WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE ASSEMBLY

Thursday, 29 October 1998

Legislative Assembly

Thursday, 29 October 1998

THE SPEAKER (Mr Strickland) took the Chair at 10.00 am, and read prayers.

INCREASED PENALTIES FOR ATTACKS ON CITIZENS

Petition

Mrs Roberts presented the following petition bearing the signatures of 8 500 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned citizens of Western Australia hereby call upon the Government of Western Australia to;
>
> 1. Immediately legislate for the introduction of harsher penalties for persons found guilty of attacks on all citizens with particular emphasis on attacks on the elderly.
>
> 2. We also call on the Government of Western Australia to legislate for the election of Judges and Magistrates to five year terms to stop such persons from being appointed to life terms of office. We submit that the present system of appointments allows appointees to become complacent and out of touch with victims of crime.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 69.]

HEALTH SYSTEM, WAITING LISTS

Petition

Mr McGowan presented the following petition bearing the signatures of 12 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned, respectively request that the Government reacts to rectify the current situation of long waiting lists in the public health system by directing more funds into the public health and hospital services. We also request that the Government halts any further downgrading of these services so that we as a community get the health care that we deserve.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 70.]

REGIONAL PARK, SOUTH OF GUILDERTON

Petition

Mr Kobelke presented the following petition bearing the signatures of 117 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned respectfully request that the Government establish a Regional Park immediately to the south of Guilderton in order to protect the mouth and lower reaches of the Moore River and the significant dunes and coastal heathland south of the Moore River.
>
> We request that the Government take urgent action to acquire this land before it is further rezoned and developed,
>
> and your petitioners, as in duty bound, will ever pray.

[See petition No 71.]

COMMUNITY SERVICE SCHEME, ROCKINGHAM

Petition

Mr McGowan presented the following petition bearing the signatures of 145 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned, in response to the crime problem in the Rockingham area, request that the Rockingham City Council immediately institute a Community Security Scheme on the streets of Rockingham in a similar way to that installed by the city of Bayswater and that the Minister for Police take urgent action to base more Police Officers in the Rockingham area to recognise Rockingham's enormous growth and to combat crime.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 72.]

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Follow-up Report on the Western Australian Tourism Commission Sponsorship Agreement with Global Dance Foundation Inc

MR TRENORDEN (Avon) [10.06 am]: I present the Public Accounts and Expenditure Review Committee follow-up report on the Western Australian Tourism Commission sponsorship agreement with Global Dance Foundation Inc report No 38. I move -

> That the report be printed.

On 4 February this year the Public Accounts and Expenditure Review Committee tabled report No 36 into the Western Australian Tourism Commission's sponsorship agreement with Global Dance Foundation Inc. That report contained 36 findings and five recommendations which informed the Parliament of how the agreement transpired and how the risk of loss of sponsorship moneys could be reduced in the future. On 5 May this year a ministerial response to the committee's report was tabled. In June the committee received correspondence from the Director General of the Ministry of the Premier and Cabinet on the suggestion of the Commissioner for Public Sector Standards. The correspondence included responses to the committee's report from the chairman of the Western Australian Tourism Commission. The ministerial and tourist commission responses agreed with some of the committee's findings and recommendations but disputed others.

The follow-up report is as a result of the committee carefully examining the responses in relation to the original report and confirming that the committee stands by the report's findings and recommendations. I consider the matter to be closed from a Public Accounts and Expenditure Review Committee's perspective.

MS MacTIERNAN (Armadale) [10.08 am]: While I generally agree with the conclusions of the committee, I disagree on one point. It is unfortunate that there is an area in which we have not done some more work and it may be appropriate for this to be referred to another forum for further consideration. Our first recommendation was -

> Where a minister requests a statutory authority to carry out certain actions, such a request should be confirmed in writing by the Minister.
>
> Where a statutory authority believes the minister has made a request of it the authority has an obligation to seek written confirmation from the Minister.
>
> These principles should be incorporated in all legislation governing statutory authorities.

In his submissions the Premier made the point that this could obviously create some difficulties and that the notion of a request is very broad. Should a request of the minister to his departmental officer for a cup of tea be in writing? A variety of requests will be made in the relationship between a minister and his department, including requests for the provision of information, and it would be unduly bureaucratic for us to demand that all of those be in writing. Therefore, although I stood by the principle of what the committee originally found, I believed there was merit in the concern raised by the Premier and that more time needed to be spent further defining what type of request we are talking about. We have seen, not only in the Global Dance Foundation Inc case, but also, unfortunately, in a range of decisions and actions, that there have been times when ministers, without taking the responsibility of a written direction, have borne very heavily on the will of public servants to actually get them to reverse the decision that they would normally have wanted to make. There is no greater example of that, I believe, than the fiasco with the then Minister for Transport and the Australind bypass, which is a sorry saga. That is the sort of incident that reaffirms for me the need for more work to be done in this area.

I am not being critical of the committee's original finding. I think it was right. However, the Premier has made a valid point.

It is unfortunate that we have not done further work on this, because it is an important point. It is one that will be too easily discarded now, because these incidents, such as the request for a cup of tea or the request for information, which clearly should not be compelled to be in writing, will be used to detract from the real issue. That real issue is that when the request comes with a bit of muscle power behind it, it has the effect of public servants suborning their better judgment and making decisions in accordance with the minister's wishes, without the minister taking the political responsibility for those issues. I want that on the record.

Question put and passed.

[See paper No 312.]

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Report on the Protection of Rights Under the Anti-Corruption Commission Act

MR THOMAS (Cockburn) [10.12 am]: I have for tabling the report on the operational accountability of the Anti-Corruption Commission and the protection of rights under the Anti-Corruption Commission Act. I move -

That the report be printed.

This is the fourth report from the Joint Standing Committee on the Anti-Corruption Commission. This report has particular antecedence in two earlier documents that have been presented to the House this year. One was a discussion paper prepared by the committee which dealt with the dilemma that the committee has, and the Parliament therefore has, with a body such as the Anti-Corruption Commission, being the dilemma between accountability and the necessity for operational integrity; that is, on the one hand, having the extraordinary power to investigate matters, compel evidence and infringe on what are normally regarded as the rights of citizens in a political system such as ours, and the necessity for conducting its operations in secret, and, on the other hand, being accountable. That is an issue which people who have created bodies such as the Anti-Corruption Commission in other States have dealt with in a number of ways.

The committee issued a discussion paper in which it referred to the tension between accountability and secrecy, and the various issues that have arisen from that. Shortly after that, a report was issued by our committee, following complaints brought before it by Detective Sergeant Peter Coombs. Detective Sergeant Coombs, an officer currently under suspension from the WA Police Service, had been investigated by the ACC. He was the subject of a report to the Commissioner of Police, and he was suspended. He made many complaints about the Anti-Corruption Commission, which were investigated by our committee. Members will recall that the committee found those complaints to be without foundation. However, it said at the end of the report that it considered it to be an inadequate means of dealing with complaints, and that there should be a means of dealing with complaints against the Anti-Corruption Commission. However, having the complaints considered by our committee was not a practical way of doing that. We said that for two reasons. Firstly, to investigate complaints, one needs access to information, one needs access to Anti-Corruption Commission personnel, and one needs access to their files. To investigate complaints, one needs access, for the most part, to detailed operational information. The committee, under its terms of reference, does not have the right of access to detailed operational information.

We were given what could be described as detailed operational information on the Coombs matter, but that was given to us by the ACC because it chose to give it to us. If the ACC chose not to give that information to the committee, then we would not have been able to investigate the matter as we did. As members would understand, in the setting up of a process for dealing with complaints against a particular body, it would be inadequate, obviously, if the process depended on the flow of information which is at the discretion of the body being investigated. Although we were able to deal with the Coombs matter, as we said in that report we did not think that should be the way complaints should be routinely dealt with. Complaints against the Anti-Corruption Commission have also been taken to the Supreme Court. However, that is obviously limited by two matters: Firstly, whether the complaint relates to a matter of law that is able to be determined by the Supreme Court; and, secondly, because actions taken in the Supreme Court are expensive and time consuming, one is limited by one's resources.

Two special investigators have been appointed by the Anti-Corruption Commission in the year it has been in operation. Both of those special investigators have been the subject of complaints. Matters associated with the special investigators have been the subject of litigation and injunctions in the Supreme Court which have altered the way in which those operations have been undertaken. The complaints made by those people against the ACC have been dealt with by the Supreme Court. However, as is obvious to anyone who has been following these matters, they are well resourced. They are resourced by the Police Union (WA), which has established legal representation, and it is able to represent the interests of its members. However, if a person who was not a member of a union, or was not a member of a union that was as well resourced or as well established to protect the rights of its members as the Police Union, made complaints, that person would not have anywhere to take his complaint. Therefore, the committee, in deciding what should be done about this matter, has looked at the situation in other jurisdictions. We are recommending the creation of a new office; that is, the office of a parliamentary inspector of the Anti-Corruption Commission. We have looked at other jurisdictions, in particular,

Queensland, where a similar position exists in relation to the Criminal Justice Commission. A similar position exists in New South Wales with the Police Integrity Commission, which was created following the Wood royal commission. We envisage the parliamentary inspector having access to the files of the personnel of the Anti-Corruption Commission, being an officer of the Parliament, and answering to the Joint Standing Committee on the Anti-Corruption Commission.

The terms of reference of the Joint Standing Committee on the Anti-Corruption Commission charge the committee with ensuring that there is some degree of accountability by the ACC. As the committee discussed in its earlier reports, it is most important that the ACC is accountable, because it has extraordinary powers and has the capacity to infringe severely on the rights of citizens. Of course, it has a most important job to do. It is exceptionally important that the Anti-Corruption Commission be accountable. It is independent; it is not part of the Executive. It reports to the Parliament through this committee and the Parliament must assert its right to ensure that this body is accountable and that any citizen who has a complaint about the operations of the ACC is able to have it investigated properly. People can, and do, come to the Joint Standing Committee on the Anti-Corruption Commission, but all it can do is refer the complaint to the ACC and ask for a report. If a person has a profound complaint about the way the ACC conducts itself, he will not be happy with receiving a letter from the ACC saying it is happy with the way matters are conducted. The committee is not suggesting that matters are being conducted in a manner which is other than satisfactory in most cases. However, it is necessary to have somebody with access to the information, who can go through the necessary files, speak to the appropriate personnel and present a report. The position we are recommending need not necessarily be a full-time position, but it should be held by a person with the power to access all the necessary information to investigate a complaint and make a report to the Parliament through the committee. At the end of the day, we will be able to say that a person independent of the ACC has investigated the matter and reached a conclusion about whether there are proper grounds for the complaint.

This morning's *The West Australian* contained an article relating to the annual report of the Anti-Corruption Commission. I have not read the report, but apparently it indicates that Mr O'Connor, the Chairman of the Anti-Corruption Commission, indicated that he felt that the Police Union had attempted to derail the ACC - I think that was the phrase used. In the course of deliberations leading to this report, the Joint Standing Committee on the Anti-Corruption Commission received evidence from the President of the Police Union, the Chairman of the ACC and the Commissioner of Police. One matter that members of the committee considered was whether the secrecy provisions of the ACC should be lifted in some sense. We dealt with that in our discussion paper looking at the dilemma between accountability and secrecy. We have decided and recommended that the secrecy provisions remain, as they serve the purpose of protecting the operational integrity of investigations and the reputations of people who might be the subject of malicious, defamatory or unfounded allegations. For those reasons, we have made a clear recommendation that the secrecy provisions remain. That is also the position of the Police Union, the Commissioner of Police and the Chairman of the ACC. These three stakeholders in the ACC were all of the view that the secrecy provisions should be retained. If one cannot have public scrutiny, one needs some other means of ensuring accountability and that is why the committee has recommended the creation of the position of parliamentary inspector.

I was surprised to read Mr O'Connor's comments about the Police Union attempting to derail the ACC because when we took evidence from the President of the Police Union, he stated that since a meeting he had with the Chairman of the ACC in about April, the union had had no complaints about the ACC and the way it had undertaken its duties. The union's perception was that the officers of the ACC were conducting themselves in a much more professional manner and he did not have any complaints. The comments of the Chairman of the ACC about the Police Union may relate to an earlier period. The Police Union is the organisation which has represented the members involved with the vast majority of matters that the ACC has directly investigated so far. I was pleased to hear that there are good relations between the bodies. Obviously, tension is natural between a union representing public officers under investigation by the ACC and the ACC itself. A union has a duty to represent the interests and rights of its members. If one of its members is accused or investigated, he is entitled to legal representation and to assert his rights. He will turn to his union and it will set up the machinery to undertake that task. That is the way of the world; that is a union's job and one would expect tension between the union and the ACC. There is nothing wrong with or alarming about that. However, a lack of confidence in the organisation or what might be described as an attempt to derail an organisation is unfortunate.

I was pleased to take evidence from the President of the Police Union that the relations were not as had earlier appeared. A proper professional working relationship is needed between the organisations which represent the people who fall within the scope of the ACC and the ACC itself. The committee was told that a professional relationship existed and I hope that a mature professional relationship will be established if it does not already exist. I suggest that the creation of a position of parliamentary inspector for the ACC will go a long way towards the establishment of that relationship. It will provide a clear means by which people who have complaints about the operations of the ACC can have those matters dealt with without having to resort to the Supreme Court or go through the mechanisms of the parliamentary committee. The members of the Joint Standing Committee on the Anti-Corruption Commission are not detectives; they should be able to receive reports from a person who can undertake proper investigations.

MR TRENORDEN (Avon) [10.27 am]: Members should be aware of why this committee was established and its history. It is a fascinating committee which is of supreme importance. If one returns to the argument of the Official Corruption

Commission and the Anti-Corruption Commission and the issues of accountability which have grown from those days to this report, some matters need to be raised. The Joint Standing Committee on the Anti-Corruption Commission was established to provide an accountability process over and above a very independent body of people. The ACC has been called a star chamber, a claim with which I disagree. It has substantial powers which require some sort of overview. The Joint Standing Committee on the Anti-Corruption Commission, of which I am a member, was formed and now an individual who is able to conduct an audit and a range of functions on behalf of the public is required. I support that requirement.

However, I raise some concern about recommendation 1. I am uncomfortable with it. It is a move away from the traditional form of committee operations. I need to tell the House about this because recommendation 1, points 2, 4 and 7, intends that this office will report and operate in a manner that is different from that of any other position established by this State.

They are not major movements. They will not bring down the Government or upset the Opposition or the committee. There is a difficult point in this matter. We have established an office of parliamentary inspector and the functions of that inspector are listed under point 4. There is a reporting basis under point 7, and I have some concerns about that. The relationship of the parliamentary inspector to the Parliament, the relationship of the parliamentary inspector to the committee and the process that will occur is not thought out well enough. I am not opposing any part of the report. However, this is a definite movement away from the normal procedures of this House.

Question put and passed.

[See paper No 313.]

TECHNOLOGY FUNDING

Statement by Minister for Education

MR BARNETT (Cottesloe - Minister for Education) [10.30 am]: Earlier this year I advised the House of the highly successful $2.4b sale of the Dampier to Bunbury natural gas pipeline. As announced in this year's state budget, $100m of the sale proceeds have been directed towards improving student learning and teaching through the use of modern technology in our schools. This four-year commitment will see $80m spent in government schools, and $20m in non-government schools, to significantly boost the availability of computing technology to students around Western Australia.

