enact clause 11 of this Bill to avoid the application of the external affairs power to this State in the area of criminal law.

Members will also note that clause 11 is not confined to money or property derived from drug trafficking. The offence extends to receiving, concealing, disposing, etc, of any proceeds derived from an indictable offence committed in Western Australia, or from an offence committed outside WA which, if it had been committed in this State, would have been an indictable offence. There are two reasons for this extended coverage. Firstly, it is prudent and appropriate to include within this new offence money or property derived from non-drug offences, which is sought to be laundered in Western Australia. Secondly, the Council of Europe is developing a convention on laundering, search and seizure, and confiscation of the proceeds of crime. This is one of the indications of an increasing worldwide trend towards the creation of comprehensive money laundering offences.

Proposed section 563A(2) provides the accused with two defences but places the onus on the accused to prove that he did not know, believe or suspect, and did not have reasonable grounds to believe or suspect that the money or property was the proceeds of an offence. It is also a defence for the defendant to prove that he was engaged in an act to assist in the enforcement of a Commonwealth, State or Territory law. As members will appreciate, any such reversal of the onus of proof raises fundamental considerations. It is made necessary, however, because it is the nature of money laundering that the accused will have sought to

conceal or disguise the nature of his personal dealings in money or property. In most cases it will be very difficult even to discover what has occurred. The task of proving it beyond reasonable doubt to a jury will, in most cases, be impossible. Reversal of the onus with respect to the knowledge of the accused is the only practical way of overcoming these very substantial difficulties which are peculiarly significant in the case of money laundering. It will, of course, still be necessary for the Crown to prove beyond reasonable doubt that the property was derived from an indictable offence, no matter what type of offence the accused thought the money or property was derived from.

The amendments to the Crimes (Confiscation of Profits) Act 1988 mainly relate to drafting matters which have arisen out of experience in the operation of the legislation. A definition of "reasonable grounds" or "grounds" is inserted by paragraph (a) of clause 4 in proposed section 3(1b). A number of provisions in the Act refer to "reasonable grounds" or "grounds", for example, sections 12(6), 20(2), 22(4)(c)(ii), 30(1) and (2) and several subsections in sections 31, 40, 41, 42 and clauses 2, 3 and 4 of schedule 1.

One area where problems have arisen is in applications for restraining orders under section 20. It is in the nature of such applications that police officers will be drawing together information from a variety of sources when producing an affidavit to support the application. In these circumstances, it will sometimes be necessary to rely on hearsay evidence. The deponent to an affidavit, under this amendment, who is required to depose to his state of belief will be able to rely upon hearsay evidence. However, rather than amending section 20, it is preferable from a drafting perspective to insert a definition, instead of amending each provision which uses the words "reasonable grounds" or "grounds".

In clause 4(a) of the Bill there is an exception in relation to section 12. That section provides for orders to be made restoring property to innocent third parties affected by a forfeiture order. Section 7 requires third parties to be given notice of forfeiture proceedings, so that all questions arising may be dealt with at the same time. Section 12(6) provides that those questions may not later be reopened by a third party, who had notice of or attended the forfeiture hearing, except on special grounds, for example, as illustrated in paragraphs (a) and (b) of section 12(6). In these circumstances, it is desirable that the special grounds relied upon by a third party to reopen the issue of disposition of forfeited property be proved by direct, as opposed to hearsay, evidence. Therefore, an exception relating to section 12 has been included in clause 4(a). Clause 4 also amends section 3(5)(b) and (c). The need for this amendment was highlighted when a remand prisoner charged with offences and in relation to whose property a restraining order had been obtained, committed suicide. The prisoner's death raised the question of the status of the restraining order and future action pursuant to the Act. A confiscation order is dependent upon there being a conviction and the Act specifies circumstances in which convictions are deemed to have occurred.

Section 3(2)(d) provides that a person may be taken to have been convicted if "before the charge is finally determined, the person has absconded". Section 3(5) provides the circumstances in which a person may be taken to have absconded. This produces an odd result. If a person is arrested on warrant in relation to a complaint against him of a serious offence, and after six months the warrant is not amenable to justice, section 3(5)(c)(ii) provides that he may be taken to have absconded for the purposes of the Act. However, if as occurred when the prisoner committed suicide, the offender was arrested without warrant, he can never be taken to have absconded if death occurs before trial. Section 3(5)(c)(i) provides that after a complaint is made and a warrant issued the person may be taken to have absconded if he dies before the warrant is executed. This clearly indicates that it was intended in the original 1988 confiscation Act that a person's death in certain circumstances should not defeat confiscation action. The amendments to section 3(5) will rectify the anomaly that was revealed in this case.

Clause 5 seeks to amend section 5(3) so that in accordance with previous legislative directions the principal Act as amended by this Bill will, subject to section 5(1), apply to all offences and convictions.

Clause 6 seeks to amend section 9(1) so as to expand the matters to which a court can have regard on an application for a confiscation order. For offences tried on indictment, the additional materials are written statements under section 101A of the Justices Act and any other statements, depositions, exhibits or material before the court which originally tried the

accused. Where there is a summary trial, the additional materials to which this Bill will enable courts making confiscation orders to refer, are statements, depositions, exhibits and other material used in the summary trial. Clause 6 is designed to eliminate the need to duplicate in confiscation proceedings material which was before the sentencing court.

Clause 7 proposes to amend section 20. The first amendments in paragraph (a) of clause 7 are to section 20(2). Section 20(1)(ba) and (bb) enables an application to be made to the Supreme Court for a restraining order in respect of specified property subject to the effective control of a convicted person or persons charged, or about to be charged, with a serious offence, or in respect of all property subject to the effective control of that person. The proposed amendments to section 20(2) make it clear that a police officer's affidavit in respect of such an application can depose to such property.

Paragraphs (b) and (c) of clause 7 propose to amend section 20(6) and to insert a new section 20(6a). Section 20(6) provides that an ex parte restraining order can have effect for a maximum of 21 days. In most cases, this presents no difficulty, as there is a hearing, held on a day prior to the expiry of 21 days from the date of the ex parte order, which disposes of the question of whether a permanent order should be made. However, in complex cases, it may not be possible to complete the evidence required on the inter parties hearing before the 21 days expire. The situation has already arisen in which his Honour Mr Justice Nicholson in the Supreme Court found that he had no power to order a continuation of the interim order for such time as was necessary to enable the Crown to complete its case for a permanent restraining order. The effect of this was that the respondent had full notice of the Crown's case for a restraining order and was, at the end of the 21 days, completely free to dispose of any assets in any way he chose. The power of the court to extend the ex parte restraining order, once all parties are before the court on the hearing of the inter parties application, would cause no injustice, as the court would be able to make other orders, such as those referred to in section 20(9), to govern the period until the hearing is completed.

There are also several minor amendments in the table in clause 8. The first amendment proposes to delete from the definition of "effective control" in section 3(1) the phrase, "a special forfeiture order". The confiscation of profits legislation does not provide for the making of such orders. The inclusion of that phrase in the definition was a drafting oversight which resulted from failure to delete the phrase "a special forfeiture order" from the "effective control" definition in an initial draft of the original 1988 Bill. The second amendment seeks to delete the phrase "directing that" from section 35(5)(b). That phrase appears both in the immediate preface to paragraphs (a) and (b) and in (b). Its appearance in the latter is an unnecessary and unintentional duplication and should be deleted. The third and fourth amendments will delete the references to section 17(2) in sections 37(3) and 41(3) and insert a reference to section 52A(2). Again, this is to rectify a drafting error. Section 17(2) in the original 1988 Act listed matters to which the court could have regard in assessing the value of benefits derived by a person from the commission of an offence. However, the 1990 amendment deleted section 17(2) and inserted a new section 52A expanding the matters to which the court could have regard.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Derrick Tomlinson.

## ADDRESS-IN-REPLY - SEVENTH DAY

### *Motion*

Debate resumed from 1 April.

**HON MAX EVANS** (North Metropolitan) [2.49 pm]: I join my colleagues in thanking the Governor, Sir Francis Burt, for the Address he delivered at the opening of this session of the Parliament. The Governor, Sir Francis Burt and Lady Burt made a fine contribution to the history of Western Australia before Sir Francis Burt took on the task of Governor of this State. It was said in this House yesterday that Sir Francis Burt was probably reluctant to take on the task of Governor because when he did he was 10 years older than the previous Governor, Professor Gordon Reid, when he died. After all, the position of Governor is a huge task and he and Lady Burt are expected to attend many functions. They both regarded it as an important public role in Western Australia. At that time he had been Lieutenant

Governor for nine months before his appointment to the position of Governor. I am not sure how that was reflected in the Budget figures, but a Lieutenant Governor is not paid, therefore the State had the benefit of his services without payment for nine months. Sir Francis Burt had a very fine reputation as Chief Justice of Western Australia. He has a wide knowledge of Western Australia. Hon Phil Lockyer recently talked about the Burts' connections in Camarvon. Some years ago Mrs Noel Stewart wrote a book about Australian women which includes a fine article on Mrs Archie Burt, the mother of Sir Francis Burt. The article describes the different towns in which she lived. She was one of the founding workers in the Country Women's Association in different parts of Western Australia. Sir Francis has been part of the grassroots of this State; he moved through the ranks of the law profession, and to Chief Justice, before becoming Governor. I am aware that the Scout Association is very appreciative of the services he provides to that movement as chief scout. A few weeks ago on a Sunday morning I attended a function with Hon Fred McKenzie which was held for the scout movement in the grounds of Government House to present leaders' awards and Queen's scouts awards. The Governor has followed the tradition of other Governors by making the grounds of Government House available for use by the scout movement.

In the two years since Sir Francis Burt has been Governor I have met him on a number of occasions in my capacity as shadow Minister for Sport and Recreation. I have sat next to him and across the table from him and Lady Burt at a number of functions. They are both wonderful company and very interesting to talk to about many aspects of Western Australia. I compliment Sir Francis on the speeches he makes at the function he attends. He always makes a good speech; he refers to the history of the organisation holding the function and comments on some special aspect of that organisation. I understand he writes and researches all his own speeches. He has done his job very well and one could understand if he now felt that enough is enough. He now needs a walking stick to move around. The Government extended his term, and I understand that he will retire at the end of June. I presume the Government is now looking for a replacement Governor. I hope that replacement will follow the pattern of the last two Governors in this State. It is to their credit that they have been great Governors. They have both related very well to the public of Western Australia and have attended innumerable functions. In addition, they have both had very supportive wives, who have done their jobs very well. In the past some Governors' wives may have been more shy and not mixed as well. Mrs Ruth Reid and Lady Burt have supported their husbands and have worked for the people of Western Australia.

I welcome Hon Kim Chance to the House. I particularly enjoyed his speech and the fine depth of research and work behind it. It will be a good contribution to *Hansard*. So often when I make a speech it is not very colourful but I try to include things that will be of interest in years to come and that will give an indication to future generations of what was happening in this State at the time. For example, I spoke at length about the Burt Commission on Accountability and the petrochemical project because I wanted the facts to be recorded in *Hansard*. It was not a very colourful speech for members to listen to, but it recorded the events in the history of Western Australia. Members have the opportunity in the Address-in-Reply debate to make a contribution dealing with subjects in which they have a particular interest - for example, Hon Bob Thomas spoke about Albany - and those comments are recorded for all time. In years to come reports from the Royal Commission and Select Committees will be lost on dusty shelves but people will always be able to reach for a copy of *Hansard*. Indeed, with the advent of computers, people will be able to press a button and read *Hansard* on a word processor screen - it perhaps may not read any better!

I support the comments made by Hon Phil Lockyer about Philip Ugle. I spend quite some time in Parliament House because my office is a very quiet place in which to work. Philip would come in and out with the mail. He is a real gentleman and he always had a nice word to say then, and when I met him in the corridors. He made a great contribution to his race, and was a bridge to members of Parliament. He did a good job, and I am sad that he had a heart attack and cannot return to work. He is the type of person who could have fitted in for a long time to come. He is a nice person, and I never heard any adverse comments about the work he was doing.

Yesterday I was appointed Chairman of the Select Committee on Professional and Occupational Liability. I am pleased that I shall continue to chair a committee on this subject and be associated with Hon Peter Foss, Hon Fred McKenzie, and Hon Mark Nevill,

who has replaced Hon Jim Brown following his retirement. As I move within the professional world, not just among accountants and lawyers, but also among real estate agents, stockbrokers, investment advisers, insurance brokers, doctors, architects and engineers, I am aware of the terrific demand for research into this matter. It will not make the front page of *The West Australian*, as many other subjects do, but it will have a huge impact on professional bodies which have occupational liability, mainly arising from advice or services provided to other people. Those people are at risk with the law as it stands, since many people are willing to sue others for however much they are worth. People have professional indemnity insurance for that purpose, but it transpires that nobody ever has enough insurance. Certain persons might also be asset bare because they have vested all their assets in their wives and families. Therefore, if they are sued they cannot lose their personal assets but only the assets of the firm. The Family Law Act made it much easier for people to become asset bare. Before that legislation was enacted many husbands were reluctant to put their assets in their wives' names because they were not sure that they would ever see those assets again. However, the Family Law Act provides that a judgment will be made on the splitting of assets when a couple are divorced. Therefore, the husbands knew that they would get at least one half of their assets if the marriage broke down.

Hon Fred McKenzie: It is a great tribute to you that you are chairman of that Select Committee. It is a Government committee and the Attorney General requested that you be made chairman, and that is not often done.

Hon MAX EVANS: I told the Attorney General that I very much appreciate being appointed to that position. I believe that the committee will make a great contribution to professional people. Going through an old desk the other day, I found a letter from a friend of mine, Alex McCorquodale from Sydney, in 1971. He had written a paper on liability. Accountants recognised the magnitude of the problem in 1971, but nothing has been done about it. In 1986 the accounting professions came close to getting some limited liability under the Companies Code following the meeting of the Ministerial Council of Attorneys General. However, the Victorian Attorney General opposed the proposal and nothing happened.

A discussion was held the other day regarding obstetricians and the problems they face regarding brain damaged children. A child cannot sue until it reaches the age of 18 years, and the Statute of limitations allows legal action to be taken within seven years. Therefore, for a period of up to 24 years and 364 days after the birth of a child, an obstetrician may be sued for an alleged error during the birth. It is true that some brain injuries might be caused by the doctor's use of instruments at the birth, but often they are caused by lack of oxygen. A doctor who, at the age of 60 years, delivered a child could be sued at the age of 85 years and lose all his assets. If the doctor had recently died his estate could be claimed against, and his wife might not have enough money to meet her needs because the assets could be frozen until the claim was settled.

Some means must be found of limiting the liability. Architects want a limited liability with respect to time. The Statute of limitations for architects comes into force only six years after the event has happened. That may occur 15 years after the construction of a building. That again allows for a possible 21 year period during which an architect may be sued. An architect may have been involved with consulting engineers and other people and may have been responsible for only 10 per cent of the value of the project in terms of professional fees, and the others may have been responsible for 90 per cent, but if they were sued for giving wrong professional advice, and he was the only person with any assets, he would be responsible for the total claim against those other people. At the time the project was completed, the professional advice may not have been regarded as wrong, but it could be in hindsight, some 10 or 15 years later.

I commend the Attorney General for setting up a two party Select Committee on Professional and Occupational Liability. The terms of reference of that committee arose out of the New South Wales' occupational liability legislation, which was introduced in 1990-91 and has just been amended. It is the wish of professional bodies in Australia that all States have uniform legislation to establish a standards council so that professional bodies will be required to comply with certain standards, and to set a cap on the amount of professional liability, provided the professional bodies comply with disciplinary standards, professional development, etc. Yesterday the committee heard from a gentleman from Steeves Lumley Pty Ltd, who stated that his company does a lot of work for hospitals and that significant

improvements have been made in risk management to make medical practitioners more knowledgeable about where they can go wrong. He stated that the Real Estate Institute and other professional bodies would support the proposed legislation because it would give the standards council power to require professional bodies to impose on their members certain standards.

This morning, I was elected Chairman of the Standing Committee on Estimates and Financial Operations. That committee has a huge task. For the last two years, the Estimates Committee has been responsible for setting up the Estimates Committees of the Parliament, which have been very beneficial, but we can do a lot more to examine the financial administration of the State. This morning, the committee heard the Auditor General outline how he is handling performance indicators and how he plans to impose on those performance indicators his own standards. During the last 12 months, members of the Estimates Committee have tried to make themselves better acquainted with what is going on in Treasury and other Government departments.

Members may not know that the members of the Estimates Committee have been provided with laptop computers as part of the upgrading of the information technology of this House. We have a responsibility to make those computers work and to find out how we can use them to tap into Hansard to get copies of speeches, and how to get copies of questions on notice and Statutes. Our staff do an excellent job in getting for members copies of Statutes, but we all know that when we ask for a copy of the Stamp Act, for example, it is about five centimetres thick and has about 20 loose leaves in it because of the number of reprints of that Act. The Act is not up to date, and it can be fairly difficult to use it at times because one has to read through all of the reprints. Copies of all Acts are now available on computer. I do not know whether the right to the Statutes is owned by the Crown Law Department, the Department of State Services or State Print, but by using a modem on our telephone and a code number we will be able to have access to the Statutes. We will be able to ask for a particular section of the Criminal Code, for example, and it will come up on screen and we will be able to print it out.

That will be very useful for country members. Members cannot be expected to have at home or in their office a copy of every Statute. Members may have a copy of the Residential Tenancies Bill which had 86 amendments in our House. The Bill that is amended by the Parliament can be a long way away from the Act that is passed, and it would be dangerous to use the Bill. A constituent may come to a member and have a problem with the Residential Tenancies Act, and the member will be able to get a copy of that Act and to deal with the constituent's problem because he will have available to him all the facts. There is no way that members can have a copy of all the Statutes that are passed each year or of all the annual reports of Treasury or other Government departments. However, the computer technology will make it possible for members to get information for the last five or six years, to make comparisons, and to find out what they want to know.

I acknowledge the work of the Clerk, Laurie Marquet, in having the foresight to set up this system. There is often criticism when someone tries to jump too far ahead, but I think most of us can understand how much easier life will be when that technology is made available. This morning, the Auditor General used colour graphics in his presentation to the committee. That facility will be available to us on our computers, as will desktop publishing for those members who have to get a message to the public. I am sure all members will be grateful to the Clerk when that technology is made available to them.

I want to introduce my real speech by saying how grateful I am for what has happened in Western Australia with WA Inc, the Western Australian Development Corporation, Western Australian Exim Corporation Ltd and the State Government Insurance Commission. That has made life more challenging for me because it has given me the opportunity to raise these matters in the House. Life would have been fairly dull had I not had that challenge. Accountability is very important. On the humorous side, when the Attorney General was reading the second reading speech of the Acts Amendment (Confiscation of Criminal Profits) Bill I was thinking that there should be performance indicators for the Government to determine how much money it is getting from the confiscation of criminal profits. The Government should report how much money it got this year and how much it got last year and where the money has gone. A Government might make a windfall in one year and get \$5 million or \$10 million and go out and pay the wages with that money. I am not sure that

that should not be the case; I have not thought about where the money should go. It will be interesting to see how much Treasury gets each year from this Bill.

The Treasury of this State is to be commended for the level of reporting that it provides to the Parliament and to Western Australians. Members like Hon Kim Chance who are new to this place, and others who were elected in 1989, may not realise that prior to 1986 very limited information was given to us. The Auditor General's report was just a summary in a nice blue book of each department's total expenditure and income, and a couple of comments about money that had been lost from petty cash, or about something that had gone wrong. Prior to 1986 the Auditor General's reports were not a very good contribution to financial debates in Western Australia. That changed with the introduction of the Financial Administration and Audit Act, which, incidentally, was originally researched by the previous Liberal Government and based on legislation in Queensland and further enhanced and then brought in by the Labor Government in 1986. Members would be stunned at the lack of information that was available prior to 1986; it was comparable to the old slate and chalk days. Departments are now required to present annual reports. In the first couple of years the annual reports were highly overrated and more emphasis was placed on their presentation than their content. The reports were a boon to the four colour printing trade in Perth as the graphics and presentation were all in colour. Fortunately many Ministers cut their cloth back and now place more importance on the content of their reports. It is true to say that the more glossy the annual report the lower the profit. Glossy reports try to convince people that a good job is being done irrespective of the losses being incurred. For example, the year that Bond Corporation experienced huge losses, in theatres around Australia Alan Bond was presenting wide screen advertisements telling us what a good job he was doing. He was blown out of the water a few months later.

The financial statements presented in the annual reports are now particularly good. They include mission statements and performance indicators. The Auditor General has for the last five years said that he is not in a position to report on performance indicators as required under the FAAA or to say whether they are relevant or irrelevant, subjective or objective. However, he now has a small staff of three officers who are going through the 333 agency balance sheets that must have performance indicators. They will be able to assess whether the indicators are relevant, because quite often a department or statutory authority may have performance indicators which show only the good things, not the bad. Some work must be done on this problem. Next year the Auditor General will be reporting on performance indicators but this year the full impact of that will not be felt. I believe there should be two audit reports, one on the financial statements and one on the performance indicators. The Auditor General was thinking of going back to one audit report, but I said that as he had started with two why not keep with two. The Auditor General's report on performance indicators will be qualified to a certain degree. To have financial audit report and a report on performance indicators might be a bit misleading. We will wait to see what happens in that regard.

In recent years Auditors General - going back to Bill Rolston - have been noted for submitting reports without fear or favour as a result of the qualified audit reports they have provided to this House. A qualified audit report signed by Bill Rolston on 16 October 1986 first caught my eye soon after I came to this Parliament. Coming from the private sector where accounting has always used accrual accounting where amounts owing to and by a firm and its stock are shown, it was quite shattering to find out what could be done with cash accounting. This is one of the first financial matters I raised in the House then. The audit comment of Mr W.F. Rolston on the Consolidated Revenue Fund in 1986 stated -

The Estimates provided for the transfer for \$56 530 000 (rounded) from short term investment earnings to Consolidated Revenue Fund, comprising 1983-84 earnings of \$23 586 869 and 1984-85 earnings of \$32 943 127. The amount of \$23 586 869 was transferred to Consolidated Revenue Fund - Treasury Revenue on December 30, 1985 but was withdrawn from the Fund by a debit to Revenue on June 30, 1986.

That is the last day of the financial year. Mr Rolston continued -

Section 31 of the Audit Act 1904 provides that no money shall be drawn from the Public Account except under appropriation by law or by authority from the Governor. In my opinion, as the moneys were properly transferred to the

Consolidated Revenue Fund on December 30, 1985 they could thereafter only be withdrawn in the prescribed manner. The annual financial statements reflect the net result of not transferring past earnings from short term investments to the Consolidated Revenue Fund.

That meant that the Government was looking at a surplus of \$23.6 million at the end of that year. It did not want that so it said, "Let's take it out", even though that is absolutely illegal without an appropriation. In December each year the Parliament approves the appropriations for the next year or a special authority is obtained by the Governor, which also must be verified by Parliament. At the time I thought, "How much reliance can we put on the Government's figures if on the last day of the financial year it can remove \$23.6 million to balance the books?" What else can go wrong in the books? In the same year the State development fund, which had been set up years ago for special purposes and for interest on short term investments, was used to pick up the \$50 million prepaid royalties of Northern Mining NL which should have gone into revenue spaced out over five or 10 years. Instead it went into the State development fund and went straight out again to buy shares in Northern Mining NL for \$42 million. Coming from the private sector I was amazed to find that revenue, which came to \$50 million, could be shown in a trust fund so that it did not affect other figures and that assets which were purchased did not show on the balance sheet because the Government did not have a balance sheet. I soon realised that Government funding could be very misleading and could show a very false picture.

In the same report the Auditor General reported on the sports-culture instant lottery account. Until 1986 that fund was run by Treasury, which controlled the money which came from instant lotteries and allocated what went to sports and the arts. That responsibility has returned to the Lotteries Commission.

In that year I also picked up another highlight which shattered my illusions about accounting. I thought these sorts of things could not be done, but apparently they could. I apologise to those members who can remember my speech of a few years ago on the Perth Mint, but it is still relevant to Avon Lovell and the Perth Mint swindle. The report identified shortcomings and stated -

Fine gold bullion with a selling value of \$648 975 was fraudulently removed from the Mint on June 22, 1982. As reported last year, the bullion stocks have been adjusted in the stock records but approval for write off has not yet been obtained. Action is current in the Supreme Court.

Ten years ago when the gold bullion was lost the Government had not even written it off in its books. Did the Government know it was going to be found dropped over the fence at Channel 7?

Hon Derrick Tomlinson: Has it been written back into the books?

Hon MAX EVANS: It has been lost within GoldCorp. I should ask a question on that one. The gold had disappeared. In four years the stock sheets had been adjusted but the books had not been adjusted to show a loss. That made me wonder about this hillbilly accounting that was being done at all levels in the Government.

Hon Murray Montgomery: Is that creative accounting?

Hon MAX EVANS: No, it is even worse than creative accounting. Creative accounting is trying to create an illusion that something is different; this is just wrong. My initiation in picking up the accounts of this Government began in 1986. I could not believe what I was reading. The Auditor General's report on the Perth Mint at page 248 under Note (1) states -

Stocks of gold bullion held by The Perth Mint at June 30, 1985 have again been valued at \$50 per ounce in accordance with the Director's determination in 1977-78. Valued at the Perth Mint purchase price of gold at June 30, 1985 the stock amounted to \$2 071 130. The value of stocks held at June 30, 1984 at the purchase price was \$1 483 836.

In 1986 the Mint was bringing gold into stock at only \$50 an ounce when it cost \$500 an ounce. When I made inquiries at the time I discovered the Mint was buying gold at \$500 an ounce and bringing it into stock at \$50 an ounce resulting in a loss of \$450 an ounce. That was done to wipe out the profits because half the profits would have gone to Treasury. The



Mint always believed that it could do more with the funds than could the Treasury. A paper loss was created in the few days before the end of the year. The gold was converted back into cash the next day and a profit of a few hundred thousand dollars a few days later would mean that the Mint had cash in hand and Treasury did not receive half the profit. At that time, the Perth Mint was making about \$500 000 even if it did not carry out this ruse with its figures. That happened in 1986 and the situation only got worse after that. However, I will not mention the bad things only the facts.