The $80m commitment to government schools will provide more than 26 000 additional computers over the next four years. The Government's objective is that in 2002 the minimum computer to student ratio funded by Government will be one for every five secondary students and one for every 10 pre-primary and primary students. Next year, under the first year of this learning technologies project, government schools will receive their share of approximately $18m. Schools are being advised of the total amount they are expected to receive next year, which will be made in two payments. This advice is based on this year's enrolments, with the final amounts to be altered to match 1999 enrolments.

Provided schools meet the computer to student ratio in 2002, principals will have flexibility in how they spend the funds. This will allow for the purchase of computers with the associated support and technology, such as local area networks, telecommunications, professional development and educational software. All funds will be spent on technology. The majority of the funding will be provided on a per capita basis but disadvantaged and isolated schools will receive additional funds. This will ensure schools most in need are a priority, while not penalising those which may have raised their own funds to purchase or lease technology.

For the information of all members of this House, I will table details of the approximate amount of funds each government school is expected to receive next year under the learning technologies project. For the convenience of members, this information is presented under electorate headings. To give some examples, the 16 government schools in the growing Wanneroo electorate will receive a total of approximately $472 000, enough to buy 236 computers. The 10 government schools in the electorate of Rockingham, another growth area, will receive a total of approximately $383 000. With these funds around 192 computers could be bought. In regional areas, the eight government schools in the Kalgoorlie electorate will receive an estimated total of $260 000, enough to buy 130 computers, while the seven schools in the Dawesville electorate will collectively receive an estimated $242 000, which equates to around 121 computers. The 16 government schools in the electorate of the member for Belmont will collectively receive approximately $301 000, which would buy around 151 additional computers. My electorate of Cottesloe, with 12 government schools, will receive an estimated $139 000, enough to buy around 70 computers. The 10 government schools in your electorate, Mr Speaker, of Innaloo will collectively receive approximately $131 000, enough to buy around 66 computers. These amounts are for 1999 only, and schools can expect similar levels of funding in the following three years. Since 1996-97 the Government has committed approximately $138m to learning technology initiatives in government and non-government schools - a very significant contribution to our children's education to ensure they are equipped to face the realities of the twenty-first century. I table the report.

[See paper No 314.]

ANIMAL WELFARE BILL

Statement by Minister for Local Government

MR OMODEI (Warren-Blackwood - Minister for Local Government) [10.34 am]: I present for tabling a Green Bill containing the proposed provisions for a new animal welfare Act, which would replace the current Prevention of Cruelty to Animals Act. This draft Bill has been prepared for public comment. Since the Prevention of Cruelty to Animals Act became law in December 1920, enormous changes have taken place in the use and handling of animals and these changes have significant implications for the future well being of animals. In addition, in recent years there has been a considerable change in community attitudes and expectations relating to the care and humane treatment of animals.

In June 1992, an Animal Welfare Advisory Committee was established to review the Prevention of Cruelty to Animals Act. The committee developed a wide range of recommendations. These were included in a public discussion paper which was released in February 1994. The discussion paper recommended that the Prevention of Cruelty to Animals Act and its associated regulations be replaced with a new and more comprehensive animal welfare Act in order to bring animal welfare legislation in line with modern community values.

After a six-month period for community comment on the public discussion paper, the public's written submissions were analysed and the Department of Local Government prepared a report reviewing the community's response. AWAC then reconsidered its original recommendations in the light of this analysis before presenting its final recommendations on the contents of an Animal Welfare Bill to me in December 1994. Since that time, Cabinet has approved the drafting of a Bill for public comment and the Department of Local Government has been working with parliamentary counsel to draft the Bill.

The draft Bill that I am releasing reflects the majority of recommendations of AWAC. However, in some areas modifications have been made to encapsulate government policy and national competition principles. With the tabling of the Bill today, I invite members and the public to comment in order to ensure that the final legislation reflects the community's views and expectations. I will be announcing how the public can obtain a copy of the Bill and make submissions shortly.

After comment on the Bill has been obtained and considered, an amended Bill will be introduced formally for parliamentary debate. There is no set time frame for this to occur, although I would hope it will be during the autumn session in 1999. Many of the more technical detailed recommendations of AWAC are not contained in the draft Bill. Instead, they will be included in regulations accompanying the proposed animal welfare Act. I will also be seeking community comment on these proposed regulations when a draft has been prepared. This will occur once the Bill passes through Parliament.

I draw the House's attention to the major features of the Bill. Part 1 of the Green Bill deals with the content and intent of the Act, and various definitions for the purposes of the Act. The Green Bill is intended to promote and protect the welfare, safety and health of animals; ensure that all animals are treated humanely and in accordance with generally accepted standards; and reflect the community's expectation that people who are in charge of animals will ensure that they are properly treated and cared for. It is intended to achieve this by regulating the people who may use animals for scientific purposes, and the manner in which those animals may be used; and prohibiting cruelty to, and other inhumane or improper treatment of, animals.

As with any other legislation, the draft Bill contains a number of definitions, the most important of which is the definition of "animal". This defines the range of creatures which will be given protection under the draft Bill. An "animal" is defined as a live vertebrate; that is, fish, reptiles, amphibians, birds or mammals, other than a human. An animal could also include any live species of invertebrate if that species is prescribed in regulations. Under the current Prevention of Cruelty to Animals Act, the expression "animal" is far more restrictive and only means any domestic or captive animal. Therefore, many more types of animal will be covered under the draft Bill.

It should be noted that part 3 - offences against animals - and related provisions do not apply to fish. Fish-related cruelty offences will be controlled under the Fish Resources Management Act. This will provide for Fisheries officers to police fish offences which will be set out in regulations under that Act.

Part 2 of the draft Bill deals with the prohibition of the unlicensed use of animals for scientific purposes; the conditions and procedures for obtaining a licence; the revocation of licences; offences associated with not complying with the conditions of a licence; and register of licences for scientific establishments. It is intended that new legislative requirements will be placed on establishments using animals for scientific purposes. The provisions for the licensing of these establishments will require compliance with the Australian Code of Practice for the Care and Use of Animals for Scientific Purposes. However, responsibility for compliance will rest with the scientific establishment. In addition, an establishment using animals for scientific purposes will be obliged to have an animal ethics committee or to make arrangements for the animal ethics committee of another scientific establishment to act as its animal ethics committee. These committees will have considerable powers to review, approve and monitor the conduct of animal experiments. The proposed legislation will also contain severe penalties for conducting experiments involving animals without a licence or contravening the conditions associated with a

licence. For instance, allowing animals to be used for scientific purposes in contravention of the conditions of the licence would carry a maximum penalty of $12 000 or imprisonment for one year.

The public accountability of establishments using animals for scientific purposes will be enhanced by the creation of a register of licences for such establishments. This register will be available for public inspection, free of charge at any time during office hours, and people will also be able to purchase a copy of, or an extract from, the register. Members of the public will have access to the wide range of information within the register including the name of the licensee; whether it is a licence to use animals for scientific purposes or to supply animals for use for scientific purposes; the scientific purposes for which the animals are or may be used; details of the places where the animals are or may be used or kept; any conditions to which the licence is subject; and details of any suspension or revocation of the licence or disqualification of the licensee. I feel confident that these provisions will dispel some of the concerns that have been publicly voiced regarding the use of animals in scientific experiments in recent years.

Part 3 of the draft Bill deals with the definition of the offence of "cruelty", legal defences against a charge of cruelty, and other activities involving animals that are prohibited under the Act. The proposed legislation expands the range of cruelty offences contained in the current Prevention of Cruelty to Animals Act and provides for more specific cruelty offences to be included in regulations. Under the draft Bill, a person will be cruel to an animal if that person tortures, mutilates, wounds, abuses, torments, wantonly or maliciously beats, or otherwise ill-treats, the animal; transports the animal in a way that causes, or is likely to cause, the animal unnecessary pain, suffering or distress; confines, restrains or catches the animal in a manner that is prescribed; or causes, or is likely to cause, the animal unnecessary pain, suffering or distress; works, drives, rides or otherwise uses the animal when it is not fit to be so used or has been over used; or in a manner that causes, or is likely to cause, the animal unnecessary pain, suffering or distress; fails to provide proper and sufficient food and water for the animal; fails to provide such shelter, shade or other protection from the elements as is reasonably necessary to ensure the welfare, safety and health of the animal; abandons an animal or leaves it to fend for itself; fails to take reasonable steps to alleviate pain, suffering or distress being suffered by the animal; uses a prescribed inhumane device on the animal; intentionally or recklessly poisons the animal; carries out a prescribed surgical or similar operation, practice or activity on the animal; does any prescribed act to, or in relation to, the animal; or in any other way causes the animal unnecessary pain, suffering or distress. The penalty imposed on individuals for these offences of cruelty has been greatly increased to a minimum of $1 000 and a maximum of $12 000 or imprisonment for one year. Under the Prevention of Cruelty to Animals Act the maximum penalty is currently $5 000 or 12 months imprisonment, while no minimum penalty is specified.

The proposed legislation sets out a number of circumstances under which there is a defence against cruelty. For example, it is a defence for a person to prove that he or she acted in accordance with a generally accepted animal husbandry practice used in a farming or grazing activity; or in the management of zoos, wildlife parks or similar places; and in a reasonably humane manner. Similarly, it is a defence for a person to prove that the person was a vet, or was acting on the instructions of a vet, and using generally accepted veterinary practices. The other defences are: The person was protecting a person or another animal from attack; the person's actions were authorised by law; the person was killing vermin according to the law; the person was acting according to an accepted code of practice; the person allowed stock to roam on a pastoral property and to fend for itself; the person was releasing fauna back into the wild in accordance with the Wildlife Conservation Act; the person did not actually have responsibility towards an animal; the person was authorised to use a restricted device or was using the device in an authorised manner; and the person performed an authorised surgical operation in an authorised manner.

The proposed legislation forbids the possession of devices capable of being used to inflict cruelty, except under prescribed circumstances. Draft regulations prescribing these circumstances will be developed shortly. It will be an offence to release captive animals for the sport of killing them. Also allowing captive animals to fight with each other will be included in the offence.

Part 4 of the draft Bill deals with the appointment of both general and scientific inspectors; and offences relating to inspectors. The draft Bill will create two types of inspectors to enforce the legislation. Inspectors in the first category will enforce the majority of the legislation and will be called general inspectors. The second category of inspector, called scientific inspector, will be responsible for enforcing that part of the legislation dealing with the care and use of animals for research and other scientific purposes. It will also widen the range of sources from which general inspectors can be appointed to include officers from agencies such as the Department of Conservation and Land Management, and other people nominated by the executive director of the Department of Local Government. The executive director is responsible for appointing both general inspectors and scientific inspectors. In terms of general inspectors, the executive director is to appoint people nominated by the Royal Society for the Prevention of Cruelty to Animals and may appoint others. The proposed legislation gives inspectors the following powers: To enter and search premises; to care for animals; to destroy animals if they are in considerable pain or distress; to seize animals and property; and in the case of scientific inspectors, to direct a person to euthanase an animal being used for scientific purposes if excessive suffering is identified. The proposed legislation contains heavy penalties of $6 000 or imprisonment for six months for misleading or impersonating an inspector and $12 000 or imprisonment for 12 months for obstructing an inspector.

Part 5 of the draft Bill deals with enforcement of the legislation. Proceedings for an offence will be able to be brought by an inspector, the Executive Director of the Department of Local Government or an officer of the department authorised by the executive director, within two years of the alleged offence being committed. A court will be able to impose additional orders to protect the welfare, safety and health of an animal or group of animals. For example, this may be done by forbidding a convicted person from owning a particular animal or ordering an animal to be seized. The proposed legislation will allow for warrants to be issued through electronic means such as telephone, fax, radio, video conference or electronic mail to enable inspectors to investigate complaints without delay. Unlike the Prevention of Cruelty to Animals Act, the draft Bill enables infringement notices to be issued. This will allow minor offences, which are easily proved, to be dealt with by the payment of a fine without going to court.

The Bill provides for appeals to be made against a decision of the minister to refuse to issue or renew a licence, or to suspend or revoke a licence. It also allows for appeals to be made against a number of different orders made by inspectors, in respect of such matters as the care of animals or the seizure of animals and property. Under the draft Bill, a body corporate that is found guilty of an offence will be liable to both minimum and maximum penalties of five times the respective penalty specified in relation to that offence.

Part 6 deals with a number of miscellaneous provisions required to legally implement the provisions of the proposed legislation. For example, it allows the Executive Director of the Department of Local Government to delegate some of the Executive Director's functions under the legislation; it provides some protection from liability for people performing a function under the legislation; and it allows for comprehensive regulations to be made.

Part 7 deals with a number of repeal and transitional provisions required for the smooth transition from the current to the proposed legislation. It also makes consequential amendments to other legislation. For example it amends the Fish Resources Management Act 1994, to allow a Fisheries officer to exercise powers under the proposed Animal Welfare Act as if the officer were an inspector and fish were animals under the proposed Animal Welfare Act; it amends the Wildlife Conservation Act to enable an inspector, or a person assisting an inspector, to seize or destroy fauna if required under the proposed Animal Welfare Act; and it amends the Sentencing Act 1995 to allow the RSPCA to retain any fines it may receive from a successful cruelty prosecution.

This draft Bill represents the culmination of several years of legislative development beginning with the convening of the Animal Welfare Advisory Committee. During this time, the development of the draft Bill has generated considerable community interest, reflecting the importance the issue of animal welfare has in our society. Indeed, many hundreds of submissions have been received from interest groups and members of the community since this process began.

Members of the public will be able to obtain a copy of the draft Bill from the Department of Local Government. In addition, copies are being distributed to all public libraries and local governments in Western Australia. The deadline for public submissions will be Friday, 30 April 1999 and these should be submitted to the Department. The draft Bill being released will be prefaced by a summary statement to assist readers. The summary statement will contain much of the information that I have presented today and will, in particular, aid those not used to reading legislation.

I take great pleasure in tabling this draft Bill for the information of the House.

[See paper No 315.]

MR McGOWAN (Rockingham) [10.51 am]: As a dog owner and a dog lover, I have a strong personal commitment to animal welfare. I was brought up in a family which supported the issues of animal welfare and the protection of animals. It is the Opposition's view that society should treat animals with a great deal of respect and dignity. I was pleased to hear the Minister for Local Government make similar comments. Someone said to me the other day that how we treat other creatures is a measure of our humanity.

Animal welfare, and how animals should be treated by human beings and government and scientific institutions, are powerful political issues. Politicians will receive criticism from people on all sides of the debate and it will be a measure of our personal commitment to animals as to how we respond and whether we give in to the people and the institutions that will bring pressure to bear on us. This issue crosses political boundaries. I suspect there are Liberal voters and Labor voters in the community who are passionately supportive of the protection of animals and also those who are not at all passionate. I am sure the minister will agree that the only certainty in this issue is that the National Party does not have the firm commitment to animal welfare that is exhibited by both the Liberal Party and the Labor Party. The National Party is like the dingo fence - we cannot get through it!