Government financing in the future must be more accountable. Western Australia is following the moves being made in the other States. Accrual accounting must be implemented across the board. In June 1987 all statutory authorities in Western Australia were forced to adopt accrual accounting methods. It took two or three years before all authorities complied with that direction. One of the last items to be brought into that type of accounting was superannuation liabilities. There were many problems with that on a pure accounting basis. However, in the early days agencies such as the Motor Vehicle Insurance Trust would leave out \$14 million interest earned; it was not brought into the accounting at the end of the year. It was not paying tax and it had a nice reserve. On a deficit balance sheet of \$33 million the trust would leave out \$14 million interest. That cannot be done today. Although almost all statutory authorities have adopted accrual accounting methods there are still a few exceptions, including Sir Charles Gairdner Hospital, which still do not have a balance sheet.

Years ago many authorities would buy their assets through the Consolidated Revenue Fund. When assets were bought under the old cash accounting system the money would be paid, the authority would have an asset but there would be no balance sheet. The Chamber of Commerce could never find out whether an asset bought by Sir Charles Gairdner Hospital cost \$20 million or \$100 million. That was in the buoyant days when assets could be paid for out of CRF. However, in the latter years all that has been paid for out of CRF has been a \$100 million loss on a petrochemical project, \$138 million on the Teachers Credit Society and a \$16 million loss on the Swan Building Society. That came out of CRF in recent years, but in the old days CRF was developing real assets. There is no sight of that today and now a balance sheet must be created which shows the values of the properties and buildings. Many statutory authorities and departments have had to adopt the new accounting methods. All of the port authorities have had to estimate the current value of their properties, harbour works and so on. It is not a simple process of revaluing everything.

Reporting standards have improved in recent years. Accounting standards have changed from one year to another in respect of how foreign exchange borrowings on superannuation, etc are treated. We can accept all of those things. The Treasury Department has done a particularly good job. The Treasurer's Annual Statements form the department's bible of how the accounts stand at the end of each year. Some years ago the Treasurer's statements were part of the Auditor General's report and they were released in about October every year. They informed people of what had happened in the previous year and what were the estimates for the next year. The Treasurer's Annual Statements are failing at the moment only because they arrive far too late in the year. In the past couple of years I have said to the Attorney General that the Opposition would not approve the appropriations until it could see the balance sheets and accounts from the previous year. Two years ago they came in the first few days of December and last year they came in half way through November. They should receive more priority because they show the major reasons for the increases, decreases and movements on loans and contingent liabilities. It is very difficult for the media or anybody to try to analyse the statements towards the end of the year when many other things are happening.

The Treasurer's statements are accompanied by an analytical summary book which is full of very good information. That has improved each year. The Treasurer's Annual Statements are now developing a balance sheet for the State which includes public trading enterprises and departments. The main States in Australia are at a more advanced position than is Western Australia and are now introducing accrual accounting methods into departments. That is the way Western Australia will go. One of the main things that must be controlled is revenue.

Another important matter is the result of the net movement at the end of the year. The Government in this State has always worked on the figures known as the CRF. If the CRF is

balanced it is presumed everything is all right. If at the end of the year we have a \$1 million surplus from a \$5 billion Budget, that is okay. However, that balance can be achieved in many easy ways through creative accounting; by simply holding up cheques paid out; bringing forward income to arrive at the results which are required; or, as happened in 1986, withdrawing \$23.6 million in the last days of the year.

What Western Australia should look to in the future - and this is being done in the other States - is the net movement of funds. It is not good enough to say that the consolidated revenue is balanced, because it can be made to balance by many devious ways. One only has to look at some of the figures over the last four years. In the analytical information in support of the Treasurer's Annual Statements, the net loan liabilities are shown in actual figures. In 1987 the net loan liability at 30 June was \$7.353 billion; in 1988 it was \$8.071 billion; in 1989 it was \$8.444 billion; in 1990 it was \$9.127 billion; and in 1991 it was \$10.171 billion. That increase in liabilities means that in 1988 we went backwards by \$618 million. Our liabilities were increased; we were \$618 million worse off. In that year our surplus was \$3 million and everyone was lauding what a wonderful job the Treasurer of Western Australia had done. That was a consolidated revenue surplus of \$3 million on a \$4 billion turnover, when in fact we were \$618 million further in debt. In 1988-89, with an increase in liabilities of \$373 million and a CRF surplus of less than \$1 million, it was only \$277 000. In 1990 the increased liabilities were \$683 million with a surplus of only \$300 000. In 1991 the debt of Western Australia had increased by \$1.044 billion and CRF had a nil position. There was no profit or loss. In fact, if the old method of accounting had been used the actual loss would have been \$23.8 million. Following the Estimates Committee sittings in 1990 it was recommended that an amendment be made to the Financial Administration and Audit Act to provide for an interest equalisation account to cater for interest earned. Such an account would assist in balancing the books at the end of the year. To 1989 the accumulated interest on short term investments was \$199 million accumulated over four years and that was brought together into the books in one year to pay off the Government's debts incurred from the Petrochemical Industries Co Ltd and Teachers Credit Society. Now the Consolidated Revenue Fund has a deficit of nil. I could relate that to the accounts of a private household. Members know that if their salary is fully used for the cost of running a car, food and clothes, loans must be made to survive. If not, they would find that they have gone backwards by between \$10 000 and \$20 000. If a person has borrowed for \$100 000 non-income earning assets he has an interest bill the following year of \$10 000. That is the reason the Government's interest bill is increasing. From memory, it is \$953 million. Western Australia has the same problem as the Federal Government: A huge increase in debt. Each year more of this State's revenue is used to pay off the State's debt. If the State's revenue does not increase it will have less money to pay for ongoing costs.

The Treasurer's Annual Statements for 1990-91 state that the amount transferred from the revenue equalisation account was \$23 million, which allowed the Government to balance its books at the end of the year. The previous year showed a deficit of \$300 000. The statements outline from where the revenue comes and the general movements. I will quote from the document to show how the figures can be distorted at the end of the year. When we come down to a zero balance every dollar of distortion can become relevant. The document states -

Land Tax collections were \$5.9 million, or 5.3 per cent, above estimate due mainly to the earlier issue of assessment notices.

It is like a lot of things: One can pay a bill early and receive a reduction. It is also similar to receiving rent for a house. The rent cheque may come in on 30 June and be banked on 1 July, in which case tax is not paid on that amount until the following year. Depositors with the Challenge Bank Ltd may have interest accrued in July each year and tax is paid on that money the following financial year. Those members who have been in business will know that provisional tax is being brought in earlier each year. It does not give the Government any more money at the end of the day, it merely provides it with access to it earlier. This is exactly what the Government did and it affected the balance sheet. I refer again to the Treasurer's Annual Statements -

Debits Tax - The shortfall of \$3.3 million is due to a one month delay in the transfer of this tax from the Commonwealth to the State. A compensating adjustment was made to the State's financial assistance grants by the Commonwealth.

Members might recall that the Commonwealth Government told the States that they could collect the bank account debit tax and keep it and that it would adjust the States' grants accordingly. If that amount is received one month late each year it will throw out the figures by \$3.3 million and there will be a nil profit or loss at the end of the year. The next quote is -

Land Territorial Receipts - \$29.2 million below estimate, due mainly to a \$38.7 million shortfall from Asset Management Taskforce activities as a result of depressed property market conditions. This downturn was partly offset by additional net receipts of \$9.5 million largely as a result of unbudgeted property sales from Crown Grants.

Many of these sales were quite simple; the land was sold from one arm of Government to another. To sell Crown land to Westrail or to Homeswest to create a cash flow and to balance the Budget is not good financial accounting. It would be like me saying to my wife, "Borrow some money and give it to me and we will spend it. We will be that much better off." We will not. Homeswest and the other Government agencies either had money in the bank or had to borrow it to pay the Government for the Crown land.

Mining royalties have been affected and have slowed down. That is fair enough and we cannot do any accruals or offsets with royalties. The Treasurer's Annual Statements 1990-91 are very good and I quote from them again as follows -

Conservation and Land Management - collections were down \$15.1 million due to decreased activity levels as a result of prevailing depressed market conditions coupled with extended credit arrangements granted to timber companies.

For example, in true accounting which is used by the private sector, if we had \$15 million and the extended credit amounted to \$10 million it would be brought in as revenue and there would be a debt owing on the balance sheet. However, by using cash accounting it is left off the books and picked up the following year. On looking at these small amounts one wonders how much one can rely on this Government's accounting process. It must come up with a better way of recording this information.

I refer now to the variance in expenditure for the year. The Treasurer's Annual Statements 1990-91 document reads as follows -

Payments under the Government Employees Superannuation Act and the Superannuation and Family Benefits Act being \$18.8 million lower than expected.

I have not been able to find out exactly how much should have been paid from these funds. It appears that there has been a movement of funds. I have lost a great deal of confidence in the Government because in January/February 1988 the Treasury transferred \$50 million to the Government Employees Superannuation Fund to on-loan to Rothwells. Did the Treasury transfer money from the superannuation board as a normal contribution it required? I do not know whether it was holding back funds, but the impact was that it reduced the deficit. To continue -

Unbudgeted expenditure of \$4.3 million for the Royal Commission into Commercial Activities of Government and Other Matters.

That is quite right. Their report should outline the unbudgeted expenditure. To continue -

Savings of \$50.0 million against the global provision for Salary and Wage Award Adjustments under the Miscellaneous Services Division. The provision was not utilised primarily because of the Commonwealth Government's decision to provide a wage/tax trade off effective from 1 January 1991, rather than an increase in wages and salaries. In addition, agencies in large part were able to absorb any extra sectional or national wage increases within their budget allocations mainly because of a delay in finalising the \$12 a week increase from 16 May 1991.

That is a huge benefit and for the very first time the Government had a budget of \$50 million from miscellaneous services. Instead of every department doing its own budget for the salary and wage increases the Government decided to use a global figure of \$50 million and when it was paid out it decided that it would split it up between departments. In other words, the Government had a \$50 million bonus and it did not have to spend \$1 and that is explained in these notes to which I am referring. I quote again -

An underspending of \$29.7 million against the provision of \$54.6 million appropriated to Western Australian Government Holdings Limited. This is mainly due to the non-payment of the provision of \$25.0 million provided for principal reductions on WAGH's \$175.0 million debenture liability.

The Government saved \$50 million of underexpenditure on wages and salaries increases, but it had to put off paying a \$25 million debt owing on WA Government Holdings Ltd debentures payable to SGIC under guarantee. It paid the interest, but not the debt. The Treasurer's Annual Statements also show -

Unbudgeted payment of \$12.2 million to the Hospital Buildings and Equipment Trust Fund to reinstate funds provided under section 9(2) of the Lotteries (Control) Act.

The Government had to pay out \$12.2 million because it had brought in too much revenue in the previous year. The Auditor General said, "You have taken money out of the trust fund and included it in revenue when you should not have." The Government then had a surplus of about \$300 000 which was achieved only because it had included \$12.2 million of overstated revenue that had to be paid out next year. That information from the Treasurer's Statements is very beneficial to us. It also tells us much more about the contingent liability of this State. The statements show that the total contingent liability of the State under guarantees, indemnities and sureties at 30 June was \$7.581 billion. During the year, according to the information given to us by the Treasury, the contingent liabilities increased by about \$1 billion. However, the increase on contingent liabilities is shown as follows: The Department of Conservation and Land Management, \$11.1 million; the State Energy Commission of WA, \$162.5 million, which means in other words they have borrowed money from the private sector or from the Western Australian Treasury Corporation and their debts have been guaranteed by Treasury; Western Australian Government Railways, \$88 million for the electrification of suburban railways; and R & I Holdings a contingent liability of \$349.8 million made up as follows -

acquisition of the ordinary fully paid shares on the change in the ownership structure of the R & I Bank of Western Australia Limited (\$149.8 m); and  
financing of the investment in the bank's subordinated inscribed stock issue (\$200.0 m).

The other major figure in the document is that for the State Government Insurance Commission of \$41.4 million. The Treasurer's Annual Statements provide a lot of useful information on what has gone on during the past year. Similarly, the Treasury Department has provided a balance sheet in the document containing the analytical information. It will get better in time and Treasury hopes to have a proper consolidated balance sheet by 1993 to include statutory authorities and public trading enterprises.

I turn now to the sale of assets by the Asset Management Taskforce. We find that many properties were sold to Homeswest, the Industrial Lands Development Authority and LandCorp in 1988-89. In 1989-90 actual money values are shown. We find that, of the special sales of \$17.8 million, which were credited to special sales of territorial land and Crown grants and went to CRF to be used for any purpose, \$14 million - that is, 77 per cent - was sold to Central Bulk Handling, the Government Employees Superannuation Fund, the Department of Planning and Urban Development and the Geraldton Port Authority. We will go broke fast if deals like that are carried out and money is borrowed and given to Treasury to spend on wages and running costs. Sales of land to LandCorp totalled \$3.15 million but sales to Homeswest totalled only \$89 000. The known special sales for 1991-92 to LandCorp were: Bullcreek, \$1 million; Padbury, \$1.7 million; Banjup, \$500 000; R & I West Hamersley, \$1 million; and \$2.2 million for the acquisition of the Midland site. The list goes on of sales between the Government and statutory authorities which were carried out to create this magical figure which can be shown under sale of assets or, as was said in the early days, non-income earning assets that we do not need.