I suspect that as we continue to debate the issue the minister will come under a great deal of pressure from some of his colleagues not only in the Liberal Party, but particularly in the National Party. The release of the Green Bill is probably the first shot in a long battle for the minister, and I suspect he will come under continuous fire from his National Party colleagues over the next year or so. I would not like to be in the minister's shoes, because they will give him one helluva time.

Mr Omodei: I look forward to it and I will relish the opportunity.

Mr McGOWAN: The minister likes sticking it to not only his National Party colleagues but also his Liberal Party colleagues.

Mr Johnson: It has never been known!

Mr McGOWAN: Of course, not. I am sure the minister will come up against pressure.

Mr Minson interjected.

Mr McGOWAN: The member for Greenough has no sense of humour. I hope that the minister and the coalition party room remain firm on this issue and take it seriously.

I am pleased that the minister has brought this Green Bill into the House. It has been in gestation since 1992, and something probably should have been done a long time before that. The original Prevention of Cruelty to Animals Act was passed in 1920 by this Parliament, and we have not revisited the issue in any substantial way during the past 78 years. In the 1980s and 1990s a number of Australian Parliaments addressed this issue. During the one-year consultation period the minister will come under all sorts of pressure from various sources. I support the consultation period, because this issue must be thrashed out by a range of people and institutions in the wider community. We need to take seriously the views of the Royal Society for the Prevention of Cruelty to Animals of Western Australia and the Humane Society. In particular, the RSPCA has initiated a range of actions under the Prevention of Cruelty to Animals Act. I firmly believe that the RSPCA should receive funding for its activities from the Government on behalf of the people of Western Australia. Government funding is provided to RSPCAs in the majority of States and Territories. Some suggestion has been made to establish an animal shelter in Western Australia, which I would like to see in Baldivis, just outside of my electorate. That is a suitable rural area for an animal shelter. Animal shelters have been successful overseas, and if we could organise government assistance, it would be a legitimate expenditure by the Government.

The Green Bill is a good start. I will go over the good points of the Bill before I mention where it can be improved. The Green Bill will widen the definition of animals. There are problems in the Act, and this will extend the definition to everything except fish, which come under the Fish Resources Management Act. I also support the widening of the definition of inspectors so there will be two types - general and scientific. That is a positive development, as it shows the Government is serious about doing something about these issues. I support the establishment of animal ethics committees in every scientific institution which carries out research on animals. I support the remittance of money received from RSPCA prosecutions to the association. This will provide the association with valuable funding, which it needs. I support the concepts of codes of practice and of rules which forbid the possession or use of devices which have the purpose of inflicting cruelty on animals. I support the new offence of releasing animals for sport. The recent history of politics in the United Kingdom shows what a powerful issue that can be. I support the creation of an offence to breed animals for fighting. Anyone who has ever watched on television the fighting that is promoted between pit bull terriers would support that new offence. I also support the minister's infringement notice system for minor offences which would free up inspectors and courts. I also support his concept of certain people having their right to own an animal withdrawn as a result of behaviour that has rendered them unfit to do so. These are good reforms; I am pleased to see them in the Green Bill and I hope they remain in it.

I have some concerns about the Bill, and I will canvass them over the next year. It appears from reading the Bill - I have had only a short time since yesterday to look at it - that the Royal Society for the Prevention of Cruelty to Animals will be losing its power to inspect scientific institutions. I support the concept of scientific inspectors, but the RSPCA has a great deal of practical experience in this area. It should keep its current power to inspect these institutions. The RSPCA should also have the capacity to inspect pet shops, because animal cruelty is sometimes perpetrated in such premises.

I am concerned about the penalties provision. Clause 18 specifies minimum and maximum penalties. The maximum penalty could have been increased. At present it is $12 000 and/or imprisonment for one year.

Mr Omodei: That is for a person, but the penalty for a corporate body is five times that.

Mr McGOWAN: It is five times greater. This penalty is insufficient for individuals who commit particularly heinous crimes against animals. I remember as a child on cracker night some people attaching skyrockets to kittens, throwing petrol on them and setting them alight. Some offences require a harsher penalty than that which is provided in this legislation.

I have a concern, and it will be aired in the course of the debate, about the use of pound animals in scientific experiments. That is an ethical issue and we must each examine our conscience to determine what we believe is right. I will take up this issue. I remember that the minister at one stage totally supported banning the use of pound dogs for experiments, although I do not know whether he still holds that view. I will consult on that issue and may introduce amendments.

My last and probably most important concern relates to the duty of care. I have not been able to determine exactly how the minister will work it out in clause 18, the offences provision. I know that the RSPCA and the Humane Society have pushed for the inclusion of a duty of care and a presumption of ownership in the Bill. It appears that those elements are not

included. A problem will arise, as it arises at present, when someone says they did not know that their animals were suffering. A number of prosecutions have been launched by the RSPCA under the old Act over the past few years in which it could not prove that someone knew their animals were suffering, even though it was obvious to anyone but Blind Freddy. The minister could have included a provision, perhaps in clause 18, to impose a duty of care on anyone with the care and control of animals. Some people will claim that they were not the owners or responsible for the animals concerned. To cover that, a presumptive clause could have been included. It is often obvious that a person owns a dog. I remember an incident in my electorate when someone's dog attacked another person and the rangers were unable to prove that that person was the owner of the dog. It was obvious to everyone, but it was impossible to prove it beyond reasonable doubt. This Bill should be amended to deal with duty of care and a presumption of ownership. I look forward to the minister's further explanation and briefings if I am wrong. That should have been included in the Bill.

This Bill is a good start in addressing animal welfare. I suspect that these issues are ignored at a member's electoral peril. I have an older population in my electorate, and almost to a man and a woman they own a dog and a cat. These issues are important to them, as they should be.

MUTUAL RECOGNITION (WESTERN AUSTRALIA) AMENDMENT BILL

Second Reading

MR BARNETT (Cottesloe - Leader of the House) [11.05 am]: I move -

That the Bill be now read a second time.

Section 7 of the Mutual Recognition (Western Australia) Act 1995 stated that the Act expired at the end of the termination day which was "28 February 1998" under section 3 of the Act. The Mutual Recognition (Western Australia) Amendment Bill 1997 which was passed by State Parliament in November 1997 extended this sunset clause by one year. The sunset clause now expires in February 1999.

The extension was to enable consideration of the recommendations of the national review being conducted by the Council of Australian Governments and allow any subsequent action to occur. Under the terms of the Australian Agreement this national review of the mutual recognition scheme was to be conducted by March 1998, five years after the commencement of the Commonwealth Act. It was to consider the future of the operation of the mutual recognition scheme in Australia. Due to the granting of an extension in the time frame by the Commonwealth Government and the hiatus caused by the federal election, the outcomes of the national review have not been finalised.

The Western Australian Bill is a short Bill which essentially adopts the Commonwealth Act. Even though amended last year, the sunset clause of the Mutual Recognition (Western Australia) Act 1995 will still come into effect in February 1999, before Western Australia has the opportunity to consider the recommendations of the national review of the Commonwealth Act and introduce any proposed changes which may be necessary. The intent of the Bill, therefore, is to extend the sunset clause by two years to enable the subsequent consideration of recommendations of the national review and any action to occur.

It is therefore proposed that the sunset clause of the Mutual Recognition (Western Australia) Act 1995 be extended by two years to continue to enable consideration, consultation and action to occur with respect to the recommendations of the national review. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

REVENUE LAWS AMENDMENT (ASSESSMENT) BILL (No 2)

Second Reading

MR BARNETT (Cottesloe - Leader of the House) [11.08 am]: I move -

That the Bill be now read a second time.

This Bill seeks to implement a number of measures to improve the equity and efficiency of the taxation arrangements of the State. In particular, amendments are proposed to the Fuel Suppliers Licensing Act 1997 and the Stamp Act 1921. While I only intend in this speech to broadly outline the measures proposed by this Bill, an explanatory memorandum has been prepared to accompany the Bill to provide members with more detail concerning each of the proposed amendments.

The Bill is structured in three parts. Part 1 of the Bill contains preliminary provisions including the commencement dates of the measures proposed. Part 2 of the Bill seeks to amend the Fuel Suppliers Licensing Act to remove certain information disclosure requirements imposed upon diesel fuel distributors and extend the qualifying usage for off-road diesel certificate holders to also include the exclusive economic zone of Australia.

Turning to these measures in greater detail, members would recall that the Fuel Suppliers Licensing Act was introduced to ensure that diesel prices remained unchanged in this State, notwithstanding the High Court decision which cast into question

the constitutional validity of state business franchise licence fees. The Act operates to allow the holder of an off-road diesel user's certificate to purchase diesel for off-road purposes at a price that excludes the excise safety net surcharge amount that was introduced by the Commonwealth to replace those state licence fees.

As one part of these arrangements, an authorised distributor that supplies diesel to an off-road diesel certificate holder at the off-road price may claim compensation from its fuel supplier equivalent to the excise surcharge component that the distributor has incurred. However, the Act currently provides that when claiming compensation, the authorised distributor must provide the supplier with, among other things -

> the name and address of each off-road diesel certificate holder that it has supplied with diesel at the off-road price; and
>
> the price at which that diesel was supplied.

That information requirement has caused concern because distributors are required to disclose commercially sensitive information that may be used to solicit their clients. To alleviate that, the proposed amendment would remove the requirement for an authorised distributor to provide the supplier with these details.

The second amendment to the Act would allow holders of off-road diesel user certificates to obtain a supply of diesel at the off-road price if that diesel is to be used within the waters of the exclusive economic zone of Australia. The exclusive economic zone extends to 200 nautical miles from the baselines established under the Commonwealth Seas and Submerged Lands Act 1973. Currently, the Act restricts the usage of such diesel to usage in Western Australia. If any diesel is to be used outside Western Australia, that supply cannot be obtained at the off-road price. The territorial limits of Western Australia generally extend only to three nautical miles out to sea. However, a significant number of local marine diesel users consume diesel fuel outside the state territorial limit.

It is therefore proposed to extend the qualifying boundary under the Act to include the waters within the exclusive economic zone of Australia. As the zone extends considerably further than the territorial limit of Western Australia, the proposed amendment will allow most shore-based marine diesel users in this State to obtain a supply of diesel at the off-road price, as they did under the former state business franchise fee arrangements.

Part 3 would amend the Stamp Act to -

> ensure that duty continues to apply to share buybacks; and
>
> restore the stamp duty exempt status of certain crown land transfers.

Turning to the first of these changes, a share buyback involves a company purchasing shares in itself. A share buyback is generally prohibited by the Corporations Law except in very specific and tightly controlled circumstances. In this State, stamp duty is paid on a conveyance or transfer of marketable securities or rights in respect of shares. Accordingly, where a share buyback has occurred, stamp duty has been charged on the conveyance or transfer of the shares. However, a recent decision of the Victorian Supreme Court effectively changed the legal interpretation of the word "transfer". The court found that a share buyback is not a transfer in a legal sense as no rights are transferred to the transferee. As stamp duty is payable on a transfer of shares, it follows that stamp duty cannot be charged if a transfer does not exist.

Legal advice received by the State Revenue Department indicated that the Victorian court's finding would be equally applicable to Western Australia. Prior to the court's decision, stamp duty had been assessed and paid on such transactions. The amendments contained in this Bill restore certainty and address the revenue loss which would otherwise arise if buybacks of shares could be pursued without the payment of duty.

Leaving the problem unaddressed would leave open a range of potential tax planning opportunities to enable persons to convey ownership of companies with the payment of little or no duty. Furthermore, consistent with the Government's announcement of 11 May 1998, it is proposed that the amendments have equal application to a share buyback carried out before, on or after the day on which the amendments commence. Those changes will not impose new obligations on companies involved in buyback transactions, but rather will restore the position existing prior to the Victorian Supreme Court's decision.

The second measure would restore the stamp duty exempt status of certain crown land transactions that were inadvertently removed by consequential amendments made to the Stamp Act by the Acts Amendment (Land Administration) Act. The amendments will have retrospective application from 30 March 1998, the date of commencement of those changes.

The Acts Amendment (Land Administration) Act made consequential amendments to various statutes, including the Stamp Act, to facilitate the commencement of the Land Administration Act. The intent of the amendments to the Stamp Act was to remove the previous broad stamp duty exemption available to all grants of freehold estates in crown land and replace it with narrower, more specific exemptions. However, certain crown land dealings were overlooked when the stamp duty exemptions were formulated and it is now necessary to restore the exemption available to those transactions. Accordingly,

it is proposed to provide an exemption for certain transactions that were commenced pursuant to the Land Act or the Land Acquisition and Public Works Act and that were not completed before the relevant parts of those Acts were removed by the Acts Amendment (Land Administration) Act. More specifically, exemptions are proposed for -

land amalgamations that were undertaken to dispose of unwanted crown land;

crown land that was offered in exchange for private land that had been compulsorily taken, purchased or acquired by the Crown for public purposes; and

conditional purchase leases over crown land that were designated as special settlement lands to assist with the development of agricultural activities in this State.

A transitional exemption will be provided to such transactions because they were all commenced before the former stamp duty exemption was removed. As the transactions were entered into in good faith and with the expectation that they would be free from duty, it would, therefore, be unjust to impose duty upon the completion of these transactions.

Grants of mining tenements were also exempt from stamp duty under the former exemption for grants of crown land contained in the third schedule of the Stamp Act. However, with the removal of that exemption, grants of mining tenements inadvertently became liable to stamp duty. To restore the previous position, it is proposed to provide a stamp duty exemption for any grants of mining tenements made pursuant to the Mining Act. Members should note that transfers of mining tenements have always been subject to stamp duty and no exemption will be provided for them.

Finally, the Land Administration Act provides the Crown with the authority to compulsorily acquire or take land from private land-holders in the public interest. In those circumstances, the Crown may offer land-holders an estate in crown land in exchange for the acquisition of their land. Where the Crown compulsorily takes the land of a land-holder, the land-holder may be compensated for the loss of an interest in his land by receiving -

an interest in crown land upon the request of the landowner that the compensation be provided in a form other than money;

a grant from the Minister for Lands of an easement or any other interest, right, privilege or concession in relation to the land that is designated for the public work;

a grant, by court order, of an easement or any other interest, right, privilege or concession in relation to the land that is designated for the public work; or

a grant from the Minister for Lands of an interest in crown land that is surplus to the Crown's needs.

If a landowner receives an estate or interest in crown land as compensation for land that is compulsorily acquired or taken by the Crown, he will be at a financial disadvantage to landowners who receive compensation in the form of cash, due to the stamp duty applicable to the land granted or transferred. To address that inequity, the proposed amendment provides an exemption for the transfer or grant of an estate or interest in crown land in those circumstances.

I commend the Bill to the House and, for the information of members, table the associated explanatory memorandum.

[See paper No 316.]

Debate adjourned, on motion by Mr Cunningham.

SENTENCE ADMINISTRATION BILL

Second Reading

MR BARNETT (Cottesloe - Leader of the House) [11.17 am]: I move -

That the Bill be now read a second time.