Hon John Halden: How would you do the bookkeeping if you did not do it in this way?

Hon MAX EVANS: That is a very good question. It comes back to the fact that our debts have gone up by \$1 billion. The \$20 million or \$30 million to which I referred could have been used to repay debt, or to balance the CRF books. With double entry bookkeeping one has a balance sheet and that amount can be credited against the reserves. Some of those

assets may have been paid for years ago; therefore, if they are sold the revenue would come from the sale of an asset.

*Sitting suspended from 3.45 to 4.00 pm*

[Questions without notice taken.]

Hon MAX EVANS: I turn now to the accounts of Transperth. The fares and revenue received last year by Transperth amounted to \$50 million, and operating grants and subsidies totalled \$108 million, so for every dollar we pay for a bus fare the Government puts in \$2 in operating grants and subsidies. In addition, there is a deficit of expenditure over revenue of \$13.369 million. I believe that Transperth's accounts should show total income less expenditure before operating grants and subsidies. In other words, it is done nicely now to show a balanced budget by adding operating grants and a funding deficit in with revenue so that income equals expenditure; but that is not the case. Total operating expenditure is \$163 million, and if we take away revenue of \$50 million Transperth is left with a net loss of \$113 million, which has been picked up by the operating grants and subsidies of \$100 million and a funding deficit of \$13 million. I hope that in the near future the Government will look at the operation of these bodies and see exactly how the social fare is calculated if charges should be made. We know that the operating grants and subsidies for social welfare total \$50.4 million, the contribution from the CRF totals \$12.5 million, the transport trust fund totals \$45.7 million with a leasing grant of \$250 000, with the operating grants and subsidies totalling \$109 million, the funding deficit totalling \$13 million and the net community expenditure totalling \$122 million. It is a huge cost. I quote -

#### Social Welfare Recoup

The cost to Transperth of providing services which were of a social service nature have been acknowledged by the Government and valued in these accounts at 25 per cent of budgeted bus service operating costs and 40 per cent of budgeted suburban passenger train operating costs.

For 1991 these amounts were \$30,952,000 (1990 \$28,938,000) for bus services and \$19,475,000 (1990 \$17,360,000) for train services.

I believe we should be looking at the Estimates to re-evaluate the 40 per cent and 25 per cent to see whether the figures should be more or less. They are arbitrary amounts that have existed for many years and, until the beginning of our Estimates Committees two years ago, we did not know exactly how the formula was made up. It is now put in the accounts for the interest of the public. I have a question on notice regarding the capital cost of the northern suburbs railway at between \$208 million and \$220 million.

[Leave granted for the member's time to be extended.]

Hon MAX EVANS: I hope the Government in the near future will look at the cost of the social welfare payment associated with the northern suburbs railway with a \$220 million capital cost plus the ongoing cost of staff and electricity. My quick appraisal is that roughly \$30 million or \$40 million will go into that formula. However, it will get distorted because the operating cost at present is a percentage of that and not the cost of the existing railway lines. The new one will have to pick up the cost of the railway. It will be interesting to see how those figures are brought into the next lot of accounts next year or when the northern suburbs railway is operating because last year the figure brought in for the railways was \$20 million for the present operating cost, which is a very low capital cost, perhaps because it has been there for so long, although the Government has increased the railway rolling stock in previous years. However, I am not certain how the amount is worked out.

The figure for superannuation liability in Transperth is also interesting. Transperth has the same problem as other organisations that have huge staffs. All of the staff employed at the time the new superannuation scheme was introduced in 1986 will be able to go from a pension onto a lump sum. These bodies have now been required under accounting standards to accrue the liability. There is a lot of doubt whether the liability should belong to the authority because it was previously a debt of the State Superannuation Board and later the Government Employees Superannuation Board. It should not be a liability of these bodies. It is an unfunded liability. These organisations have picked up the liability of those who have already left on the old pension scheme, yet all of those who are still working for the organisations will get the benefit of the old pension scheme. The new scheme is funded as it

goes along through employer and employee contributions. The liability on present day values is \$410 million. That needs to be looked at to put the balance sheets in perspective in the future. Long service leave and sick leave also have major liabilities which have been picked up from before. The document continues -

#### Depreciation Expense

In previous years Transperth's depreciation expense has been fully reimbursed by Treasury; even though it is a non-cash item. These funds were then applied to capital funding. However, from 1991 Treasury moved the provision to cash fund depreciation by an amount of \$5,400,000.

This item then represents a difference between Transperth's operating results which are based on full accrual accounting concepts and the cash funding requirement.

In other words, Transperth is now funding its own capital expenditure and the Treasury made a saving equivalent to \$5.4 million.

The next interesting body is the Building Management Authority. I would hate to be the chief executive officer of the BMA, the old Public Works Department. Previously, that department owned all Government buildings and it was its responsibility to look after them. Therefore, it did all of the repairs and maintenance regardless of who used the buildings. It did not matter whether the building was used for a jail, by magistrates, or whether it was used by the Ministry of Education; it was the department's responsibility to look after it at its cost. The BMA has tried to institute a user pays principle and apparently this applies to the Ministry of Education and one or two other departments so that, when repairs are done, the departments pay for those repairs. I think the payments are made through a trust account. The Crown Law Department, the Ministry of Sport and Recreation and others still have repairs done at no cost to their budgets. They may have to wait for a long time because they are trying to make their operations more efficient. It is amazing with today's trend that these departments are still not accountable for their own repairs, in the same way as capital expenditure. I think it is the case that 20 per cent of the capital expenditure of the BMA is spent on behalf of other authorities and it is absorbed in its budget; it is not recovered. Eighty per cent is recovered. The annual report of the BMA states -

#### Westralia Square - Office Fitout

The BMA has designed and documented the fitout of nine floors (10,000 square metres) of the new Westralia Square office building.

Accommodation is being provided for the Crown Law Department, Environmental Protection Authority, Registrar General's Office, the Small Claims Tribunal, and the Commercial Tribunal.

The project budget of approximately \$9 million is funded through a fitout incentive from the building owners and is due for completion in January 1992.

That is interesting. Normally, the BMA would have paid for the improvements to those departments but now it seems to have a bit of sleight of hand and the State Government Insurance Commission and the Government Employees Superannuation Board will give \$9 million to the BMA for what it is doing. Under the heading "In-house construction activities" the report states -

The cost effectiveness of the construction workforce continues to be a high priority. In 1987 it was estimated to be about 40 per cent above comparable market rates. Significant improvement has occurred since then and a target of 10 per cent above market has been set by Government.

A couple of years ago this department was spending \$150 million. Forty per cent above market rates is roughly \$60 million. Therefore, it is paying \$40 million more for its capital building than is being paid outside. We are now told the target is 10 per cent of that \$150 million, which is \$15 million. We are told that is the target, but we are not told whether it is closer to 40 per cent or 10 per cent. In fact, the Auditor General said today that there are too many performance indicators like that that make a bland statement and do not tell us the facts. The target is 10 per cent, but what has the Government achieved at this stage? It might have achieved only 39 per cent! I know it is a lot better than that. However, it is quite frightening that that figure has only come down from 40 per cent to 10 per cent. The report continues -

During the year, a joint management/union Productivity Implementation Committee was formed to negotiate an agreement on how the productivity of the construction and related maintenance workforce could be improved.

The other day I heard that a department wanted partitions put up and asked the BMA to get it three prices. BMA's price was \$17 000, the accepted price was \$8 000 and I am not sure what the third price was. The department had a good job done for the \$8 000. Our problem with the BMA is that, on its costings, how much of the overheads of the whole organisation is it trying to pick up which probably should not be a direct cost against that sort of work?

Under "Public Buildings Insurance" the document states -

To hold funds required to provide self insurance and insurance cover for certain public buildings throughout the State in accordance with guidelines approved by the Under Treasurer. Total receipts consist of \$500,000 received as a contribution from the Consolidated Revenue Fund . . .

Again, the trust fund starts off with a balance of \$1.4 million, so the balance is decreasing. It is self-insured. There is some doubt about how long it will last because the amount of money is not great, considering the number of schools that have burnt down.

I also picked up an anomaly relating to the Recreation Camps and Reserves Board. This is a simple organisation with a deficit of \$900 000. That is not bad from a revenue of \$2.4 million. It is stated that the Building Management Authority expended \$427 127 on maintenance in 1990-91. It is incredible that the total maintenance in the accounts is only \$40 000 when actually the benefit received was \$427 000. I am not against that, but the BMA is picking up the costs and so we have a distorted position. This is only one of many authorities where the total maintenance costs are made against the BMA, not the authority. I hope that before long Treasury will work out how every dollar can be picked up and passed to the body involved. Another anomaly in the document is that all of the revenue from the board goes to Treasury. That is, it goes to the Consolidated Revenue Fund. The journal entry shows the cost of revenue received to accommodate people is \$2.4 million. This is treated as a Government advance rather than an amount coming from the board's revenue.

Westrail is another problem; it also comes under the Consolidated Revenue Fund, but the Main Roads Department does not. Until recently Westrail had 10 extra bank accounts. This is almost like a tea caddy mentality, covering long service leave and various taxes in 10 different bank accounts. We had to pass an Act of Parliament last year to eliminate those bank accounts and to allow one operating account to accommodate the funds. How this organisation has been tied down for all these years amazes me because it has taken so long to clean up the situation.

Another Building Management Authority document titled "Mowing & Gardening - A Case History of Productivity Improvement" refers to the great job that has been done. I am not critical of this, but the document states that the mowing needs of metropolitan schools represents 90 per cent of the section's business, and that the cost of mowing has been reduced from \$203 a hectare to \$105 a hectare. This BMA section now sees itself as competitive with the private sector. The document identifies some of the major problems in the past such as the size of the work force, outdated work measures, inefficient work practices, and ageing equipment. With the cooperation of the unions the problems have been solved. Apparently some small jobs, for the Police Force and so on, were transferred to the private sector. The document also talks about notional overheads and whether the costs are direct or notional overheads. Being an accountant, I know what can be done with notional overheads to get a required result.

The document refers to a computerised system developed to enable a user to track the progress of any job. That should be highly commended, but this body has only about \$2 million expenditure. It has gone to the nth degree to achieve higher productivity. I commend the organisation for that. Indeed, I think some years ago a report by the Public Accounts and Expenditure Review Committee addressed lawn mowing in the public sector. This is Parkinson's law: If you can see it, you can understand it. Most people can understand lawn mowing but could not comprehend spending \$300 million, \$200 million or \$100 million because it would be out of their reach. One of my partners served at the University of Western Australia and the first meeting he attended, a debate which lasted for

an hour, was to decide whether to wear gowns at graduation ceremonies. The university spent five minutes to okay expenditure of \$5 million. It is much the same with lawn mowing. I commend these actions but I also wish that the same degree of cooperation would occur elsewhere with the unions when trying to obtain better machinery, equipment, and work practices. We would then see more improvements.

The most amazing point is that the document contains graphs indicating that lawn mowing is done on a 21-day cycle from May to October, or on a 14-day cycle from November to April. It also indicates that of the 340 jobs carried out, only one or two were delayed for two days. If my lawn mowing man comes a week late, I am happy.

Hon John Halden: That is private enterprise for you.

Hon MAX EVANS: I know that my lawn mowing man has many jobs. I am talking about the efficiency and the relative costs in relation to the mowing of school lawns. Greater efficiency has been achieved by starting earlier in the mornings, and fewer problems are created for the school children and teachers.

Finally, the Office of Government Accommodation should be considered. The rental bill paid by that body was \$42 million. I would like to know when accounting procedures will be rearranged so that the costs accrue against Government departments. I remember years ago when Government departments took up 17 floors of the Capita building. However, not one of the rental costs was covered by a department because the Office of Government Accommodation picked up the lot. It is an efficient department, but it is wrong that we do not know the true cost of running Government departments. The Crown Law Department now pays double its previous rent; but its budget is not affected because that cost goes to the Office of Government Accommodation's budget. The rental at Westralia Square is about \$420 a square metre, against about \$200 a square metre previously. That is all reflected in this document and it is not what I call good accounting. We should look toward improvements in the long term because so much is at stake. I hope that I can highlight more anomalies for the consideration of the Treasurer. I accept that recommendations are made from time to time to improve the situation. That is the way to go in future so that we can see the true costs for each Government department. The maintenance figure of \$427 000 for the Recreation Camps and Reserves Board should have been a direct cost to that board, not to the BMA.

#### *Adjournment of Debate*

HON T.G. BUTLER (East Metropolitan) [4.38 pm]: I move -

That debate be adjourned until the next sitting of the House.

Question put.

The PRESIDENT: The Noes have it.

Hon J.M. BERINSON: Divide.

The PRESIDENT: Ring the bells.

#### *Point of Order*

Hon D.J. WORDSWORTH: Does the Address-in-Reply debate not take precedence?

The PRESIDENT (Hon Clive Griffiths): Standing Orders Nos 15 and 16 deal with the Address-in-Reply. It is quite proper in accordance with Standing Order No 16 for a motion to be moved that will adjourn debate to the next sitting of the House. There is nothing wrong with that. That happens every day with the Address-in-Reply debate. It is not for me, at this stage, to determine whether the House will agree to that. So, I am at a loss to understand why the member should be asking a question about something that has not occurred.