The Sentencing Legislation Amendment and Repeal Bill and the Sentence Administration Bill together make a comprehensive change to the sentencing regime in Western Australia. When the Sentencing Act and the Sentence Administration Act were introduced they made a comprehensive statement of all the then current provisions empowering a court to pass sentence and all the matters dealing with the administration of sentence. Some of those were statutory and some were enunciated judicially.

In part, that consolidation and clarification pointed out the problems and has made possible the current amendments which are intended to resolve them. The system was reviewed by a committee which the Attorney General commissioned in 1996 under the chairmanship of the Chief Judge of the District Court His Honour Judge Hammond - the Hammond report. As was stated when introducing the Sentencing Legislation Amendment and Repeal Bill, many of the recommendations of that report have been taken up in this legislation, and certainly the report has been relied upon as a source even where the recommendations have not been followed or have not been followed exactly.

It is intended by these two pieces of legislation to -

provide a clear, consistent sentencing regime that the public will be able to understand;

make the courts more accountable and consistent in sentencing; and

give Parliament more control over the sentences that will be imposed, particularly for offences seen as of especial aggravation to the community.

The Bill will replace the Sentence Administration Act and play a similar role to that Act. At the same time it will establish a new regime for parole and remission which I believe will be clearer as well as making other changes that improve clarity. The Sentencing Legislation Amendment and Repeal Bill makes numerous amendments to the Sentencing Act, while at the same time effecting amendments to a range of other legislation and repealing the Sentence Administration Act.

Problems with understanding sentences: Under the Act to be repealed, offenders received what had become an almost automatic remission of one-third of the sentence. Although originally intended as a management tool to encourage good behaviour, it has not been effective as a management tool and there are many more effective management processes available.

Parole eligibility was assumed to remove a further one-third of the sentence. Thus, on hearing that a sentence had been imposed, the public and media immediately assumed that the offender would serve only one-third of it. Although in many cases this was right, there were also many exceptions. For sentences under 12 months, there was no eligibility for parole and an offender served two-thirds of the sentence. This led to the rather peculiar circumstance that a person who was sentenced to 12 months served eight, whereas the person sentenced to 15 months served only five. What sounded like a more severe sentence worked out to be less severe**.** For sentences over six years, the non-parole period was two-thirds of the sentence less 24 months. This made a significant difference when the sentence was quite long. Thus a 15-year sentence meant that the accused spent eight years in jail rather than the five that the public would assume.

Furthermore, the Court did not need to enunciate the actual period that would be spent in jail as a result of a particular sentence, or series of sentences - where some sentences would be cumulative and some concurrent. Those wishing to understand the consequences were left to their own devices in seeking to understand it. It was also true that even the parole period did not necessarily constitute the entire remaining period. It was usually a maximum period of two years, and after that the offender was free of any obligation. It is no wonder that members of the public were either ignorant of the consequences of a sentence or, if it was explained to them, confused. The system proposed by this Bill will be consistent throughout, no matter what the length of sentence.

Comparison of old and new remission and parole: This Bill effects a number of changes to the system. These are mainly contained in parts 3 and 4 of the Bill. Part 3 effectively combines the existing provisions of parts 3 and 6 of the Sentence Administration Act.

Remission: As I mentioned when introducing the Sentencing Legislation Amendment and Repeal Bill, the one-third automatic remission will be abolished. Better management techniques are in place under the Prisons Act which are based mainly on graded privileges which can be withdrawn for misbehaviour. This was recommended by the Hammond report.

Parole: Unlike remission, parole does serve a useful purpose. For many, it does serve to keep an offender from further offending and it also has a useful role to play in reintegrating an offender into society after a period in jail which can lead to institutionalisation. Parole, when given, will be for 50 per cent of the sentence. It will be of two types - supervised and non-supervised. For sentences up to 12 months, it will be unsupervised. For sentences over 12 months, the offender will be under supervision for up to a maximum of two years. Any remaining parole period will be unsupervised.

All parole puts prisoners at risk of being returned to jail to serve the remainder of their sentence. An offender who is imprisoned for an offence he committed while on parole will have his parole automatically cancelled. The consequences of this are that the offender is liable to serve the balance of the original sentence and, in the case of an indictable offence, the offender will lose the right to be re-released on parole by the Parole Board.

Parole now becomes a "one chance" system for offenders. Either way, the community is satisfied: It either has the satisfaction of seeing an offender not offend whilst on parole - an excellent result if it occurs - or else it knows that if the offender does offend seriously, he will go back into jail for the rest of the term. With the clarity of the amount of time that an offender must serve in jail and of the consequences of being on parole, we will truly have “truth in sentencing”.

Parole Considerations: One of the specific recommendations arising from the review of remission and parole was a need to provide greater understanding and clarity of the matters taken into account when considering release on parole. Whereas, by section 18, the Sentence Administration Act provides only that “the person exercising the power shall give paramount consideration to the protection and interest of the community”, the Bill sets out a range of factors to be considered by the Parole Board. These include the circumstances and seriousness of the offence for which the sentence was imposed; the behaviour of the prisoner when in custody; program participation and performance; the likelihood of re-offending when on

parole; and the degree of risk posed by the offender. The inclusion in the Bill of these factors represents not only the provision of greater statutory guidance to the Parole Board but, importantly, it provides for the community generally, and for offenders and victims specifically, to benefit from greater transparency in decision making by the Parole Board.

Other Changes: Because some form of supervision after release is thought worth while, even those prisoners not eligible for parole will have a period of community supervision after release. These are called release program orders and are dealt with in part 4. Because the prisoner has already served the full jail sentence, failure to observe this period will not lead to further imprisonment, but can attract fines of up to $3 000.

Part 6 of the Act dealt with early release orders. The only form of early release order will be a parole order. Home detention and work release will be abolished - although section 94-type releases will remain under the Prisons Act. Although these programs are to be abolished, which will therefore impact upon offenders sentenced under the new regime, offenders already serving imprisonment when the new laws are enacted will continue to be considered for inclusion in these programs in accordance with existing criteria.

Other than these substantive changes, much of the remainder of the Bill is consistent with the current provisions of the Sentence Administration Act. Part 2 of the Bill largely replicates the provisions of part 2 of the Sentence Administration Act in making provision for offenders in custody; including provisions for the determination of the order in which terms of imprisonment are to be served; and in allowing for reports to the minister on prisoners who are held in custody.

Part 5 of the Bill largely replicates the provisions of part 7 of the Sentence Administration Act which sets out the offenders' obligations while serving community corrections orders in the community. The principal difference between the corresponding parts of the Bill and the Act is that the only form of early release order provided for in the Bill is a parole order. This is because both work release and home detention, respectively dealt with by parts 4 and 5 of the Sentence Administration Act, are proposed to be abolished.

Part 6 of the Bill replicates part 8 of the Sentence Administration Act which provides for the establishment and management of community corrections centres, and part 7 of the Bill replicates part 9 of the Sentence Administration Act which provides for the appointment of staff and powers of delegation. Part 8 of the Bill replicates part 10 of the Sentence Administration Act dealing with the powers of the Parole Board, and part 9 of the Bill replicates part 11 of the Sentence Administration Act which gathers together a range of miscellaneous provisions, including matters relating to secrecy provisions and protection from liability for wrongdoing. Finally, the existing schedule to the Sentence Administration Act, dealing with particular provisions applicable to the Parole Board, is replicated in the Bill.

Conclusion: This Bill provides for a regime where there is a much clearer and consistent relationship between a sentence and what then happens to an offender. Its principal intent is consistency and clarity as well as appropriateness of response if an offender does not honour the commitment given. In concluding, I would like to refer the attention of the House to the recently introduced Bail Amendment Bill, which, taken together with this sentencing package, provides for law and order reforms which establish a tougher approach at all stages of the criminal justice system for those offenders who choose to disregard the law. I therefore urge members to read this Bill with the Sentencing Legislation Amendment and Repeal Bill to determine the whole schema. I will also be suggesting that the two Bills be dealt with cognately. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

SENTENCING LEGISLATION AMENDMENT AND REPEAL BILL

Second Reading

MR BARNETT (Cottesloe - Leader of the House) [11.27 am]: I move -

That the Bill be now read a second time.

This Bill, together with the Sentence Administration Bill of 1995, makes a comprehensive change to the sentencing regime in Western Australia. It is intended by these two pieces of legislation to provide a clear, consistent sentencing regime that the public will be able to understand; make the courts more accountable and consistent in sentencing; and give Parliament more control over the sentences that will be imposed, particularly for offences seen as of especial aggravation to the community.

This Bill makes numerous amendments to the Sentencing Act, while at the same time effecting amendments to a range of other legislation and repealing the Sentence Administration Act 1995. The principal reforms contained in these Bills relate to changes to the systems of remission and parole; the introduction of a presumptive sentencing matrix; and changes to sentencing legislation concerning suspended sentences, driving licence disqualification, sentencing guidelines to be issued by the Chief Stipendiary Magistrate, and restitution and compensation.

Remission and Parole: In 1996 the Attorney General commissioned a review of aspects of remission and parole. The review was chaired by the Chief Judge of the District Court, His Honour Judge Hammond. The review received numerous public

submissions on aspects of sentencing. In early 1998 the chief judge presented his committee's report to the Attorney General. Many of the recommendations of that report have been taken up in this legislation and, certainly, the report has been relied upon as a source, even where the recommendations have not been followed or have not been followed exactly. On that basis, significant changes to the systems of remission and parole are now proposed.

The key reforms are -

abolition of the one-third remission on sentences;

greater capacity for courts to refuse eligibility for parole, particularly for repeat offenders and those who offend while on parole;

offenders who are eligible for parole will be required to serve at least one-half of the sentence;

offenders who are ineligible for parole will be required to serve all of the sentence, and may be subject to program requirements following their release from custody;

clearer guidelines of the matters taken into account by the Parole Board in considering release on parole; and

abolition of work release and home detention.

As I mentioned earlier, the two Bills taken together provide a significant reform of the sentencing laws and entail certain aspects of remission and parole being interwoven between the two Bills. Specifically, the reforms concerning the abolition of work release and home detention, and the Parole Board guidelines, are contained in the separate Sentence Administration Bill. On that basis, I now comment on the substantive nature of the reforms related to remission and parole that are contained in this Bill.

Remission: Remission is proposed to be abolished. Under the current system, a one-third remission on sentence is virtually automatic; and as such not only does it serve no purpose, but also it brings the sentencing system and the courts into disrepute. Within prisons today, better management techniques are in place to assist in prisoner management.

Eligibility for Parole: We sometimes forget the rate of technological change or even social change. Offenders who have been in jail for, say, the past 10 years need to be familiarised with things such as the widespread availability of automatic tellers and automatic ticket machines. Unless offenders are brought back into this society, they may choose to offend so as to return to the familiarity and certainty of jail life. However, for others, it is the fear of automatic return to jail and the supervision that prevents offending. Parole will, therefore, be retained. However, parole will be less available, particularly for repeat offenders and those who have offended on parole in the past. Thus parole will be for those who can most benefit from it. It will be easier for a court to refuse parole. At the moment, it is quite difficult.

The Bill contemplates that a prisoner eligible for parole must serve at least 50 per cent of his/her sentence before becoming eligible for parole. This differs in part from the approach taken in the Hammond report, which recommended that in respect of longer term sentences, the existing parole formulae should be maintained. The Hammond Report does not contain any particular reasoning for maintaining these elements of the current system, and it may have been that the review committee considered that this particular element was outside its terms of reference. In the interests of clarity and public understanding, the Bill adopts a consistent approach to the treatment of parole throughout.

By contrast, under the present system there is no eligibility for parole for sentences up to 12 months, so a prisoner usually serves two-thirds of the sentence in prison. Thereafter, for sentences of up to six years, one-third is served in prison; and in the case of sentences above six years, two-thirds of the sentence, less two years, is the period usually served in prison. Clearly this can be quite confusing, and on that basis it fails the test or objective of providing a clear, consistent sentencing regime that the public can understand. Parole is proposed to be kept because it does have an effect in reducing crime, and it serves a useful role as a buffer in facilitating the re-entry of offenders into society. Under the Bill, a court can order parole eligibility in respect of any term. In addition, courts will have a greater capacity to order that an offender be ineligible for parole. Currently, the system contained within the Sentencing Act in effect provides for a presumption in favour of eligibility for parole. This presumption will no longer apply.

Release Program Orders: As a consequence of the abolition of remission, offenders who are ineligible for parole will be required to serve all of the sentence that has been imposed by the court. In addition to this requirement, these offenders may also be ordered to undertake programs following their release from custody - in part to assist their transition back into society. The court can order that offenders whose sentence is less than two years be assessed for participation in programs which must be undertaken within six months of their release from custody. All offenders sentenced to two years, or more, are required to participate in such programs. Provision is made, however, for the program requirement to be lifted by the chief executive officer where it is decided that an offender would not benefit from such a program. The principal purposes of the program requirement relate to addressing offending behaviour and facilitating the offender's re-integration to the community. To help achieve this, the Bill provides that community corrections officers in prisons will have a role in assessing offenders to determine appropriate post-release program participation, and that while participating in such

programs, offenders will be subject to direction from a community corrections officer. As a consequence of the significant reforms to remission and parole, and to assist in providing greater understanding of sentences imposed by courts, other necessary changes to sentencing legislation are also proposed. These amendments relate to the requirement of courts to explain the effect of sentences and also provide a mechanism for the adjustment of sentences.

Effect of Sentences: Under the Bill, the court will be obliged to state, when sentencing, the amount of time that the offender will be required to serve as a result of the sentence that has been imposed. This will provide a considerable degree of transparency in sentencing - removing the uncertainty which offenders, victims and the public, through the media, suffer when left to make their own, often inaccurate, calculations.

Adjustment of Sentences: Critically important to the proposed regime is that sentences will be adjusted so that a person spends the same amount of time in jail under the proposed system as would have been the case had the offender been sentenced under the current system. If this were not done, there would be an across-the-board increase in sentences and an intolerably large increase in the prison population. If there were to be an increase, the Government would prefer this to occur with respect to targeted crimes. The ability to target particular crimes for more serious sentencing is contained in an innovative and structured approach to sentencing based upon a presumptive sentencing matrix.

The Sentencing Matrix: The sentencing matrix will be given effect in three stages. Each of the stages is intended to make the sentencing process more open, public and accountable, and will position the Government to be able to publish statistics showing not only the sentences imposed, but all the factors taken into account and the weight given to them. The judiciary would agree that it is accountable, and that there is a lack of public understanding of the sentencing process, which has led to some dissatisfaction with that process. Certainly, it is only when the public is likely to perceive a sentence as being too lenient that it is likely to read of it in the media. Those other sentences which a member of the public is likely to regard as too severe tend to be mentioned only in letters to the Attorney General rather than to the editor. A person interested in the sentencing process has at present to go to the written judgments and try to reconcile various reasons for sentence. Quite apart from the difficulty for a lay person to obtain access to reasons for sentence and to understand them, there is also a marked variation in style of explanation given by judges. There is either inconsistency in sentencing or a lack of understanding of the distinguishing characteristics, or a mixture of both. Whatever the reason, it is important that there be a better understanding of the process; and if there is inconsistency, that it be rectified. By use of this matrix, the public will be provided with sentencing information, and benchmarks will be set. At each stage, the process can be highly selective. The mechanism is that an offence, and a court, that comes under the provisions can be provided for by regulation. It can apply to any court and any offence, except in the Children's Court, where it applies only to schedule 1 and schedule 2 offences under the Young Offenders Act.