Hon D.J. Wordsworth: I understand that when we run out of speakers we proceed with other business; but there were two other speakers -

The PRESIDENT: With respect, let me tell you that the House every day adjourns debate on the Address-in-Reply until it is concluded. What you are doing is pre-empting a decision of the House in regard to whether it wants to adjourn debate. Subject to what the House does, when it does vote, I may be required to make a decision on the matter but at this stage you are asking me to make a decision on something that has not occurred, if you understand what I mean.



*Division*

Division taken with the following result -

*Ayes (12)*

Hon J.M. Berinson  
Hon T.G. Butler  
Hon Kim Chance  
Hon Cheryl Davenport  
Hon Graham Edwards

Hon John Halden  
Hon Kay Hallahan  
Hon Tom Helm  
Hon Garry Kelly  
Hon Sam Piantadosi

Hon Bob Thomas  
Hon Fred McKenzie  
(Teller)

*Noes (12)*

Hon George Cash  
Hon Max Evans  
Hon Peter Foss  
Hon P.H. Lockyer  
Hon Murray Montgomery

Hon Muriel Patterson  
Hon P.G. Penda  
Hon R.G. Pike  
Hon W.N. Stretch  
Hon Derrick Tomlinson

Hon D.J. Wordsworth  
Hon Margaret McAleer  
(Teller)

*Pairs*

Hon Doug Wenn  
Hon Tom Stephens  
Hon Mark Nevill  
Hon B.L. Jones

Hon Barry House  
Hon N.F. Moore  
Hon E.J. Charlton  
Hon J.N. Caldwell

The PRESIDENT: The voting being equal, I give my casting vote with the Noes. I will explain the reason why I do that. I am not sure whether the member who asked me the question earlier knew something I was not aware of. The reason that I give my vote with the Noes is that Standing Order No 15 clearly indicates that the Address-in-Reply takes precedence over other business. I have explained earlier that it is quite proper and competent for the House to adjourn the debate as it sees fit. If the House cannot determine itself that it wants to give precedence to some other activity over what Standing Order No 15 says it should give precedence to, I do not believe the President's casting vote should be used for that purpose. Therefore, in order not to create a precedent it would be incorrect for me to give my vote any other way but with the Noes.

Question thus negatived.

*Debate Resumed*

**HON DERRICK TOMLINSON** (East Metropolitan) [4.44 pm]: I am somewhat pleased to support the motion moved by Hon Bob Thomas and to associate myself with the regards and good wishes which honourable members on both sides of the House have conveyed to the Governor, Sir Francis Burt. Many members have spoken of a long association with Sir Francis Burt but that is not something I can claim. Before I came into this place my association was very similar to that of the majority of Western Australians, who knew him as the Chief Justice of the Supreme Court and as the Lieutenant Governor. I think the first time I met Sir Francis Burt was shortly after I was elected to this place and we elected you, Sir, as President. You invited a group of us to accompany you to Government House to present the Governor with the Legislative Council's decision to elect you once again as President. That was my first meeting with him and in that situation I felt rather humbled because I had known him only from a distance and looked on him as a person from a lofty and high office. Since I have been a member of this House I have had occasion, particularly over the last 18 months, to read some of Sir Francis Burt's decisions when he was Chief Justice of the Supreme Court. It is rather interesting for a person without legal training to come to those court decisions because very often one is confused by the complexity of the legalese. Not so with the decisions of Sir Francis Burt. I have found them very accessible and I have always been impressed by the clarity of the intellect which is contained in each of those court decisions, especially when it has come to applying those to the understanding of some of the consequences of legislation which we have enacted in this place, particularly relating to juvenile justice - I refer to the legislation we passed last year to amend the Children's Court Act to allow the publication of the identity of juvenile offenders in certain circumstances and

also the Crime (Serious and Repeat Offenders) Sentencing Bill which was debated at a special sitting of this Parliament at the beginning of February. In both instances I found the rulings of Sir Francis Burt as Chief Justice of the Supreme Court very helpful indeed; helpful because of the clarity of their logic and because of the accessibility of the language to a person who is unschooled in matters of law. From a less remote distance from the time I entered Parliament I have grown somewhat closer to an understanding of the man who is our Governor and at the same time my respect for him has grown. I have observed him on many occasions and have seen the sort of respect he has engendered from the people with whom he has interacted. Someone described the shoes of his predecessor, Professor Gordon Reid, as rather large shoes to fill. I am not sure whether that is an appropriate description, but Professor Reid did win the affection of the Western Australian people. For his successor to follow him in those circumstances was a considerable test of character. The Governor, Sir Francis Burt, has certainly passed that test and I am proud to join with my colleagues in wishing him and Lady Burt the very best for their imminent retirement.

I would also like to join with those members who paid tribute to Hon Kim Chance for the way in which he delivered his maiden speech earlier this week. I can recall the nervousness with which I approached my maiden speech when I came into this place. As Hon Kim Chance entered the Chamber the other day and commenced his speech, I could not help wondering whether he felt as nervous as I had on that occasion. As his speech progressed I was still wondering whether he was nervous because unfortunately he did not show it, and I was waiting for him to reveal the flaw that all of us show.

Hon T.G. Butler: I recall your maiden speech; your voice got loud.

Hon DERRICK TOMLINSON: It is getting louder and louder, and I will tone it down. That is not one of the failings of Hon Kim Chance - his modulation was commendable and the research behind his speech was also commendable. I recall that when preparing my maiden speech the advice I was given was that it should be apolitical and uncontroversial. I was not to invite a rejoinder or response from the floor of the House because the usual convention was that the maiden speech be heard in silence.

Hon Bob Thomas: I did not disagree with anything Kim Chance said.

Hon DERRICK TOMLINSON: Hon Bob Thomas probably would not. I do not disagree with Hon Kim Chance's right to express his opinion and, in this case, I respected the opinion because his argument was well presented, the information he presented was well prepared, and the facts he presented were incontrovertible. However, the conclusions to which he came were not so. In all honesty, I congratulate Hon Kim Chance on his maiden speech. It was truly a very good performance on his part, and I look forward to the remainder of this parliamentary session because I am sure that Hon Kim Chance, if given an opportunity to speak from the Government benches, will raise the level of contribution we hear from that side.

I also congratulate in his absence Hon Garry Kelly on his election to the position of Chairman of Committees. Somebody referred to it as a result out of the blue. I do not know what sort of blue it was a result of, but he was properly elected on the decision of this Legislative Council, no matter the circumstances and machinations that might have led to it. I am confident he will do a very good job as Chairman of Committees. For the past two years he has been Chairman of the Legislation Committee and he has done an excellent job in that position. As Deputy Chairman of Committees he demonstrated an understanding of the Standing Orders and conventions of this House. I am sure that as Chairman of Committees he will continue to demonstrate the qualities he has demonstrated as Deputy Chairman of Committees. I not only congratulate him on his appointment but also welcome him to the position.

I wish to focus in the first part of my contribution to the Address-in-Reply on the Royal Commission into Aboriginal Deaths in Custody. The report of the Royal Commission was presented 10 months ago, and I was particularly interested in reading it. At the time of its presentation it was very difficult to obtain a copy; in fact, only one copy was made available to the Opposition in this place. A single copy to be read and understood by all members of the Opposition means that one waits in line for access to the report. I am an impatient person and I decided to obtain my own copy. I was somewhat surprised, when I presented myself to the Australian Government Publishing Service bookshop and asked for the seven volumes of

the report, to be told that the price was \$350. It was a very expensive report, but I do not regret one cent of that because it is one of the most important documents I have read in the many years during which I have had both a professional and political interest in documents of this kind. It addresses a particular problem of deaths in custody but, in addressing that problem, it could not but look at the underlying circumstances of those deaths. Rather than talk about the circumstances of the individual deaths, I will refer to the underlying issues and the two volume regional report by Commissioner Pat Dodson. The reason for my referral to the underlying issues report is the editorial in *The West Australian* of 1 April 1992. The date is not significant in this instance. When Hon Fred McKenzie referred to that editorial in yesterday's debate he said, when talking about the role of the media in addressing the problems of Aborigines -

We have failed to get results from the steps we have taken over many years in handling their problems.

I could not help but agree with him. We have failed to get results from the steps we have taken over many years in handling their problems. I take it one step further: In the many years we have been handling the problems of Aborigines, we have not merely failed to make progress, but we have created the problems. I wonder whether the aid plan to end Aboriginal misery, which heralded the publication of the report of the intergovernmental response to the report of the Royal Commission, will make a great deal of progress to the resolution of those problems. Hon Fred McKenzie quoted the following part of the editorial in which there was some expression of concern and some reservation about the extent to which the intentions of the Governments will be realised -

The signs are that the Government will be strapped for money in the coming Budget and will be hard pressed to maintain existing services, let alone meet new commitments.

It is unfortunate that the report of the intergovernmental review was heralded with public reports that there was some dissension between the Federal and State Governments as to who would be responsible for financing these programs. Most unfortunate indeed. More important than who will pay is the question of the thrust of the program. I turn again to the editorial of *The West Australian* of Wednesday, 1 April in which it states -

But the true test will be in how effectively governments tackle the underlying issues that bring Aborigines into contact with the law, such as lack of housing and health services, accessibility to land, jobs and education and problems over alcohol and drug abuse. Only by raising Aborigines' self-esteem and replacing feelings of alienation with a sense of belonging will their aspirations be met.

This editorial raises two matters: First, the provision of things, and second, the restoration of self-esteem among Aboriginal people. For many years at both State and Federal levels Governments have addressed the provision of things such as housing and access to education and health services. Many millions of dollars have been spent on those things directed specifically to satisfying the needs of Aboriginal people. It was pointed out to me recently by an Aboriginal person that if the sum total of Federal funds which had been allocated to Aboriginal housing in Western Australia had actually been spent on houses for Aborigines, every Aboriginal family in Western Australia would be well housed. That has not been the case, not because the funds have not been allocated but because such a large portion of those funds has been directed to the administration of the programs and the bureaucracies - the evergrowing and emerging bureaucracies - set in place to administer the programs. Therefore, a decreasing proportion of the money allocated for this purpose has been directed to it.

Despite Governments addressing the allocation of funds there are still unmet needs in housing, access to health care and education and representation before the courts for Aboriginal people. If the response to the Royal Commission into Aboriginal Deaths in Custody is restricted to the allocation of finance to provide "things", then again whoever succeeds Hon Fred McKenzie in this place will have to stand here and say, as he has said, that the money or things we have done have failed to address the problem. We have failed to address the problem adequately despite the substantial allocation of funds for Aboriginal services until now. If we continue to simply provide money for "things" we will continue to fail to address the problem that the Aboriginal people in our community confront in their

daily lives. For that reason I was rather taken by the advice of the editorial in *The West Australian* of 1 April, which stated -

Only by raising Aborigines' self-esteem and replacing feelings of alienation with a sense of belonging will their aspirations be met.

That statement echoes the observation of Commissioner Dodson in volume 2 of his regional report into the underlying issues in Western Australia about which he makes the following point at page 768 -

For most Aboriginal people, the memory of the past on reserves and missions, ruled over by non-Aboriginal people and all they were seen to represent, is not easily forgotten. Nor are the 'protector' and 'welfare' roles played by police as instruments of government policies, as detailed in my report, forgotten. There continues to be a deep sense of loss, injustice and denial of recognition that still pervades the societies of Aboriginal people. This is probably more pronounced in regional and metropolitan areas, than in the remote, discrete communities, which is the prime because some Aboriginal people have basically been able to maintain aspects of their space from the non-Aboriginal world.

That statement relates to the words of the editorial which appeared in *The West Australian* and which states -

Only by raising Aborigines' self-esteem and replacing feelings of alienation with a sense of belonging will their aspirations be met.

I repeat Commissioner Dodson's statement -

There continues to be a deep sense of loss, injustice and denial of recognition that still pervades the societies of Aboriginal people.

Therefore, if one tries to replace that sense of loss and injustice, and that denial of recognition, with mere houses, access to education, medical and legal services, and "things", we will fail to address the underlying issue that the report of the Royal Commission into Aboriginal Deaths in Custody drew to our attention. Commissioner Dodson later in his report made the following observation -

People who do not constantly rely upon the service of others in the public sector fields, probably find Aboriginal aspirations and demands quite difficult to understand. In fact it has become quite clear to me that there are many things non-Aboriginal people do not understand about Aboriginal society . . . It is even a difficult matter for those who provide public services to Aboriginal people, to see how their relationship to those people determines whether Aboriginal people are going to access the intended good of Government policies and programmes or not. Aboriginal people have, for far too long, been at the receiving end of acts of largess, channelled through bureaucratic functionaries whose loyalties have been primarily to government policies of assimilation, integration, self-determination and self-management than to the people themselves. These public servants have neither been contracted by Aboriginal people nor can they be fired by Aboriginal people.

Hence my earlier comment that substantial funds have been allocated to the provision of services for Aboriginal people. I repeat the observation of an Aboriginal person that if the sum total of Federal funds directed to this State for the provision of Aboriginal housing had been applied to provide housing for Aboriginal people every Aboriginal family would be well housed. However, that is not the case because a large portion of those funds has been directed to the maintenance of the bureaucracy supervising the program rather than to the provision of housing. That bureaucracy is not one directed or managed by Aboriginal people but one directed and managed by non-Aboriginal people who see the world through non-Aboriginal eyes and whose non-Aboriginal values determine policies and priorities in the allocation of housing. We must accept as non-Aboriginal people that the Aboriginal's world view is different from ours. If there is an Aboriginal world view different from ours, the Aboriginal values that derive from that world view must be applied to the policies and priorities of Government programs.