Stage 1: Information Gathering: When offences are prescribed under stage 1 for a particular court, then in that court, and for those offences, the court must give prescribed details as to the reasons for sentencing and do so in the prescribed manner. This reporting method will clearly and consistently set out the factors that the court took into account, and the degree that they were influential. Not only will this allow better comparison, but from this the Government should be able to publish sentencing information.

Stage 2: Information and Publishing of Benchmarks: For a number of offences in the District Court, a tentative matrix has already been derived from available information. The matrix has tentatively been applied to what are currently understood as mitigating and aggravating factors to arrive at a reasonable prediction of the appropriate sentence for some specific offences. From the information received under stage 1, an even more reliable matrix to indicate the current benchmark for those offences could then be derived. This would give an indicative sentence that should apply to that offence under certain mitigating and aggravating factors. In addition to the reporting requirements, it will be necessary to calculate the benchmark, stating the weight given to the various factors mentioned in the matrix, and to explain, if the court has deviated from that benchmark, the other factors taken into account and the reasons for not following the benchmark. This would, hopefully, lead to greater consistency in sentencing or a greater elucidation of what are seen as the distinguishing factors. This stage should address perceived inconsistencies, which are a common ground of complaint from the public.

Stage 3: Presumed Sentence and Adjustment by Parliament: For many offences, it may be that it is never considered that they should be prescribed under stage 3. Once an offence has been prescribed under stage 3, where a sentencing range is provided for in the matrix, such a sentence is presumed to be the correct sentence for that offence where those factors are present. Assuming that the offence has been through one or more of the earlier stages - although that is not required by the legislation - then by the time that an offence is prescribed under this stage, the information available should be considerable. It is likely that offences will move to this stage where there is an apparent inconsistency among judges under an earlier stage, or the Parliament is unhappy with the level of sentences imposed by the courts. Because their effect is actually to require the court to follow the indication, except in certain circumstances, it has been decided that the approach to be followed is that regulations under this stage will require the approval of both Houses of Parliament before they come into effect. Because the matrix will be given effect by approved regulation, it will be quicker to pass than an amendment to the Act, because both Houses can approve simultaneously. It also allows for repeal by ordinary regulation in the event that an error occurs. Despite the matrix, any maximum or minimum sentence already in the law will continue to apply.

In this third stage, the benchmark is presumed to give the correct range of sentence. While the court may deviate if it believes that the range of sentence under the matrix is unjust, if it does, there will be an automatic right of appeal. If the sentence is over-severe, the onus will be placed on the Crown to show why a less severe sentence should not be imposed; and if the sentence is over-lenient, the onus will be on the offender to show why a more severe sentence should not be imposed. There will be a very limited ground for appeal. Essentially, for those factors mentioned in the matrix, the matrix will apply; and it is only on those factors not mentioned that the court can base a finding that it would be unjust. Parliament will have a degree of sensitive control over sentencing which is lacking in the power to fix maximum and minimum sentences. Parliament has the power to approve a range within a set of circumstances or to provide a single sentence. It can therefore set varying degrees of latitude in sentencing, and I would expect that Parliament's skill and confidence in approving the matrix to develop over time.

I have previously commented that the Sentencing Legislation Amendment and Repeal Bill also effects changes to sentencing legislation concerning a range of other matters, to which I will now turn.

Suspended Sentences: Provisions for suspended sentences are currently contained in the Sentencing Act, and provide for a range of sanctions in the event of a breach of the sentence. At present, when a person commits a further offence which causes a suspended sentence to be breached and the court decides that the suspended sentence should be served, the court can order only that the sentence for the new offence be served concurrently with the suspended sentence. Under the Bill courts will be given greater flexibility when dealing with such breaches in having the ability to order that the new sentence can be served cumulatively upon the suspended sentence.

Use of a Motor Vehicle in an Offence: Presently, the Sentencing Act allows a court to suspend an offender's driving licence when a motor vehicle is associated with an offence. The Act provides courts with a range of circumstances in which this disqualification power can be exercised. These circumstances include when the use of a motor vehicle is an element of the offence and when a motor vehicle is used in the commission of an indictable offence. At present it is possible to, in addition to any other penalty, suspend a driving licence when the use of the motor vehicle is an element of the offence. The limitations of this were shown in an offence where an assault on a policeman was carried out with a car. The licence could not be suspended because the use of the car was not an element of the offence. The courts will now have power to suspend a driving licence when the offence involves the use of a motor vehicle, even if it is not an element of the offence.

Other Powers to Recommend Sentences: Even though the sentencing matrix can apply to the Court of Petty Sessions, there is a greater degree of consistency likely among them simply on standard practices. It is believed that the Chief Stipendiary Magistrate can rectify any anomalies in sentencing by publishing sentencing guidelines. These would be subject to the matrix if a sentencing matrix were published for the Court of Petty Sessions, but it is believed that the Chief Stipendiary Magistrate can arrive at a more comprehensive scheme in a shorter time. For that reason the Chief Stipendiary Magistrate will be empowered to publish non-compulsory sentencing guidelines. The matter will be referred back to Parliament should these not achieve a greater degree of consistency.

Restitution and Compensation: Under the Bill the court will be able to order compensation even if it believes that a defendant has no means to pay. This will at least save victims the problem of having to sue if they want to take action or if the offender later comes into money. It also allows for an order for imprisonment until compensation is paid. This would be used when it is believed that the offender has the means to pay and in fact probably retains the proceeds. The intent of this imprisonment is to encourage offenders to make good the compensation. To further increase the likelihood of the offender complying with the order, any such imprisonment is to be served cumulatively upon any other sentence the offender may be serving. While some offenders may choose to serve imprisonment rather than satisfy the compensation order, victims will still be protected as the imprisonment served does not discharge the offender from paying the compensation.

From the foregoing, I trust the House can appreciate that the Government is making a concerted effort to effect fundamental reform to sentencing legislation in this State. The significant changes to remission and parole, taken together with the introduction of the presumptive sentencing matrix, coupled with the other changes to the sentencing laws, are aimed at creating a clearer, more consistent and more accountable sentencing regime. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

WESTERN AUSTRALIAN LAND AUTHORITY AMENDMENT BILL

Committee

Resumed from 27 October. The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Shave (Minister for Lands) in charge of the Bill.

Progress was reported after clause 17 had been agreed to.

Clause 18: Divisions inserted and transitional -

Mr KOBELKE: Clause 18 seeks to insert a range of new sections from 25A to 25C. I seek clarification from the minister

as to the effect of the new provisions. Firstly, I raise the requirement under proposed section 25A that the mechanism with respect to the strategic development plans and statements of corporate intent is to be guided by regulations. I do not think that is a common mechanism. Normally the Act stipulates the procedures for the development of a strategic development plan and statement of corporate intent, but under this legislation it will be done by regulation. Earlier in the debate the minister indicated that the regulations were well-advanced. If the interim strategic development plan and statement of corporate intent are developed without knowing what the regulations will be, the question arises as to the ability to put them into effect. We must ensure that the initial strategic development plan and statement of corporate intent are placed in the structure that will apply to the full strategic development plan and statement of corporate intent, because they must meet the guidelines of the regulation. Firstly, I ask why this procedure has been used instead of specifying it in the legislation; and secondly, when will we see the regulations that will enable the board to develop both the strategic development plan and the statement of corporate intent?

Mr SHAVE: The reason for the inclusion of the strategic development plan and the statement of corporate intent in the regulations as opposed to the Bill is that it reduces the length of the Bill and has enabled us to proceed with it. It allows for refinement to be made in light of experience. In addition, the interim plans are being prepared by the same staff who are drafting and providing instructions on the regulations, so there will be continuity. This does not detract from the effectiveness of the Bill. In fact, having the capacity to vary the regulations later will be beneficial, should it need to be done.

Mr Kobelke: When will the regulations be drafted for this section?

Mr SHAVE: They are in the process of being drafted. It is anticipated that they will be completed within the next few weeks.

Mr Kobelke: Would it be possible for those regulations to be presented as this Bill proceeds through the other place so we can see what they are?

Mr SHAVE: I am not sure that I can give that undertaking, but I will endeavour to do that.

Mr KOBELKE: The requirement for both the strategic development plan and the statement of corporate intent is clear. However, the wording of the Bill seems to leave some fairly large gaps. I am not sure whether it might have the potential to create problems. Proposed section 16A reads as follows -

> The Authority is to perform its functions in accordance with its strategic development plan and statement of corporate intent as existing from time to time.

It is clear from that, that the authority should have a strategic development plan and a statement of corporate intent and it should perform its functions in accordance with that. However, the statement "as exists from time to time" at one level could be interpreted to mean that the statement of corporate intent and the strategic development plan will change from time to time. That is right and proper. At another level it might mean there is no strategic development plan or statement of corporate intent. I realise that is not the intention. However, we dealt with a Bill yesterday that was a major embarrassment to the Government because the technicalities were not handled properly. My query does not call into question the intent; it seeks to clarify that the drafting fully covers the intent.

In clause 18 there is no requirement for the minister to ensure that the strategic development plan and the statement of corporate intent are in place. Proposed section 25A(1) reads -

> The board must, at the prescribed times, prepare and submit to the Minister -

The regulation may say "the minister must", but it is not in the Act. There is a requirement that the board will start the process. There is a clear intent for the whole functioning of it, but there is no legal requirement in the provisions here for the minister to sign off and ensure that those two documents are public documents. Again one assumes they must be in the annual report and will become public, but the requirement is not in the Bill. Perhaps that is because it will be covered in the regulations. It may be in another part of the Bill. However, it seems that we are leaving that on the basis that it is good management rather than on the basis that there is a clear requirement in the amending Bill that these things be done. Will the minister confirm whether specific provisions require that these statements always be in place, putting aside the transitional arrangements, and that it is incumbent on the minister to ensure a strategic development plan and statement of corporate intent are put in place?

Mr SHAVE: The intention is that it will follow the same procedure that has been used for other government trading enterprises. The transitional plan will become the strategic development plan and statement of corporate intent. The transitional provisions under proposed section 25(2) read -

> The board must prepare and submit to the Minister for the Minister's agreement, as soon as is practicable after the commencement of this Act, a draft interim strategic development plan and the draft interim statement of corporate intent.

When the board and the minister, with the concurrence of the Treasurer, reach agreement on the draft interim strategic development plan and the statement of corporate intent they become the strategic development plan and the statement of corporate intent for the remainder of that financial year.

Mr KOBELKE: I drew the same conclusion from the amendment. However, that does not answer my question. Proposed section 25C makes very clear the requirement for the board to initiate the process. Section 25C(3) provides for the details with respect to transitional arrangements from the initial interim plans, through to the final plans. However, nowhere does it say that the minister must ensure it is put in place. One must assume he should. However, as I said, a special Bill was introduced into the Parliament yesterday to fix a major problem regarding prosecutions because of a technicality, and as a result 25 prosecutions in our courts are on hold.

I am not asking the minister to address the intent or the transitional arrangements which are in the Bill, but it appears that the minister is not required to take all necessary steps to ensure that at all times, once we have passed the transitional arrangements, there are in place both a strategic development plan and a statement of corporate intent. Through administrative mismanagement or an oversight those arrangements may not be formally put in place. I am concerned that the drafting has left a technical loophole.

Mr SHAVE: I take the point the member is making that no requirement is in the Bill. However, the intent is very clear. The undertakings are required, as we both agreed, under clause 18(2). The board must prepare the strategic development plan and the statement of corporate intent. At the end of the day the board and the minister will confer with the Treasurer. That is contained in the Bill. As the member rightly pointed out it would be unusual if it were not stated in the annual report that that was in place. Technically the member has made a point with which I agree; that is, no specified requirement is in the document that that should be the case. There has not been any requirement for SDPs and SCIs in the past. However, the board and the minister have ensured that they are in place. Although one of my advisers pointed out that that constitutes good business practice, it does not allay the member's concerns.

Mr KOBELKE: Will the minister consider with his advisers at a later stage, whether there is a need to address that concern? There may be general principles of law and other more general laws that will apply; therefore we do not need to do any tightening up. If that is not the case, will he consider some tightening up in the drafting so that the minister is responsible for ensuring, as expeditiously as possible, that a strategic development plan and a statement of corporate intent are put in place? It is clearly the intention going back to proposed section 16A that they should be. However, the mechanism requiring that to happen does not seem to exist.

Mr SHAVE: I do not have a problem with that. I will take advice from those drafting the legislation and, if they think that is advantageous, I will not have a problem making a suggested change when the Bill goes to the other place. If the view is that the current terms are satisfactory, I will provide that advice and discuss it with the member.

Mr KOBELKE: I refer to proposed section 25A(2)(d), which indicates that the regulations must provide for the involvement of the Treasurer. I am not sure what mechanism will be used to confirm the Treasurer's involvement. Other provisions in the Bill similarly involve the Treasurer in an overriding management role. Mechanisms should be included to verify that a clearly specified requirement for the Treasurer to be involved has been met. I raise with the minister the potential for problems to arise. An issue may be contested and then lead to litigation between certain parties and LandCorp. Part of the case put by LandCorp could be that there was a requirement within the regulations that something be done. The other party may ask for proof of the Treasurer's involvement in setting the regulations with which it is required to comply. If no procedures exist to show in writing that the Treasurer was involved in approving the regulations, LandCorp's case could be weakened or undermined on such a technicality. I am not contesting that the Treasurer is to be involved in the approval of the regulations and so on, but what mechanism will ensure that involvement? Will there be a paper trail to indicate that when regulations have been put forward, they have been approved not only by the minister and the board but also, where necessary, by the Treasurer?

Mr SHAVE: The regulations will outline the mechanics for approval. The Executive Council papers and regulations will note the concurrence of the Treasurer. They will be drafted in conjunction with the Treasury, as is the case for other government trading enterprises, such as Western Power, AlintaGas and the port authorities.

Mr Kobelke: Are you suggesting that the mechanism for ensuring that it has happened will be through the Executive Council processes?

Mr SHAVE: Yes; and the regulations will outline the mechanics of the approval.

Mr Kobelke: For Treasury and LandCorp?

Mr SHAVE: Yes.

Mr KOBELKE: The annual reports clearly will be presented to Parliament. In proposed section 25B we also have a requirement for half-yearly reports. Will they be public documents and at what stage are they likely to be released? Will

they be public in an interim sense; that is, will they be accessible via freedom of information processes but not presented as half-yearly reports?

Mr SHAVE: The report must be given to the minister within the prescribed period. A half-yearly report would not normally be printed and distributed. Of course, if someone had a particular interest and wanted the information, it would be available under FOI procedures.

Mr KOBELKE: Proposed section 25C allows for the deletion of commercially sensitive matters. It is clearly proper that an organisation such as LandCorp, which is involved in a range of enterprises in which it must trade commercially, should be able to keep certain matters confidential, particularly when negotiations are afoot. I am not sure of the commercially sensitive nature of matters once a deal is settled. I cannot find a definition of what is to be classed as "commercially sensitive". When a deal is concluded, will a different view be taken of its commercial sensitivity? The definition of "commercially sensitive" might be drawn out at times to cover matters that are perhaps politically sensitive rather than truly commercially sensitive. Is there a definition in other legislation to cover that? On what basis will a judgment be made on what is and is not a commercially sensitive matter?

Mr SHAVE: I can understand the member's concern. We both understand it would be very difficult to construct a definition applicable in all circumstances. This clause is based on the clauses in legislation covering most other government trading enterprises, and it has been debated and passed previously by the Parliament. I am therefore sure the matter has been dealt with. However, it would be very difficult to define it. As the member correctly points out, it is possible that in some circumstances for political reasons Governments might use a clause of this nature as a shield. I hope that is not the case, but there is always that possibility.

Mr McGOWAN: "Community service obligation" is defined as a commitment that arises because the minister specifically requests the land authority to do something or specifically approves the authority to do something, and the authority indicates to the minister that that does not meet with its commercial responsibilities as laid down by proposed section 19(1)(c), because it does not produce any return as required. Basically it says the minister has the capacity to direct LandCorp to do something as a community service requirement even if that activity is not normally required of people in the public or private sector. Is this a way for the minister to direct LandCorp to set up things such as recreation centres or indoor swimming pools in certain areas - things that may not be carried out by the private sector - even though it is not part of LandCorp's normal responsibilities? If that is the case, how will the minister administer the scheme? Will he do so by way of a whiteboard in his office? Will he have proper accountability for how he does this or will it be a matter of members of Parliament asking for assistance for and receiving things they need in their electorates? The matter needs to be addressed if that is the case.

Mr SHAVE: Section 24 of the original Act states -

> (1) The Minister may give directions in writing to the Authority with respect to the performance of its functions, either generally or in relation to a particular matter . . .

It continues -

> (2) Nothing in this section shall authorise the minister to give a direction which would require the Authority to act in a manner which is unlawful or beyond the power of the Authority or for an improper purpose
>
> (3) The text of any direction given under subsection (1) is to be
>
> (a) published in the *Gazette* within 28 days after it is given;
>
> (b) laid before each House of Parliament within 14 sitting days . . . and
>
> (c) included in the annual report submitted by the accountable authority of the Authority under section 66 of the *Financial Administration and Audit Act 1985*.
>
> (4) The board shall have standing to challenge the validity of a direction by a Minister but shall be entitled pending the resolution of the challenge to act upon it.

Members have that level of accountability. The Bill states -

> **"community service obligation"**, means a commitment that arises because -
>
> (a) the minister specifically -

The word used is "requests" -

> requests the Authority to do something or specifically approves of the Authority doing something.

We spent a lot of time on this section in the redrafting of the Act. Bearing in mind that these safeguards exist - any correction must be gazetted and laid before the Parliament - if a minister was blatantly using the authority to promote his

views for political reasons or for the benefit of a member of his political party, it would soon become apparent. I am sure the Parliament would act on that accordingly. I am also sure that if I was doing that, the member for Rockingham would tell the people in the Press about it.

Mr McGOWAN: Laying a piece of paper on the Table in the Parliament does not sound like much of a safeguard against the minister setting up a whiteboard on which he has a series of requests and directing LandCorp to build recreation or family centres or whatever is desired in certain areas under its community service obligations. Does the minister have a whiteboard in his office? Is the minister saying that the expenditure could be disallowed by the Parliament? Is there any capacity for the Parliament to stop a development which the minister has specifically ordered LandCorp to undertake? Will the minister operate under any guidelines or is it merely his judgment of what would be a relevant community service?

Mr SHAVE: The community service obligations are aimed at enabling strategic projects to be undertaken which do not meet commercial requirements of the authority. However, the minister cannot direct things to be done which are unlawful. The board is obliged to contest any directions which are not consistent with its function. When the strategic development plan and the statement of corporate intent are prepared, they will contain what is and what is not being proposed. Any variations or decisions will be made in conjunction with the Treasurer. If the minister has a view that a community service obligation should be undertaken which is not commercially viable, the board, quite rightly, will advise the minister of that and the minister will need to go to Cabinet for approval to get it done.

We will never strip a minister of the right to implement a decision which is in line with community service needs or obligations because that is the nature of the Act and why that clause is included. However, there are many safeguards. If a project is not financially viable for the board then the project must go to the minister and Cabinet. If it is a community service obligation, Cabinet must approve the project and become accountable for it. If anything was unlawful, or not done in a proper manner, or the minister was blatantly abusing the position, that would become clear. No Government would want that. However, at the end of the day the Government has a right to determine whether community service obligations are necessary and to express a view that something might be desirable in a particular location. I made the comment during the second reading debate that a number of community service obligations have occurred in various seats - both government and opposition seats - which have been beneficial to the standing of the local member. However, I pointed out that some of those members were members of the member for Rockingham's political party. To this point, LandCorp and the Government have been balanced and even-handed in the way community service obligations have been targeted. The board has responsibilities and accountabilities pursuant to the Statutory Corporations (Liability of Directors) Act which was legislated by the Government. The board has mechanisms to challenge the minister. If the minister is stepping in to run the authority as his own private gift shop and the board has a problem with that - it has a responsibility to run the organisation in a proper manner - the mechanisms under the Statutory Corporations (Liability of Directors) Act enable it to challenge the minister. Over the 12 to 18 months I have been in this job, the board's responsibilities under that Act have been of considerable concern to it. It is an issue which has been raised with the Government on a regular basis, which is a good thing.

Mr McGOWAN: The minister has not addressed community service obligations. What is his criterion for determining whether something is a community service obligation? If a project is put forward by a member of Parliament or a community group as a community service obligation, will the minister have generalised guidance as to the parameters of a community service obligation?

Mr SHAVE: Treasury has a very firm view on that matter. It is a project which, in its view, does not have capacity to stand on its own and be self-supporting. If the member for Rockingham is asking me to suggest projects that might be in that category, all that I can do is to refer him to those that have been undertaken to date. In many cases they are in areas where there is not the population base or the infrastructure from local businesses to sustain such developments without government support.

Mr KOBELKE: The use of the term "community service obligation" will change the meaning of that phrase in the way in which it is used in the Bill. It is only a minor point. The term has tended to mean where the Government has taken account of the cost of providing a form of benefit to people, either individually or in a community. For instance, the concessions that are given on rates and other government charges would be seen as community service benefits, and the subsidy for running Transperth is rightly titled a community service benefit. The definition in the Bill goes well beyond that. It is community service obligations plus where there are matters of clear direction for strategic purposes by the Government.

We discussed the Minim Cove development the other day. I understand that LandCorp has paid for some remediation and pathway development on the edge of the river. That might be seen as adding value to development and therefore is part of the core process, but it might be argued that it is additional to it and therefore is a community service obligation. It is proper that it be provided as an adjunct to a development to provide a benefit to the general community and not just the people who buy the land from LandCorp at, I hope, a good profit.

There are clear areas where LandCorp would properly fulfill a community service obligation and it would be appropriate for the minister to instruct it to do that. However, other matters would be covered by proposed subsection (3) which do not

fit the definition of "community service obligation". It is right and proper that they should. The Government might have a major development plan for Albany, Derby or Wyndham, and the Government might give an instruction to LandCorp, saying, "We want you to take up this major initiative; you are to make a very large financial investment in land and infrastructure in preparation for something that the Government will do." It might be similar to the multi-function polis, which seems to have sunk into the swamp somewhere near Adelaide, as we have not heard much about it. There might be such a major project in which the Government, for policy and strategic purposes, rightly gave a direction within the provisions of the legislation, and we are to call that a community service obligation. That is stretching the common understanding of "community service obligation" well beyond its current meaning. I cannot think of a better term, so I cannot help the minister with a suggested change, but we have not hit on the best possible phrase for what is clearly intended by the proposed subsection.

Mr SHAVE: The term is meant not for the community's understanding but for the board's understanding. The member for Nollamara raised a couple of issues, including Minim Cove. No CSO is involved in Minim Cove and there is no government input by way of funds. LandCorp - the member said that it is an adjunct to the Government - is putting in money, but that is regarded as a commercial arrangement, albeit that when it was first undertaken there were problems with it, and that is why LandCorp became involved.

Mr Kobelke: I did not want to revisit the Minim Cove development totally; it was just that land along the river foreshore, which I understand is not a part of the project, had some funds committed to it, and that clearly served the general community. I said that the funding of work outside the land-holdings by either Octennial or LandCorp took place. I have no argument with that. That would be a community service obligation in the more traditional sense, even though it might not need direction because it might add value to the development itself.

Mr SHAVE: That is right. That decision would have been made on a commercial basis. Whether LandCorp or a government agency is involved, concessions are often made to local councils and to local communities which may be classified as CSOs.

Clause put and passed.

Clause 19: Part 4 and section 46 repealed and transitional -

Mr KOBELKE: Clause 19 repeals part 4 of the Act. As page (ii) of the Act states, that covers -

> Memorial as to conditional disposition of land
>
> Offence to deal with land contrary to restrictions
>
> Certain transactions void
>
> Exemption for mortgagee exercising power of sale
>
> Authority may obtain injunction

Will the minister explain why those sections are to be deleted from the Act? The intention is that there should be competitive neutrality, but sometimes the Government must take a special stand and memorials should be placed on land in certain developments. In 1995 an amending Bill opened the provision for forms of memorials to warn that there could be a constraint upon or negative aspect to land that was sold. I do not know whether that fully serves the same purpose as section 26, which is to be repealed. Why are those sections no longer needed? Are they covered by other clauses or statutes and, therefore, it is just a duplication that is being removed?

Mr SHAVE: I thank the member for Nollamara for those points. He is correct; memorials have been removed in line with competition policy. Ceasing the use of memorials will not impact on LandCorp's activities or viability. LandCorp contracts will continue to include clauses that give effect to development outcomes on land sold to private companies and individuals. We can achieve the same result by putting the requirement into a contract as against a memorial, and contract conditions may include a combination of penalties, performance rebates, caveats and options to re-purchase. In effect, if the Government wanted a certain outcome, it would put a condition in the contract. If the matter was important enough to the Government and someone did not perform on that contract, the Government would have the option to re-purchase.

Mr KOBELKE: Clause 19(2) also repeals section 46. That provision should apply. Why is it being repealed and to what extent will the obligations which are currently imposed under section 46 be picked up by other statutes or other parts of this amending legislation?

Mr SHAVE: Because part 4 of the Act has been repealed there will not be any offences for which people can be liable. Someone cannot be convicted of an offence that does not exist.

Mr Kobelke: Would section 46 apply to only section 27?

Mr SHAVE: Yes. Existing section 46 states -

> If a body corporate is guilty of an offence under section 27 under subsidiary legislation made under this Act, every director . . .

It is applicable only to that section.

Clause put and passed.

Clause 20: Section 32 replaced and transitional -

Mr KOBELKE: Section 32, relating to the exemption of rates and taxes, is being repealed by this clause. Proposed new section 32 places other liabilities on the authority with respect to duties, taxes and rates. I seek some explanation about proposed new subsections (3), (4) and (5). Subsection (3) states -

> If the Authority leases or lets land vested in or acquired by the Authority, or holds land jointly with another person who is not a public authority, the land is, by reason of the lease, tenancy or joint holding, rateable land for the purposes of the Local Government Act 1995.

I take it that that will apply only with respect to local government rates. I am not sure whether the rates that apply - for the Water Corporation, for example - rest on the Local Government Act or whether that is quite distinct. I realise most of LandCorp's property would be broadacre and, therefore, in a different category; however, some the land would be subject to water rates and I am not sure whether they would be caught by this provision. My next question looks at the whole structure. Proposed new subsection (4) states -

> The Authority is to pay to the Treasurer in respect of each financial year an amount equivalent to the sum of all local government rates and charges that, but for subsection (2) and section 6.26 (2)(a)(i) of the *Local Government Act 1995*, the Authority would have been liable to pay in respect of that financial year.

Proposed new subsection (5) states -

> Subsection (4) does not apply in relation to land that is rateable under subsection (3).

What is the net effect of those three provisions in respect of rates, and are the other charges, such as water rates, covered elsewhere or picked up by these provisions?

Mr SHAVE: The water and other rates are covered elsewhere. It is only in relation to local government rates.

Mr Kobelke: What about proposed new subsections (3), (4) and (5)?

Mr SHAVE: Under this clause, where there is an exemption, LandCorp is required to pay an equivalent amount to Treasury. Where the charges are not exempt, LandCorp is not required to pay that equivalent amount to Treasury. The effect of those three provisions is that if the charges are exempt by reason of the legislation, an equivalent amount must be paid to Treasury; however, if under other legislation, LandCorp is required to pay the rates, there is no necessity for double-dipping and to make it pay twice.

Mr KOBELKE: What is the basis of those exemptions? I simply seek further clarification. Where there is no exemption, the rates are paid to the local government authority. Where there are exemptions, they are paid to Treasury. What is the nature and extent of those exemptions, in which case the local government authority will not receive the rates, but the Government will receive an equivalent amount through Treasury?

Mr SHAVE: The only circumstances in which the authority is liable to pay local government rates is where it has joint ownership or joint tenancy with another group. In all other circumstances, it would be exempt and it would be required to pay Treasury an equivalent amount each year.

Mr KOBELKE: I hope this will not become a consideration when the authority is making decisions about whether to enter into joint ventures. There would be a loss to Treasury if LandCorp entered into joint ventures. There are winners and losers at a secondary level which should not be a consideration for the Western Australian Land Authority when deciding on the best mode of operation for a given project. It should make its decision about whether the project should be done jointly or solely by LandCorp based on the advantages to the authority. That provision leaves us with a win or lose situation for Treasury, depending on the decision made in a given case by the Land Authority.

Mr SHAVE: I agree with the member.

Mr McGOWAN: My question relates to liability of the authority for duties, taxes and rates. Proposed new section 32(1) states that LandCorp will be liable for all taxes, duties and other imposts under any written law. It provides LandCorp with an exemption for a range of rates. Why is there a distinction between the two?

Mr SHAVE: I think the member is a little confused. There is no exemption in terms of what the authority pays. At the end of the day, if it does not pay the charges to a local government authority, it must pay an equivalent amount to Treasury.

Mr McGOWAN: Taxes and charges are going to the State, when they should probably not. The local government rates are not going to the authority which charges them; rather, they are going back to the State. Why is local government being treated differently with respect to this?

Mr SHAVE: It is historic. For a long time on a lot of land, government instrumentalities have not paid local government rates. If we were to change that, and we want them to do that, the Parliament must make that decision. If we were to start asking schools, port authorities and all those sorts of areas to pay local government rates on all the land they own, it would cause some concern, as well as involve a great deal of money.

Clause put and passed.

Clause 21: Section 36 amended -

Mr KOBELKE: I seek the minister's confirmation that my understanding of the intent of the amendment is correct. Reference is made to section 45A which appears to be a benefit to the accountability and openness of the processes involved. Existing section 36(8) states that -

> Where a guarantee is given by the Treasurer under subsection (1) the Treasurer shall cause the text of such guarantee to be published in the *Gazette* within 28 days after it is given and laid before each House of Parliament within 14 sitting days of being published.