Hon Sam Piantadosi: You said, "The Aboriginal's world view is different from ours." What do you mean by "ours"? Would not other people in the community have a view that differs from yours?

Hon DERRICK TOMLINSON: Precisely, and that is an important point to make, because I am sure Hon Sam Piantadosi is alluding to the fact that Australia and Western Australia is a multicultural society. I, who on one side am fourth generation Australian born, and on the other side am first generation Australian born, but primarily of English stock, look upon the world through Anglo Saxon eyes. Hon Sam Piantadosi, who derives from Italian stock, looks upon the world through a different set of eyes, as do the Vietnamese. No-one could deny that Hon Tom Helm looks upon the world through a different set of eyes. That is an important point, and if we are to recognise that Aboriginal values should influence decisions, policies and programs, and be guided by the values and aspirations of Aboriginal people, likewise there should be in other programs respect for the ethnic diversity of Australia. If that was the point that Hon Sam Piantadosi was hoping to lead me into, I thank him, because it reinforces the point I was making with regard to Aboriginal people; namely, that they have a culture which is live and real and that their cultural verities determine their aspirations, sense of belonging, sense of power, and sense of being part of this multicultural society.

However, until now, we have failed to recognise that, and the bureaucracies which have managed the programs for Aboriginal people have locked out Aboriginal people. I am sure Hon Sam Piantadosi will say to me that so too have we locked out the migrant communities, particularly those of the post war period. The member would know the alienation that the Italian people felt, particularly in the decade following the Second World War when there was a massive immigration of Italian people; and so too did the Slavs, Poles and other ethnic groups feel alienation. Those people have now progressed to a second generation and, I would hope, do not feel the same alienation.

My observation is that the second generation of those immigrant populations do have power, a voice, respect and a sense of self-worth in our community. The sort of alienation that I suspect the European immigrants of the immediate post war period felt is now being felt by the Asian migrants coming into our community. With the disbanding of the white Australia policy by the Holt Government in 1967 and the post Vietnam influx of refugees, we have seen a new wave of Asian migration into this country, and those new migrants - if I can call them that - now suffer the same alienation as the immediate post war migrants suffered.

Hon Sam Piantadosi: The sad part, and one with which I find it very difficult to come to grips, is that some of those post war migrants are now exhibiting racist tendencies to the new wave of migrants.

Hon DERRICK TOMLINSON: That is a worldwide phenomenon, and I predict that whatever wave of migration succeeds the current wave of Asian migration it will suffer the same racial intolerance that Asians are now feeling and which the post war migrant populations had to suffer in the early 1950s. Hon Sam Piantadosi is aware of that, I am aware of that, and what the report of the Royal Commission into Aboriginal Deaths in Custody made us aware of is that the Aboriginal people have known that ever since 26 January 1788. They have known two centuries of alienation, of being locked out, and of being dominated by white or non-Aboriginal decision makers.

Particularly since the referendum in 1967, which recognised the Aboriginal people in the Australian Constitution, the well meaning policies of non-Aboriginal people to advance the Aboriginal people have locked the Aboriginal people out of decision making. The report tells us that these people have for too long been at the receiving end of acts of largesse channelled through bureaucratic functionaries whose loyalties have been primarily to Government policies of assimilation, immigration, self-determination and self-management rather than to the people themselves. They have not been loyal to the values, aspirations and priorities of the Aboriginal people. They have been loyal to the values, aspirations and priorities of Government decision makers who are remote from the Aboriginal people both in place and in values.

Whatever the report of the intergovernmental committees has recommended - and I admit that I have not seen the report, nor have I been offered a copy of the report - the Press reports of the report refer to an estimated \$500 million bill as a response to the report of the Royal Commission into Aboriginal Deaths in Custody. However, that \$500 million bill will fail to address the problem if, as I said earlier, it is directed to providing "things" rather than to programs which are determined, directed and managed by Aboriginal people. If a mere three per cent of that \$500 million went to the administration of the program, we would be

doing well indeed because if we could not manage a program with three per cent of a \$500 million budget, that would be a gross misuse of the funds.

One of the matters that we observed when the Standing Committee on Legislation visited New Zealand recently was the sense of ownership that the Maori people have over the juvenile justice system in that country. It is very new. The legislation is but two years old and the people responsible for the management of that program make no false claims about its success. They simply say that at this stage it is too early for them to quantify the progress that has been made. Furthermore, they are modest in the expectations they have for the program. They do not claim it will solve the problem of juvenile crime. They accept that juvenile misbehaviour will be part of any society, but what they hope and what they guardedly observe from the first two years of the operation of the program is that it is managing juvenile misbehaviour in New Zealand. This is demonstrated in the rates of juvenile incarceration: In the whole of the country, which has a population of three million, there are 60 beds for juvenile offenders, of which only 45 are filled. Of those 45, at least half are for young persons on remand who have not yet been found guilty of the offences with which they have been charged. Of the other half, a half are beds for children placed in those residential centres for care and protection. They are not offenders, they are children at risk or they have been offended against and placed in those centres for their own care and protection. So of those 45 people resident in juvenile residential centres in New Zealand, a mere 10 or a dozen are juvenile offenders found guilty of what we would term indictable crimes. Such crimes include murder, and at one of the centres we visited, a 13 year old had just commenced a life sentence for murder; they include grievous bodily harm, robbery with violence or robbery while armed. In other words, if I may use the term, they are the "hard core" offenders.

In the whole of New Zealand a dozen of those young people are in what we would describe as a juvenile detention centre. One asks whether that means that New Zealand is free of juvenile misbehaviour. The answer is clearly no, and their problem is as real as ours. The difference is that in the New Zealand system incarceration is the sentence of last resort. At every stage until that last resort is realised, the New Zealand system is directed to the identification of the young people at risk and to the diversion of those young people into programs which will address their problems and give them the opportunity to direct their energies to worthwhile pursuits and away from juvenile offending.

However, the most important feature of the program as I observed it, and as it relates to the matters addressed in the report of the underlying issues of Aboriginal deaths in custody in Western Australia, is that the diversion programs belong to and are managed by the local communities. One of the features of the local community program is what they rather affectionately term the family group conference, where the young offender is made to confront the consequences of his offences. He is brought face to face with the victim of his offence and with the family of the victim. In the Maori context that family may be the extended family, which consists not just of mum and dad, aunties and uncles, brothers and sisters, and cousins; it can include grandma and grandpa. We were given an example where the young offender was confronted with not merely the person against whom he had offended but 40 people who were the joint victims of the crime. One could not help but realise the consequences of one's offence in that circumstance. The offender does not attend the family group conference on his own. He is permitted under the program to be accompanied by a support person or a support family, if that is the decision of the facilitator of the conference.

At the conference they talk about the offence and its consequences and work out their anger and frustration and grief, and eventually they come to a resolution. They reconcile the offence that has been perpetrated by the young person. Having reconciled the two contending parties, they then decide the appropriate penalty. Those who have been offended against are invited in the family group conference to decide an appropriate penalty for the offence. The police are there, not to determine what the penalty shall be - the family group conference decides that - but as arbitrators, and they may veto a penalty. An example was given of a family group conference where it was decided that an appropriate penalty for an offender was 100 hours of community service. The police intervened and said, "No, given the nature of the offence the appropriate penalty is 50 hours of community service. That is what we believe the young offender would have received had he been sentenced by a court."

The process of negotiation between the victim and the offender, and the victim's representatives and the offender's representatives, resolved that a penalty of 75 hours of community service was appropriate; so in effect both the family of the offender and the family of the victim, and the victim himself or herself, and the offender herself, agreed that 75 hours was appropriate, and 75 hours of community service was the penalty imposed, and was accepted by the court.

Transcending all of this is the realisation that, as in Western Australia, the indigenous peoples of New Zealand are disproportionately represented in the juvenile justice system. In Western Australia 70 per cent of the young people in juvenile detention are Aborigines. That is, a population of 3.5 per cent of Western Australians presents 70 per cent of the young offenders in juvenile detention. In adult detention the representation is something like 49 per cent. In New Zealand the Maori population represents 45 per cent of the young people who come to the attention of juvenile justice authorities. Therefore, the indigenous people are disproportionately represented in that juvenile justice system, as is the case in Western Australia. However, the significant factor in the whole program was the sense of ownership held by the Maori people. So often we were told by Maori people when they came before the committee to give evidence that the family group conference is a Maori way of resolving conflict. This is a traditional Polynesian practice: When a person offends, the offender and the victim come together and determine a penalty. These people said to us, "We put that into the law; we were consulted. We decided that this was the appropriate way to operate, and the lawmakers decided to accept our advice." The sense of ownership was strong. I accepted and admired that not only was the sense of ownership strong, but so too was the determination that the program would succeed because it was addressing predominantly Maori people. Although the program met the needs and aspirations of these people and was seen to be a recognition of Maori culture, values and way of proceeding in national law, it also worked for the Pakeha people. They too derived benefit for not only the offender, but also the victim, who often believed that justice was done. It was believed that it was not merely a matter of indicating that proper retribution was made for the crime, but that a sense of new direction was given to the family within that system.

As an outsider I respected the evidence given to the committee; however, I could not help making the observation that this was not ostensibly a Maori way of proceeding. This Maori process of justice was nothing more than a conflict resolution procedure which can be seen in operation elsewhere in the world. The family group conference, which the Maoris proudly claimed as theirs, has also been embodied in juvenile justice systems in France and in some States of the United States of America. We were encouraged to visit Honolulu to observe the system.

Hon P.G. Pendal: But you passed up the temptation.

Hon Cheryl Davenport: And Sweden!

Hon DERRICK TOMLINSON: Indeed. I give notice that two members of the committee have formed a subcommittee which will be visiting Sweden and Paris; is that not right, Hon Cheryl Davenport?

Hon P.G. Pendal: Your wife is out the back and wants to speak to you.

Hon DERRICK TOMLINSON: We can learn something from this. I have been drawing the attention of the House to the report's observations on the underlying issues, and Commissioner Dobson made the important point that Aboriginal people are alienated from the decision making system within Australia. In spite of the programs which have been directed, in good faith, to enhance and better the life opportunities of Aborigines, in fact they have failed, partially because the programs do not belong to the Aboriginal people who have an enduring sense of loss, powerlessness and hopelessness. The Government - which will be initially responsible for the implementation of programs - must look closely at the observations of the Royal Commission into Aboriginal Deaths in Custody. In implementing the programs the Government must address the problems which underlie the Aboriginal deaths in custody, and in particular to look at the opportunities to give ownership of the programs to the Aboriginal people.

In this process the Government must recognise and anticipate that a risk is involved. When people who are not accustomed to managing their own affairs, and who have been

mendicants of a welfare State and have not been allowed to participate in decision making of that welfare State, are given the right to participate in the management process, sometimes the programs will not meet their intended purposes. When we, with our many centuries of experience of government, decision making and participating in management, consider the operation of those programs, it is too easy for us to say that they have failed. It would be easy to discredit self-determination by Aboriginal people because, by our standards, they have failed. If we do not recognise that this risk is involved, and if we do not accept and build into the programs the expectations of a margin of failure, those programs will be too readily discredited and discarded.

The question of addressing the needs of Aboriginal people is not merely one of providing things or increasing the largesse; it means giving them a sense of their own worth and self-respect. I reiterate the point I made yesterday in an interjection: The cost of restoring self-respect to the Aboriginal people will be minimal. It will not cost us a brass razoo to take the management out of the hands of the non-Aboriginal community and to hand it to the Aboriginal community. The only cost will be the anticipated loss in program failures, and these failures will be marginal. I emphasise the observation of the New Zealand juvenile justice system in which the Maori people engaged in the system had a sense of ownership. They told us, "It is ours, and because it is ours it will succeed." They were determined that it would succeed, and that it would succeed in pakeha terms as well, because they had a vested interest in demonstrating their self-worth. Their self-worth became meaningful in New Zealand society only when it was recognised and accepted by the totality of the New Zealand people. Likewise, the self-worth of Aboriginal people will be enhanced when non-Aboriginal people accept that they are worthy of being called Australians. I commend the motion to the House.

Debate adjourned, on motion by Hon T.G. Butler.

## **BUSINESS FRANCHISE (TOBACCO) AMENDMENT BILL**

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Attorney General), read a first time.

### *Second Reading*

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [5.43 pm]: I move -

That the Bill be now read a second time.

This Bill amends the Business Franchise (Tobacco) Act to authorise the imposition of a penalty when an assessment is raised because a licensee understates the value of tobacco products sold during the sales period on which the licence is based. Under the current provisions, where a licensed supplier understates the value of tobacco products sold, with a consequent underpayment of the licence fee, the Commissioner of State Taxation is authorised to issue an assessment for the amount underpaid. However, the Act does not impose any penalty on taxpayers who evade their licence fee obligations in this way. Consequently, there is no disincentive to evasion. The proposed amendment seeks to redress this deficiency in the Act by providing the commissioner with the authority to impose a penalty equal to the amount of any increase in a licence fee resulting from a reassessment because of an incorrect declaration. The amendment also authorises the commissioner to remit the penalty in whole or in part where the circumstances warrant. These changes will bring the Business Franchise (Tobacco) Act into line with the legislative penalty provisions of other self-assessed returns-based taxes. The penal provisions will not apply to a reassessment of licence fees issued prior to the amendment coming into force. I commend the Bill to the House.