I compare that with the new subsection which provides that within 28 days of giving a guarantee the Treasurer shall cause the text of the guarantee to be published in the *Gazette*; and within 14 days of publication cause the text of the guarantee to be laid before each House of Parliament or dealt with in accordance with section 45A as if a reference in that section to the minister were a reference to the Treasurer.

I understand that the process is basically the same but that section 45A allows for such authorisations to be tabled when the House is not sitting. It is a move from the requirement that it be tabled within 14 sitting days. Of course, some weeks may pass before the House sits and the days would count from when the sitting began. In the new provision the period set down is 14 days, regardless of whether the Parliament is sitting. Therefore, in many cases the public tabling of the guarantees would occur at an earlier date under section 45A. That being the case, it is a clear improvement and provides more accountability, because accountability requires that these matters be presented in a timely fashion. If there is considerable delay in making the information publicly available, often the value and relevance of the information is lost. This amendment appears to be an improvement and it will ensure that the information is more quickly available through being formally tabled even when the House is not sitting.

Mr SHAVE: The member's understanding is absolutely correct. This amendment will improve the level of efficiency and accountability, and ensure that people are made aware of the circumstances more quickly.

Clause put and passed.

Clause 22: Section 38 replaced -

Mr KOBELKE: This clause will amend section 38 under the heading "Dividends". Any surplus remaining at the end of the financial year can be paid to the consolidated fund, and the new section opens up procedures whereby the board would determine what the final dividend might be for payment to the Government. Following recommendation, it is open to the Treasurer to accept the recommendation on the dividend, if any, or consult with the board and direct the amount of the final dividend. The new section also makes provisions with regard to the timeliness of the payment of any such dividend. The process seems to be quite good. If the Treasurer instructs that the dividend to be paid shall be different from that recommended by the board, will that instruction be caught up by other provisions in the legislation and must it be made public? In some other areas of this legislation, instructions from the minister or Treasurer are required to be placed on the public record, and I seek confirmation in this area.

Mr SHAVE: It comes under section 24 in the current Act and it will be on the public record. Also, the Treasurer has the capacity under existing provisions to make these decisions, but the amendment is a refinement of that process and it is consistent with other statutory corporations legislation. The department has looked at the terminology in current Acts and has updated the old Act. Basically the situation has not changed.

Mr KOBELKE: Existing section 24 relates to the minister giving directions. With regard to dividends, the Treasurer will direct. Is there a legislative requirement whereby a direction from the Treasurer must be publicly recorded?

Mr SHAVE: Proposed section 38(3) provides that the minister directs, not the Treasurer.

Mr McGOWAN: My question relates to the payment of dividends and the fact that dividends are to be paid to the Government from LandCorp in relation to any surplus at the end of the financial year. Yesterday reference was made to the fact that LandCorp has a current debt in the vicinity of $107m.

Mr SHAVE: LandCorp has an overdraft which, at 30 September 1998, was $34m. To my recollection, on 30 June 1997 it had an overdraft of $107m. That has been substantially reduced over the past 12 months. The authority has provision for an overdraft of $160m. Based on its assets and capacity, Treasury has decided that is the overdraft limit to which it can work, but at 30 September it was down to $34m.

Mr McGOWAN: What is the current value of the assets of LandCorp, whether fixed or capital assets or land-holdings?

Mr SHAVE: I could go to the annual report for that information, but I am not sure it is absolutely pertinent to the clause. I understand it is in the vicinity of $300m, but I suspect that the true value on updated valuations is about $550m. I do not have all the valuations in front of me and I would need time to go to the report for the various levels and various valuations. However, in terms of debt:equity ratio, LandCorp is soundly placed with its overdraft against its total assets.

Mr McGOWAN: Is the minister saying in overall terms that if LandCorp were liquidated it would return $550m?

Mr Shave: Less $34m overdraft.

Mr KOBELKE: I take this opportunity to repeat a request I made of the minister earlier regarding regulations. The establishment of provisions to pay a dividend to the Government will be a major issue for the Western Australian Land Authority. In its commercial management it will need to take account of the level of debt, and the value it brings to its books for its land-holdings, which will clearly vary from time to time. It will then have to return to government the dividend that will arise from the commercial principles laid down in its statement of corporate intent and policy directions. Those regulations will be a very important part of the structure on which the board will base its decision on the dividend. The process laid out under section 38 on the dividend in itself is quite good, but the real issue about the dividend will rest on far more complex matters. The guidance and constraints on those issues will lie in the regulations we await. I therefore hope we will see at least draft regulations when the debate occurs in the other place.

Mr SHAVE: I thank the member for those comments. If they are available we will provide them. We want to be open and accountable.

Mr McGOWAN: As this Bill will put LandCorp on more of a commercial basis than in the past, what is the position regarding the outlay of $550m minus $34m in debt? What return does the Government expect to make each year? Is it comparable with an organisation which may have been a publicly listed company? Most returns from organisations such as that are in the vicinity of 8 to 10 per cent these days. Will the return be in that vicinity or will the community service obligation reduce it so that it will not make a dividend or profit to the Government as would a publicly listed company?

Mr SHAVE: The member must understand that he cannot compare LandCorp with a company in the open market. We referred to some of the renewal projects that LandCorp has undertaken that private developers who are looking for a return would not undertake. The Oakajee land acquisition, for example, is a strategic project for the State. However, there will be a 25 year lead-up time before any government investment is returned. That is not to say the company will not be viable prior to then. However, as long as LandCorp is involved in community service obligations it is very difficult to compare it with private sector companies that are just profit driven.

I made the point that someone said that by June next year LandCorp was expected to be free of its overdraft. That may not be the case. It could be that because of a need to maximise profits on Health Department land or on land held by one of the other government entities, such as Westrail, LandCorp might purchase the land, which could mean a long lead-up period. I gave to the member for Nollamara a draft copy of the annual report on this year's performance. I have not made an issue publicly of the fact that LandCorp will show a significant profit this year. LandCorp has some disadvantages in comparing its profits with commercial enterprise profits. On the one hand much of LandCorp's land does not pay rates and taxes, while private companies pay rates and taxes. On the other hand, both sides of the political spectrum expect LandCorp to look after its community service obligations. We cannot compare the two. If the member for Rockingham is asking me what I think is a commercially viable profit for LandCorp we must dissect community service obligations and the developments LandCorp is undertaking on its land. It is not appropriate for me to comment on whether it is viable, although this year's profit is very good.

Mr McGowan: What is it?

Mr SHAVE: The member must wait until I release the report. I have given the member for Nollamara a look and the member for Rockingham is welcome to see it.

Mr McGowan: When will it be tabled?

Mr SHAVE: The report has been tabled. I do not have the profit but I will get the figure for the past 12 months.

Mr KOBELKE: Although I accept that LandCorp must operate commercially and therefore must show a profit and loss statement, we must be able to say what return is being made on investment. That can become a nonsense for a government organisation such as LandCorp. Any company that is established has the value of its original capital, which it can upgrade

over time, in what it says are the assets and capital. That is difficult for a government agency which, although it was established in 1992, picked up assets that belonged to other government agencies decades ago. How do we put into the books the value of LandCorp when it has been given crown land in the past and of which there may not have been a valuation; or if valuations were done, their basis might not have been fully commercial?

As the minister indicated, LandCorp is an organisation with assets in excess of $500m. Those assets were acquired from the predecessor of LandCorp through various means at various times. To say we have an organisation with assets worth $500m, therefore its annual return should be X amount and which should yield a dividend, will cause us to run into fundamental problems about what is the real value of the assets. As the minister said, we must take into account community service obligations, and some of those obligations could be easily extracted in the accounting process. However, other parts of the assets of LandCorp are not so easily separated because they may be part of the Government's strategic plan. Land banking is an example: If the Government feels that some large areas of land should be set aside for future industrial expansion there is a clear instruction to LandCorp to hold those lands, which would be a cost to LandCorp. A fair amount might be commercial because the industrial development may occur; therefore that would be an asset on which an assessment could be made on the rate of return on the investment. However, part of the value of that land may be tied up with the strategic directions from government that it must have a certain amount of industrial land in a location for future expansion.

How do we put just one figure on the real value of that land? It is partly commercial and it is partly to do with the strategic directions of government. An operation such as LandCorp must sort those matters out. I do not think they will be simple. If this very simplistic view is taken that one can take the total assets of LandCorp in a lump sum, and simply take aside what are clearly identifiable public community service obligations, and then do a one-figure result on what one expects to be the rate of return on that investment, it can be a false view because one has a range of clear requirements that LandCorp must meet, and some of those move away from the straight commercial return on the assets and investments which one has in LandCorp. Problems exist but I am sure the board will address those. It depends on the regulations that we are waiting for because they will play a part in how the board might do that. We look forward to the board presenting its accounts of its whole operation in a way that is commercial, but it must be seen that the issue is more complex than that. That must be taken into account when the performance of the LandCorp board is assessed.

Mr SHAVE: I concur with those comments. I now have the figures for which the member for Rockingham asked. The authority recorded a profit of $29m for the year ended 30 June 1998. That was an increase of $16m or 123 per cent over the previous year. The increased profits arose from improved performance in the authority's business area and borrowings in the same period significantly reduced from $107m to $44m.

The member for Nollamara has the position correct. LandCorp has a soft commercial role. It is not a hard-edged government arm that is driven to maximise profit, and if it were, it would not be involved in some of these community service obligations. It would experience problems in buying land in places such as Oakajee from which it must wait a long time for a return.

Clause put and passed.

Clauses 23 and 24 put and passed.

Clause 25: Schedule 1 amended -

Mr KOBELKE: Clause 25 seeks to amend schedule 1 so that telephone and video meetings can be held for the board. It requires that the communication between the directors constituting a forum by television or audio visual means is a valid meeting of directors, but only if each participating director is able to communicate with every other participating director instantaneously at all times while participating in the proceedings. This is an update which enables the board to operate efficiently by using modern telecommunication methods. The minister might want to comment whether this is a trend that has already been established and is now becoming a standard clause for government boards or whether this a new initiative and it is being used for the first time. It is certainly a new approach to conducting meetings. I think we are becoming aware of the advantages which communications in the modern day offer to have people involved in a meeting without their being at the same location. That is a considerable advantage in a State as large as Western Australia.

The setting up of these telecommunication networks or video conferencing is something which we must make greater use of. I know that in your electorate, Mr Acting Chairman (Mr Sweetman), would see huge advantages in a range of government services. I have been to the Acting Chairman's electorate and other remote areas in recent times and found that the availability of the technology is not so much the issue; the full potential of its application is not being used.

The one further comment I make is that problems could arise with technical hitches because the amendment requires that it can be used only when every director is participating at all times. That could be a problem because two or three people participating in the meeting may have their line of communication cut while transmitting. A critical position could then arise of the speakers not being aware that their line was down for a couple of minutes. A quorum would not be established in that case. While modern communication technology has its advantages, some technical problems can arise, not only in the electronics side, but also in the technical aspects of the legislative requirements. I am not sure whether technology will

address that so that it does not become a slip-up and suddenly creates a problem. We must be aware when we are putting these statutes in place that if things can go wrong, they generally do, and there will be somebody to test out the details of the legislation. The specific requirements that are being placed in this provision must be watched for very good reason. We should not get tripped up both on the technicalities of the legislation and the technical side of the communication equipment that is being used.

Mr SHAVE: I thank the member for those comments. I suppose if there were a three-all vote and a casting vote was needed, someone might suggest that his line dropped out. That is something he must worry about. Hopefully, the LandCorp board will be used on most decisions. It is a standard provision in all new statutory corporations legislation. It is a fact of modern communication. Communities are becoming very global. These clauses would be welcomed by people who are directors and members of boards in Australia and ministers, including people such as Rupert Murdoch, when they are overseas. If decisions must be made by the board when an issue arises and causes a problem, it is important that the capacity in which to make those decisions is available.

Clause put and passed.

Clause 26 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

MR SHAVE (Alfred Cove - Minister for Lands) [1.11 pm]: I move -

That the Bill be now read a third time.

MR KOBELKE (Nollamara) [1.12 pm]: I wish to briefly express my appreciation for the advice that the minister and the people assisting him have given. They have certainly provided a great deal of information to help us make sense of the Bill and to understand the reasons for it. I reiterate the importance of having some prior view of the regulations, which are very important to the implementation of these amendments. The minister has indicated that he will use his best endeavours to ensure those regulations are available when the debate takes place in the other place. I realise that often problems occur when drafting regulations in a short time. However, if draft regulations were available, even outside the debate in the other place, it would help to flesh out some of the key provisions contained within the amending Bill. I hope the minister is able to fulfil the intent of his commitment and provide those regulations, either in final or draft form, at the time the debate takes place in the other place.

Question put and passed.

Bill read a third time and transmitted to the Council.

ADDRESS-IN-REPLY

Motion, as Amended

Resumed from 14 October.

MS MacTIERNAN (Armadale) [1.13 pm]: I was not expecting to be called on quite so soon. I have been with the member for Southern River at a sports carnival, and I had to do some fairly close impersonations of the current Minister for Transport and the former Minister for Transport, although I would not say I have copied them to the extent of their self-confessed tendency to avoid or exceed the speed limit.

Mr Sweetman: That is the member's story.

Ms MacTIERNAN: That is my story; that is right. Unless the member for Ningaloo has evidence to the contrary, I will be sticking by it. In any event, I am here, and I want to use this opportunity, first of all, to say that this perhaps illustrates part of the problem that exists in ordering the business of the House. Because of the way we do things, it is not possible to know when legislation or items of business are coming on, other than, of course, question time. It makes it rather difficult for one to organise one's resources in the most rational way. I wonder whether, in the fullness of time, we will not see a measure of microeconomic reform, such as various Governments are foisting upon the rest of the population, applying in this House so that we set down times for particular legislation to come on.

Mr Osborne: We should manage the time of this House more effectively.

Ms MacTIERNAN: I think so. That does not necessarily involve implementing the guillotine, of course.

Mr Osborne interjected.

Ms MacTIERNAN: If Lord Osborne thinks the only instrument of time management is the guillotine, he has a limited imagination. I am sure that we could organise things a little better.

Mr Osborne interjected.

Ms MacTIERNAN: I do not think the member should speak so ill of himself. In fact, we are finding a lot of this. Yesterday the Minister for Fair Trading told us how uneducated he was, and I conclude, how unprepared he was for his job. Now we have Lord Osborne telling us that he is not too bright either. One cannot hold out too many hopes for the Government.

Mr Omodei: It is still important to know how to count, and we can count.

Ms MacTIERNAN: The Government can count; that is right. The member for Warren-Blackwood would not want to take off his shoes and show us he has six toes.