Debate adjourned, on motion by Hon Margaret McAleer.

## **POLICE AMENDMENT BILL**

Message from the Assembly received and read advising that it had agreed to the Legislative Council's request to resume consideration of the Bill at the stage it reached in the previous session.



**ADJOURNMENT OF THE HOUSE - ORDINARY**

**HON J.M. BERINSON** (North Metropolitan - Leader of the House) [5.45 pm]: I move -

That the House do now adjourn.

*Adjournment Debate - National Wool Day*

**HON MARGARET McALEER** (Agricultural) [5.46 pm]: I believe that the House should not adjourn before we have accorded some recognition to Australia's very first national wool day which is being celebrated today. This is a day which has been appointed by the Federal Parliament to promote the importance of wool throughout Australia. The Federal Parliament was to focus attention in its Houses today on wool by debating and discussing various issues, and in the Great Hall of the Federal Parliament there was to be a very unusual event; that is, an auction of superfine wool to overseas buyers. That has attracted considerable attention from the media both in America and the United Kingdom. Media representatives were to come to Australia to focus on that event. At the same time in the Great Hall there were to be displays of the wool industry in all its various aspects. This celebration of course is not simply confined to the Federal Parliament in Canberra. The idea for this celebration came from Wilson Tuckey, the Federal member for the Western Australian seat of O'Connor, and I believe he will never have an idea which has been so unanimously and readily accepted by the whole of the Federal Parliament. A small committee was set up which comprised Wilson Tuckey, Ron Edwards and Bruce Scott. This committee liaised with communities and bodies interested in the wool industry all over Australia. Through their work and the ready acceptance of this idea throughout the length and breadth of Australia there has been a national celebration.

Western Australia has participated in this celebration most notably by the very large celebrations and events which took place in Forrest Place which were to be opened by the Premier, although circumstances prevented her from attending and Dr Gallop took her place. Along with colleagues I was there this morning for the opening of these events. This happening in Forrest Place was masterminded and coordinated by the Country Women's Association with enormous assistance from the Australian Wool Corporation, the Royal Agricultural Society, the City of Perth, and the retailers of Perth who combined in a contest which resulted in awards for the best displays in shops. Even the Australian Workers Union and the Fire Brigades Board were involved. All aspects of the wool industry were displayed in Forrest Place, from shearing, the champion ram which walked around a platform, right through to crafts which people cultivate in the country these days, including knitting and spinning. The events were well patronised by the people of Perth and in that sense alone were a great success because the day helped to bring home to the people of Perth, to city people, something of the importance of the wool industry to our economy.

In the same way through the efforts of the Federal parliamentary committee there have been celebrations in various towns throughout the State, including the City of Geraldton and the town of Kellerberrin and celebrations will take place in Northampton on Monday and in Eneabba tomorrow.

Because wool is so important to us as an export, because the industry has been going through such a difficult and oppressed time, it behoves us all to do our utmost not merely to promote it overseas where most of our buyers are, but by informing ourselves on every aspect in order that as a nation we put ourselves in a position to encourage an industry which is still so important to our economy. This will be only the first of many such days and could not have occurred at a more important time for this struggling industry. I am very glad it has been apparently such a very great success. I congratulate all people who helped it to be so.

*Adjournment Debate - Daylight Saving Vote*

**HON GARRY KELLY** (South Metropolitan) [5.49 pm]: I cannot let the House adjourn without reminding members that "It's OK to say no" - to daylight saving!

Question put and passed.

*House adjourned at 5.49 pm*

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## QUESTIONS ON NOTICE

### GOVERNMENT DEPARTMENTS - MINISTER FOR POLICE

#### *Bodies Administered; Current Organisational Structure; Employment Positions*

46. Hon PETER FOSS to the Minister for Police:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
  - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
  - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
  - (c) what was their experience immediately prior to entering the public service or contracting with Government;
  - (d) are they presently on contract and what is the date of expiry of that contract?

Hon GRAHAM EDWARDS replied:

The member is referred to the Premier's response to question on notice 49.

### GOVERNMENT DEPARTMENTS - MINISTER FOR EMERGENCY SERVICES

#### *Bodies Administered; Current Organisational Structure; Employment Positions*

47. Hon PETER FOSS to the Minister for Emergency Services:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and

- (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
- (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
- (c) what was their experience immediately prior to entering the public service or contracting with Government;
- (d) are they presently on contract and what is the date of expiry of that contract?

Hon GRAHAM EDWARDS replied:

The member is referred to the Premier's response to question on notice 49.

**GOVERNMENT DEPARTMENTS - MINISTER FOR SPORT AND RECREATION**

*Bodies Administered; Current Organisational Structure; Employment Positions*

48. Hon PETER FOSS to the Minister for Sport and Recreation:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
  - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
  - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
  - (c) what was their experience immediately prior to entering the public service or contracting with Government;
  - (d) are they presently on contract and what is the date of expiry of that contract?

Hon GRAHAM EDWARDS replied:

The member is referred to the Premier's response to question on notice 49.

**GOVERNMENT DEPARTMENTS - MINISTER FOR MICROECONOMIC REFORM**

*Bodies Administered; Current Organisational Structure; Employment Positions*

51. Hon PETER FOSS to the Attorney General representing the Minister for Microeconomic Reform:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
  - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
  - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
  - (c) what was their experience immediately prior to entering the public service or contracting with Government;
  - (d) are they presently on contract and what is the date of expiry of that contract?

Hon J.M. BERINSON replied:

The Minister for Microeconomic Reform has provided the following reply -  
The member is referred to the Premier's response to question on notice 49.

#### GOVERNMENT DEPARTMENTS - MINISTER FOR HOUSING

##### *Bodies Administered; Current Organisational Structure; Employment Positions*

52. Hon PETER FOSS to the Attorney General representing the Minister for Housing:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
  - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
  - (b) what were their previous positions held within the public

- service or in employment by the Government or contracted to the Government and the dates for which they were held;
- (c) what was their experience immediately prior to entering the public service or contracting with Government;
- (d) are they presently on contract and what is the date of expiry of that contract?

Hon J.M. BERINSON replied:

The member is referred to the Premier's response to question on notice 49.

**GOVERNMENT DEPARTMENTS - MINISTER FOR PARLIAMENTARY AND ELECTORAL REFORM**

*Bodies Administered; Current Organisational Structure; Employment Positions*

54. Hon PETER FOSS to the Attorney General representing the Minister for Parliamentary and Electoral Reform:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
  - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
  - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
  - (c) what was their experience immediately prior to entering the public service or contracting with Government;
  - (d) are they presently on contract and what is the date of expiry of that contract?

Hon J.M. BERINSON replied:

The Minister for Parliamentary and Electoral Reform has provided the following reply -

The member is referred to the Premier's response to question on notice 49.

**GOVERNMENT DEPARTMENTS - MINISTER FOR FUEL AND ENERGY**

*Bodies Administered; Current Organisational Structure; Employment Positions*

55. Hon PETER FOSS to the Attorney General representing the Minister for Fuel and Energy:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?

- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
  - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
  - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
  - (c) what was their experience immediately prior to entering the public service or contracting with Government;
  - (d) are they presently on contract and what is the date of expiry of that contract?

Hon J.M. BERINSON replied:

The Minister for Fuel and Energy has provided the following reply -

The member is referred to the Premier's response to question on notice 49.

**GOVERNMENT DEPARTMENTS - MINISTER FOR CONSTRUCTION**  
*Bodies Administered; Current Organisational Structure; Employment Positions*

68. Hon PETER FOSS to the Minister for Education representing the Minister for Construction:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
  - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
  - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;

- (c) what was their experience immediately prior to entering the public service or contracting with Government;
- (d) are they presently on contract and what is the date of expiry of that contract?

Hon KAY HALLAHAN replied:

The member is referred to the Premier's response to question on notice 49.

**GOVERNMENT DEPARTMENTS - MINISTER FOR SERVICES**

*Bodies Administered; Current Organisational Structure; Employment Positions*

69. Hon PETER FOSS to the Minister for Education representing the Minister for Services:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
  - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
  - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
  - (c) what was their experience immediately prior to entering the public service or contracting with Government;
  - (d) are they presently on contract and what is the date of expiry of that contract?

Hon KAY HALLAHAN replied:

The member is referred to the Premier's response to question on notice 49.

**GOVERNMENT DEPARTMENTS - MINISTER FOR HERITAGE**

*Bodies Administered; Current Organisational Structure; Employment Positions*

70. Hon PETER FOSS to the Minister for Education representing the Minister for Heritage:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?

- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
  - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
  - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
  - (c) what was their experience immediately prior to entering the public service or contracting with Government;
  - (d) are they presently on contract and what is the date of expiry of that contract?

Hon KAY HALLAHAN replied:

The member is referred to the Premier's response to question on notice 49.

#### **YIRRIGAN SANITARY REFUSE SITE - LEACHATE**

##### *Movement Rate - Chemical Composition*

87. Hon GEORGE CASH to the Minister for Education representing the Minister for Health:

- (1) At what rate is the leachate from the Yirrigan sanitary refuse site expected to move and in which direction is the leachate expected to move?
- (2) What is the likely chemical composition of the leachate material?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) CSIRO studies show that the rate of leachate movement is of the order of 70 metres per year in a direction south west of the site, consistent with ground water movement.
- (2) CSIRO and Health Department monitoring of ground water from boreholes at the Yirrigan location indicates contamination by leachate containing chlorides, nitrogen - ammonia form - and organic carbon compounds typically associated with the breakdown of domestic waste.

#### **TOBACCO CONTROL ACT - EXEMPTIONS**

##### *Western Australian Cricket Association - Sheffield Shield*

118. Hon MAX EVANS to the Minister for Sport and Recreation:

- (1) When does the present exemption to the Western Australian Cricket Association under the Tobacco Control Act 1990 expire?
- (2) Has the Minister given a further exemption to the Western Australian Cricket Association for the next season of Sheffield Shield cricket and international matches?
- (3) If no, will the Minister be giving an exemption and for how long?
- (4) If no further exemption is given what will be the future effect on cricket in Western Australia?
- (5) Has the Australian Cricket Board fixed a deadline for the exemption to be given?



Hon GRAHAM EDWARDS replied:

- (1) 30 April 1992.
- (2) The Minister for Sport and Recreation is not responsible for granting exemptions under the Tobacco Control Act 1990.
- (3) Not applicable.
- (4) If no further exemption is granted, the WACA has the option of seeking total replacement funding of its tobacco sponsorship from the Western Australian Health Promotion Foundation.
- (5) Irrespective of any deadlines suggested by the Australian Cricket Board, the announcement by the Federal Government that it intends to prohibit tobacco advertising through sports sponsorship by December 1995, will mean that Australian cricket needs to find by this date an alternative sponsor.

**LAND TAX - FILE No 8514089**

*Commissioner of Land Taxation's Summons*

127. Hon GEORGE CASH to the Attorney General representing the Treasurer:

- (1) With reference to Land Tax File No 8514089 will the Minister advise whether the Commissioner of State Taxation has issued a summons in respect of the land the subject of this file?
- (2) Is the Commissioner of State Taxation aware that the land was leased by a Government department to a private company and that the premises were vacated by the company on 20 February 1991, by order of the Government department as a consequence of the East Perth Redevelopment Act which was recently passed by this Parliament?
- (3) Is the Commissioner of State Taxation aware that the terms of the lease between the Government department and the company places an obligation on the Government department in respect to land tax after the premises were vacated?
- (4) What was the reason for the delay in forwarding the 1989-90 Land Tax Assessment Notice in respect to File No 8514089 until 24 December 1991?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

- (1) A summons has been issued.
- (2) No.
- (3) The taxpayer claimed that there was such an obligation but State Taxation Department inquiries indicated that the claim was incorrect.
- (4) The need to obtain a new valuation and a delay in requesting it from the Valuer General.

**RURAL ADJUSTMENT AUTHORITY - EMPLOYMENT STATISTICS 1982**

*Rural Adjustment and Finance Corporation - Employment Statistics*

136. Hon GEORGE CASH to the Minister for Police representing the Minister for Agriculture:

- (1) How many employees were in the Rural Adjustment Authority in 1982?
- (2) How many employees are currently in the Rural Adjustment and Finance Corporation of Western Australia?
- (3) What was the annual budget of finance available for loan to farmers in 1982?
- (4) What is the budget of available finance for the current financial year?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- (1) Ten. However staff of the Department of Agriculture were engaged

on the analysis and assessment of applications and the Rural and Industries Bank staff provided banking and other facilities such as preparation of security documentation.

(2) 53.

(3) No details are available; however \$8 014 974 of assistance was advanced to farmers in the 1981-82 financial year.

(4) Rural Adjustment Scheme

Part A At 31 March 1992, \$19.3 million is available in the rural adjustment 1985 trust fund plus a further \$4.2 million to be received from the Commonwealth for the period 1 April 1992 to 30 June 1992. These funds are available for both new assistance and funding assistance already approved but not yet drawn down.

Part B	\$2 368 000	Commonwealth Share (2/3)
	\$790 000	State Share (1/3)

Part C Unlimited, however 1991-92 estimate was \$2.5 million.

Special top-up scheme

\$600 000 (100 per cent State)

Farm water supply scheme

Loans \$608 000

Grants and interest subsidies \$250 000

Loans to grape growers

Loans \$89 000

#### FIRE SAFETY - WESTERN AUSTRALIAN FIRE BRIGADES BOARD REGULATIONS COMPLIANCE

*384 Valentine Street, Kewdale - Lot 100 Kirke Street, Balcatta*

139. Hon GEORGE CASH to the Minister for Emergency Services:

- (1) Do the following buildings comply with all regulations and requirements laid down by the Western Australian Fire Brigades Board concerning fire safety -
  - (a) 384 Valentine Street, Kewdale; and
  - (b) Lot 100 Kirke Street, Balcatta?
- (2) If no, what work is required on each building in order to comply with the regulations?
- (3) Has the owner of either building lodged an appeal against complying with any regulation?
- (4) If yes, to (3) -
  - (a) which owner; and
  - (b) when was the appeal lodged?
- (5) Has a decision been made on this appeal?
- (6) If no, why not?

Hon GRAHAM EDWARDS replied:

- (1) (a) Lot 384 (No 15) Valentine Street, Kewdale.

- No. Does not comply.
- (b) Lot 100 (No 3) Kirke Street, Balcatta.  
No. Does not comply.
- (2) Valentine Street, Kewdale.  
As per requirements of Building Code of Australia clause E1.5, a fire sprinkler system should be installed in compliance with Australian Standard 2118-1982.
- Kirke Street, Balcatta.  
Items still outstanding -
- Installation of fire sprinkler system
  - Smoke exhaust ) considered inadequate
  - Air relief intake) and requires certification
  - Exit signs
  - Emergency lighting
  - Distance of travel to exits is excessive, does not meet Building Code of Australia requirements
  - Approved door handles required to be fitted to exit doors
  - Fire hydrant required
  - Egress from central mezzanine floor required for emergency.
- (3) Yes. Owners of both properties have.
- (4) Valentine Street, Kewdale. Lodged by Mr P. Hodge, 2/9 Bowman Street, South Perth in September-October 1990.  
Kirke Street, Balcatta. Lodged by Mr S. Schubert, 17 Morden Street, Wembley Downs in June-July 1991.  
The brigade opposed both appeals on grounds of excessive fire hazard of contents, safety of occupants and nearby premises and requirements of the Building Code of Australia.
- (5) Valentine Street, Kewdale. Appeal considered by Minister for Local Government and upheld in February 1991.  
Kirke Street, Balcatta. Appeal not yet considered by Minister for Local Government.
- (6) This question should be directed to the Minister for Local Government.

**PEARLING INDUSTRY - EXMOUTH GULF**

*Morgan & Son's Additional Shells Arrangement Withdrawal*

141. Hon P.H. LOCKYER to Hon Mark Nevill representing the Minister for Fisheries:

- (1) Has the Government withdrawn the arrangement for Morgan & Son to take an additional 20 000 pearl shell in the Exmouth Gulf region?
- (2) If yes, why?
- (3) If no, is the Government contemplating issuing licences for additional pearl shell to be taken in the area?

Hon MARK NEVILL replied:

The Minister for Fisheries has provided the following reply -

- (1) No, there is no legal commitment by the Western Australian joint authority to such an arrangement.
- (2) Not applicable.
- (3) Yes.

### QUESTIONS WITHOUT NOTICE

#### CORRECTIVE SERVICES, DEPARTMENT OF - STRATEGIC PLAN FOR PRISON ACCOMMODATION

##### *Completion Date*

61. Hon GEORGE CASH to the Minister for Corrective Services:

- (1) Will the Minister indicate to the House when the Department of Corrective Services is likely to complete its strategic plan for prison accommodation requirements to the year 2000; that is, the plan to which the Minister has referred in recent days?
- (2) Will a copy of that plan be made available to the Parliament?
- (3) If not, why not?

Hon J.M. BERINSON replied:

(1)-(3)

I have indicated previously that I expect to be able to put a submission to Cabinet within the next month or two on prison accommodation decisions. That will not necessarily represent the end of the review process. It is quite possible that it will represent an indication of requirements for early attention. As to the public availability of the review, that is a matter to which I will give attention at the appropriate time. This will not necessarily constitute a review in a single document as one might expect from a formal reference of a matter to a reporting body, but could well amount to a combination of recommendations arising from different considerations within the department.

#### POLICE ACT - SECTION 50 AMENDMENTS

62. Hon GEORGE CASH to the Minister for Police:

Does the Government propose during this session of Parliament to introduce any amendments to section 50 of the Police Act which deals with authority for a police constable to demand and require an individual to indicate his name and address?

Hon GRAHAM EDWARDS replied:

No.

#### SCHOOL RENEWAL PROGRAM - REDUNDANT ASSETS

##### *Upgrading of Schools Funding*

63. Hon DERRICK TOMLINSON to the Minister for Education :

An important element of the school renewal program is the realisation of redundant assets and the use of funds so generated for the upgrading of other schools. Under the program -

- (a) have any assets been so realised; and
- (b) how much money has been directed to the upgrading of existing schools?

Hon KAY HALLAHAN replied:

As I indicated yesterday, the program is under way but proceeding slowly, therefore the sorts of quantitative results that Hon Derrick Tomlinson asks for are not yet realised. One school community I can think of is setting in progress an amalgamation of a preprimary school and a primary school. That will release resources that I understand will be used in the primary school. Such amounts must be available up front to refurbish the primary school to accommodate the preprimary children. The freeing up of those resources comes after the refurbishment, which I suspect will be what happens in most cases. That initiative has come from the community.

Hon Derrick Tomlinson: Is that a rural school?

Hon KAY HALLAHAN: No; it is one of the older metropolitan schools. This appears to be a good process involving much consultation with the community about what is happening. One sees with it the benefits of "freeing up", as the member rightly termed it, resources that are underutilised. I do not have much to report at present on what I think will be an extraordinarily important process in the future.

**SCHOOL RENEWAL PROGRAM - UPGRADING OF SCHOOLS**  
*Minor Capital Works Funding Review*

64. Hon DERRICK TOMLINSON to the Minister for Education :

In the light of the rate of progress of this school renewal program, has the Government been compelled to review its expectation of funds available for application to minor capital works for upgrading schools during this and the next financial year?

Hon KAY HALLAHAN replied:

No.

**POLICE - ESPERANCE POLICE STATION**  
*24 Hour Service Consideration*

65. Hon D.J. WORDSWORTH to the Minister for Police :

The Minister would be aware that the police station at Esperance now has an inspector and not a sergeant in charge. This obviously indicates that the district has become larger or the crime factor greater, yet the station still closes at 11.00 pm and if people want a police officer after that time they must telephone the Kalgoorlie police, which is a most unsatisfactory situation. Why does this situation exist?

Hon GRAHAM EDWARDS replied:

The Esperance Police Station still has an officer in charge. My recollection is that a recent change was made to the officer in charge. I am not familiar with the person running the station. Generally the practice is for the officer in charge to respond if a need exists for him to do so. As I see it, Hon David Wordsworth is asking for a 24 hour service. I would have to take that up with the Commissioner of Police as it is a police operational decision whether a station provides a 24 hour service in such areas. If the member has information that would assist in a decision being made or consideration being given to its becoming a 24 hour station, I suggest he either convey it to me or to the commissioner. If he conveys that information to me I will be happy to take up the matter with the commissioner.

**COMMUNITY SPORTING AND RECREATION FACILITIES FUND - PORT HEDLAND GRANT**

66. Hon MAX EVANS to the Minister for Sport and Recreation :

A \$2 million grant due to Port Hedland was not paid last year, so will it be paid this year and what is the present status of that grant?

Hon GRAHAM EDWARDS replied:

An original offer was made to Port Hedland on a dollar for dollar basis up to \$2 million to assist in providing a much needed facility in that town. The grant was made available because of the funding arrangement in which the local authority finds itself. I have had a number of meetings up there with the Port Hedland Town Council, Mr Larry Graham, who is the local member, and various sporting groups, and offers have been made to the Port Hedland Town Council. At this stage it has not indicated to me that it will fully utilise that grant. Indeed, the last amount we were considering was in the order of \$1 million, but that local authority will need to get its planning a little more advanced than it is at the moment. I have spoken to the local member and if

necessary I will go up there and have another meeting with the local people. I am very keen for them to take advantage of the money, as the local groups up there are enthusiastic. The most enthusiastic group is the police and citizens' club, which is very anxious for the building to proceed, but other groups with which I have had discussions are equally keen to see that happen. The matter has been going on for quite some time and I would be very pleased for it to be drawn to a conclusion.

**POLICE - REGIONALISATION OF TRAFFIC BRANCH**  
*Government Employees Housing Authority - No Housing Compensation*

67. Hon MURRAY MONTGOMERY to the Minister for Police:

My question concerns the regionalisation of the Traffic Branch. Where a traffic officer is transferred and no Government Employees Housing Authority housing is available to that officer, will the Police Department recompense the officer to the full extent of the difference in rent between GEHA and private accommodation?

Hon GRAHAM EDWARDS replied:

I ask the member to put that question on notice. I had hoped to make a statement to the House on regionalisation this week but I will not be in a position to do so until next week. I will try to cover this matter in my statement.

**COMMUNITY SPORTING AND RECREATION FACILITIES FUND - \$15 MILLION ALLOCATION**  
*Successful Applicants*

68. Hon BARRY HOUSE to the Minister for Sport and Recreation:

I am aware that applications for part of the \$15 million funding over three years, which was announced earlier this year, are now being received for community sporting and recreation facilities. How much of the \$15 million will be allocated this year, and when will the successful applicants be announced?

Hon GRAHAM EDWARDS replied:

I hope to announce the successful applicants in time to allow local authorities to include in their financial planning any financial allocations they may need to make in order to take up the grants. Whether it will be \$5 million or \$7 million this year and the balance over the next two years will be finally determined by Cabinet in the Budget process. However, one of the major aims of the restructured community sporting and recreation facilities fund was to bring approvals and notifications in line with local government requirements so that they could fulfil their very important financial planning process.

**TOBACCO CONTROL ACT - EXEMPTIONS**  
*Western Australian Cricket Association - Cricket Matches Decision*

69. Hon MAX EVANS to the Minister for Sport and Recreation:

Further to my earlier question on the Tobacco Control Act, the Act says that after consultation with the appropriate Minister regarding the nature and background of the event, exemption can be given. Has the Minister had consultations with the Minister for Health about this, and can he tell us or the Western Australian Cricket Association and the public when a decision will be made so that they know whether we will be having these matches next season? The Minister has given an answer regarding the Australian Cricket Board and the Federal Government, but that is not relevant to my question.

Hon GRAHAM EDWARDS replied:

If the answer is not relevant I suggest the member look at the question. I was down at the Western Australian Cricket Association yesterday and on the

weekend and the matter was not raised with me, so I am not quite sure what the member means when he says, "so that they know whether we will be having these matches next season". I do not know whether the member or the association wants to know what is happening.

Hon Barry House: I assure you that the association wants to know what is happening.

Hon GRAHAM EDWARDS: I have a very good liaison with the WACA and it does not have any difficulty in contacting me and asking me questions or seeking information from me. However, I am happy to note that the WACA wants to conduct its business through the Opposition, and perhaps I will respond accordingly.

### SCHOOLS - BRIDGETOWN *Ministerial Visit*

70. Hon W.N. STRETCH to the Minister for Education:

- (1) Has the Minister visited the Bridgetown school complexes in the last year?
- (2) If not, has she received an invitation from them to visit fairly urgently? If not, I issue that invitation now, because their shire has grown by 13 per cent in the last few years and is having enormous difficulty coping with the school population.

Hon KAY HALLAHAN replied:

(1)-(2)

I am happy to advise the House that I have indeed visited the Bridgetown school in the time that I have been the Minister for Education. I was very impressed by the principal and staff, and by the parental support and the support from local members of Parliament - even including one from Hon Bill Stretch's own party, who perhaps could liaise with him and tell him about the visit, which I thought was very useful. I was impressed also by the support from members of my own party who were there, and also the shire president, who indicated the shire's support for the school as well.

I am aware of the priorities the school sees for its upgrading and it, along with all other schools which have particular needs, will be considered as favourably as possible in the 1992-93 Budget. The member should understand that I thought there was a very good tone in the school. I think it has very good leadership and I enjoyed my visit there immensely.

### RADAR DETECTORS - BAN LEGISLATION *Undetectable New Laser Radar Guns*

71. Hon BARRY HOUSE to the Minister for Police:

In view of the use by police of the new laser radar guns which are undetectable by ordinary radar detectors, is it still the Government's intention to introduce legislation to outlaw radar detectors; and if so, why?

Hon GRAHAM EDWARDS replied:

It is a good question and I am very pleased that the member has picked up on the issue because it is one that is exercising my mind at the moment. Obviously, if we do not have to bring in legislation we will not; but equally obviously, if we have to bring in legislation we certainly will.