In the limited time I have available in the Address-in-Reply, I want to set out concerns relating to incidents that arose out of the Canning City Council and bodies associated with that council. These are largely matters that at this stage are allegations. Documentary evidence exists which seems to support the allegations as they have been put to me. I am raising these matters in Parliament because I believe it is time that these matters were properly investigated and this matter was allocated a priority with the fraud squad. Indeed, it may well be a matter, because of its local government origin, that requires investigation by the Department of Local Government. In December 1992, the mayor of the City of Canning, Dr Mick Lekias, established a heart of Canning committee. It was called the heart of Canning group, and it was a broad-based group. It had a token Labor person on it, Mr Ron Davies. It also had on it well-known people from the other side of politics - for example, Mr Stan Palassis - and local business people, as well as a Mr Ian Silver, who is a quantity surveyor. As I said, it was a very broad-based committee. The committee's brief, as I understand it, was to look at the central business district of Cannington, which, in a physical sense, was fairly fractured I suppose one could say. It was a bit like the situation in Morley before the development of the Westfield Galleria. The committee was to consider how it could reconfigure what one might call the central business district area of Cannington by implementing land changes to make that CBD work better. I understand one of the other ideas was how to intensify some of the residential zonings around that area. I have no problem with that concept. That is the sort of planning that should be done. It is a bit surprising that it seems to have been done by this group, but presumably it was receiving some professional advice from the city planners.

However, I note - this is an interesting point - that this committee was not formed by way of council resolution. According to a letter that I have from Dr Lekias, it was a committee formed by the mayor, presumably to provide him with advice on that matter. It appears that the committee had access to complete council records concerning the ownership of the land within the area of its purview; that is, within the central Cannington zone. The committee was presented with the records and maps of who owned what, which is understandable. One of the unexpected finds was a large number of private roads; that is, gazetted roads in the CBD area that were privately owned. The council had clearly not been aware of that for many years. Inadvertently, and in contravention of the Local Government Act, the council had spent money maintaining a percentage of those roads. From my days on the Perth City Council, I recall that under the old Act one was not permitted to spend money on private property. That was simply an error and it is not the substance of my concern.

Most of these roads were still paddocks. They had been gazetted as roads in 1904 when the area was to be subdivided. It was never subdivided, but the gazettal of the roads remained unchanged. Obviously, if the plan were to redivide these areas and restructure them, those involved needed to find out who owned the roads. We are calling these areas roads, but they are vacant lots under wild oats in central Cannington. It was found that all the titles were in the name of a Leslie Harmston Wilson, as his grandfather's executor. The land had been subdivided by a Mr Wilson in 1904 and the rest of the land was sold off. However, because he was the original person subdividing, he retained ownership of the areas that had been gazetted as roads.

Towards the end of December 1993, Mr Leslie Wilson, the grandson of the man whose name originally appeared on the titles, was telephoned by a man with what he believed to be an Italian accent. He was asked whether he knew he owned many roads in Cannington. He said he knew nothing about it; he had no idea about the land. The caller rang off and he heard nothing more. In January 1994, Mr Wilson was telephoned by a solicitor - a Mr Fleming from the law firm Halperin Fleming Meertens. Mr Wilson is in his late sixties and not in good health. He certainly had not been spending a lot of time on his commercial affairs. During this telephone call and a number of subsequent visits, the solicitor told Mr Wilson that he did indeed have some land in Cannington but that it comprised old laneways and there was a problem with it. It was the worthless residue of a development and the Water Corporation wanted to reclaim it for drainage purposes. The solicitor, out of the kindness of his heart, would ensure that this did not become a problem for Mr Wilson. The details were holding up the development and Mr Wilson would not want to face legal expenses. The solicitor would kindly transfer the land into the name of an adjoining property owner, who planned to do the development. The solicitor identified himself as acting for

Mr Norm Grant of N.K. Grant Holdings Pty Ltd. Mr Wilson trusted the solicitor. Not only did the solicitor say that the land in question comprised old laneways and was required by the Water Corporation, but - using the old set of steak knives trick - he would do a will for Mr Wilson free of charge if he signed the documents, which he subsequently did.

Mr Wilson, in all innocence, agreed to transfer the land for the nominal sum of $1. It appears from the documents that I have seen and from the transfer documents that the land was transferred to a company called N.K. Grant Holdings Pty Ltd. It then appears from further correspondence from the council to N.K. Grant Holdings Pty Ltd that that land was held in trust for another company called Yonju Pty Ltd.

It is important to draw out some of the connections to ensure that the story makes sense. First, we have Mr Norm Grant. Where does he come in? It is certainly true that he owns land in the area covered by the heart of Canning committee. It is also interesting that Mr Grant was appointed to the committee by the mayor. He obviously had access to the documents and was part of the group that established that all this privately-owned land had been gazetted as roadway. Mr Grant, and I gather his wife, are the other beneficial owners of N.K. Grant Holdings, which holds this property in trust for the Yonju company. Interestingly, Yonju Pty Ltd was established in July 1993 - six months after this heart of Canning committee was set up. Yonju Pty Ltd has about 30 beneficial owners, and obviously the Grants are part owners. However, a company called Playcroft Pty Ltd is also involved. Its directors are Messrs Halperin, Fleming and Meertens. The shareholders of Playcroft are the three family trusts of those gentlemen. Members may recall that Halperin Fleming Meertens was the law firm acting for Mr Grant, and Mr Fleming is the partner who approached Mr Wilson and ended up facilitating Mr Wilson's handing over the titles to this land for the princely sum of $1.

Having obtained this valueless land for $1, Mr Grant, who was obviously a gentleman very well connected with the City of Canning - we can say that given his personal appointment by the mayor to this committee - was then able to get this land rezoned. Therefore, this worthless land, described by Mr Grant's solicitors as mere laneways over which the Water Corporation wanted access, suddenly became property that was able to be rezoned. That was just one small part of the overall land that was transferred. After Mr Grant made an application, that has now been rezoned residential. And guess what? Five blocks are being carved out of that one area. Those five blocks, we can conservatively say, are probably valued at around $70 000 each, which gives a grand total of $350 000. That is a pretty good return for an investment of $1. Mr Grant of N K Grant Holdings Pty Ltd, it would appear, has already been able to turn $1 into $350 000.

Mr Baker interjected.

Ms MacTIERNAN: I think there may be a few other liabilities than that as well. I emphasise that, as far as I understand, this first diversion relates to only one portion of the land. There is still a great deal more land out there that Mr Grant has acquired in this manner that he will be able to have rezoned. Interestingly, some of that land, because of its positioning near the tax office in Cannington, may, quite properly, be rezoned as commercial. Mr Grant could be looking at having land holdings from this $1 investment worth $500 000, or even more. It is an extraordinary proposition. As I said, aside from those five blocks which are worth $350 000, apparently another six roads of a lot more meterage are involved.

A number of local residents were concerned about what was happening in a general sense from a planning point of view; they were not happy with the rezonings. Some of those residents investigated the matter. Special mention must be given to a Mrs McDonagh who started off the sleuth work on this in 1995. She did some historic title searches and came upon the fact that this land, which is now being rezoned and redeveloped, had been transferred for $1. However, she did not know how to get hold of the prior owner, Mr Wilson, to find out his story. She made a series of inquiries on how this transfer could have taken place for $1 and whether there was something irregular about it. As I said, Mrs McDonagh was not able to get hold of Mr Wilson, but she kept telling the story to people, hoping that someone would be able to help her and take up the matter. She then came across Miss Denise Brailey from a real estate consumers association who was able to track down Mr Wilson. She asked Mr Wilson whether he was aware that the land he had sold for $1 was being subdivided, creating a substantial fortune for N K Grant Holdings. He was absolutely astounded and he told Miss Brailey his version of the events; he had no idea that this land holding was in his name; he was approached by the solicitor and told it was valueless land and that he would relieve him of all the onerous responsibilities of holding this valueless land by transferring the land for the nominal sum of $1 and chucking in a free will as well.

In the evidence of Mr Wilson, at no time did the solicitors mention that they had an interest in the property, and that the proposed purchaser would hold the property on trust for a company in which they ultimately had a beneficial interest. Interestingly, because the residents had been trying to get some action, they took the matter again to the council. The council at a meeting read out a letter that had been presented a fortnight previously by Yonju Pty Ltd. Yonju claimed that the reason Mr Grant was able to get the land for $1 is that Mr Grant had been a close personal friend of the title holder and his family and that they were administering a deceased estate. That part of it was true.

Mr Baker: That is the consideration for natural love and affection.

Ms MacTIERNAN: That is right. When Mr Wilson and his sister were approached about the closeness of the family ties between the Wilsons and the Grants, it is their version of events that they had never heard of Mr Grant, let alone had any

family connection with him. Therefore, not only is it a case where there is no basis for giving them the land, but also they did not have any prior contact with Mr Grant before this matter arose. The next part of the letter from Yonju was interesting. In effect it said, "Gosh, we did not realise what we were getting. When we transferred the title, we thought it was only going to be one bit of land and we were absolutely stunned to find that it was about six, seven or eight pieces of land. We just did not expect it." They did not go on to say, "We then went back to Mr Wilson to say, 'Hey, gosh guys, we are really sorry. We are close personal friends and it looks like we might have cheated you. We thought we were only getting one bit of land. We ended up getting eight. Do you want your other seven pieces back or do you want to restructure that deal?'" There was no mention of that. I will be interested to hear a response, but at first blush it appears to be a fairly incredible story.

The matter of the transfer of the land for $1 and the involvement of Mr Grant who was on the heart of Canning group was raised with council two to three years ago. However, it does not appear that the City of Canning has taken any action to ensure that there was nothing unlawful or illegitimate about the process. I put it to you, Mr Acting Speaker (Mr Sweetman), that, in view of the fact that Mr Grant appears to have had access to this information initially from his position on a committee - albeit formed not by the council but by the mayor as a quasi-official committee of the council - the council should have taken more steps to investigate the issues raised with it by their constituents. That does not seem to have happened. I ask now that this matter be looked at by the Minister for Local Government. I cannot tell from the documentation I have whether the council has in fact had any involvement with this matter.

Mr Omodei: Member for Armadale, you cannot expect the department or me to go on a fishing trip. If you have documentation and concerns, put them in writing to me as the minister and I will ensure that they are put through the proper channels.

Ms MacTIERNAN: I will certainly make sure the minister gets a copy of my speech and a copy of the documents that I have.

Mr Omodei: That would be appropriate.

Ms MacTIERNAN: I am not asserting that there is necessarily a role for the department in this matter, but I do think it bears looking at, given that the whole issue has arisen out of a committee that was formed by the Mayor of the City of Canning; the information was provided by the city to that committee; the zonings were effected by the city; and the city had been made aware of at least some of this story perhaps up to three years ago.

Mr Omodei: Let's get it clear. Do you want the department to do something?

Ms MacTIERNAN: I want it to at least have a look at the matter. I do not know whether it falls within its province. Obviously, the department has more access to the council than I do. However, I would like it to have a preliminary look at the matter to see whether there are grounds for a proper investigation such as that instigated a la the Town of Cottesloe. If concern about mayors selling chains and that sort of thing can result in an investigation of the Town of Cottesloe -

Mr Barnett: That is nonsense. You are doing quite well in this House surprisingly, because most people from upper Houses fail in lower Houses. You should keep up the quality.

Ms MacTIERNAN: The Leader of the House must have heard me suggest yesterday -

Mr Barnett: It is well known that in the Federal Parliament senators who go to the lower House on either side of politics never succeed; for example, Gareth Evans.

Ms MacTIERNAN: I must say it was a slightly naughty comment designed to provoke the Leader of the House.

Mr Barnett: You might be the exception to the rule.

Mr Omodei: There is no comparison whatsoever with the Town of Cottesloe.

Ms MacTIERNAN: I was making the point that the Department of Local Government obviously keeps a very broad watching brief on the operations of councils and intervenes when it feels it is necessary, even though it has not been requested to do so, as was the situation with the Town of Cottesloe. I am simply asking the minister to ensure that this instance comes within the purview of the broad watching brief of his department. It is also important that this matter be aired so that the matter be given some attention by the fraud squad. I am aware of the limitation and strains on the resources of the fraud squad. However, I am concerned that because this is an ongoing issue, it could be exacerbated if more of these lands were rezoned while in the ownership of a company that may not be legally entitled to them. We must ensure that this matter is dealt with swiftly by the fraud squad so that if the apparent improprieties turn out to be actual improprieties and the apparent fraud turns out to be an actual fraud, action can be taken before the problem is compounded by further rezonings and resales.

MR BARNETT (Cottesloe - Leader of the House) [1.42 pm]: I rise simply to thank members on both sides of the House for their contributions to the Address-in-Reply. It is one of those opportunities in the Parliament when members can raise issues relating to their electorate. A number of members have rightly chosen to do so. It is right also for members to raise

broader policy issues. Arrangements for the Address-in-Reply debate have worked relatively well. With the agreement of the Opposition, I agreed to allow the Address-in-Reply debate to run for two weeks and then, in essence, to adjourn it and bring it back for completion later. There will also be one further general debate before Parliament rises for the year, and that relates to the budget Bills, consolidated revenue Bills Nos 3 and 4. I thank members opposite for their cooperation in allowing us to conclude the Address-in-Reply debate today.

Question (motion, as amended) put and passed; the Address-in-Reply, as amended, thus adopted.

TITLES VALIDATION AMENDMENT BILL

Second Reading

Resumed from 28 October.

MS MacTIERNAN (Armadale) [1.44 pm]: I have listened intently to the often impassioned and always well-argued addresses by my colleagues on this legislation, but I will not repeat all those good arguments about the more technical aspects of the legislation. We are being asked to pass legislation to validate titles without being given any understanding of the range of titles that we are validating. That issue is of great concern to us. We are being asked to fly blind. Of course, we would have no difficulty in validating several titles but there will be others that we will find more problematic, and we have been unable to gain a list of them.

I wish to refer to a matter that was raised by the member for Cockburn, who said that, historically, Western Australia's treatment of Aboriginals has not been very good. I must concur with those remarks. One of the sorriest chapters in our history and one that is not mentioned on Proclamation Day is the disgraceful behaviour of Governments, particularly the initially conservative Governments in this State, in relation to section 70 of the Western Australian Constitution. One reason that Whitehall - the Colonial Office - had resisted for so long giving Western Australia self-government was its concern about the poor attitude adopted by government and business of the colony of Western Australia towards its native population. It felt that there was a very substantial element of those in government and those exercising commercial power in the colony who were completely contemptuous of the rights of Aboriginal people and who saw them as an impediment to their accumulation of wealth.

For that reason it resisted giving over control and self-government. It thought that, by doing that, it would surrender Aboriginal people to the mercy of people who were quite morally ill-equipped to deal with that difficult issue. In the end, pressure for self-government became irresistible, but a deal was done, and that deal was to insert section 70 into the Western Australian Constitution. That section was to ensure that there was a separately empowered director of natives who was not subject to the direction of the Government and who had rights and responsibilities that were not directly able to be affected by the Government. It provided also that - unfortunately, because I do not have my notes, I might not be accurate - between 1 and 2 per cent of the State's gross domestic product was to be placed in trust for the Aboriginal peoples of the State. Having signed off on that, the very first thing that the Government did - the oligarchy that ran Western Australia in those days - was to repeal that provision. That provision had some fairly unusual aspects. It was not something that was able to be repealed simply by the Commonwealth; it had to comply with various procedural requirements and be tabled in both Houses of Parliament in London.

At that time, there were people in Western Australia who were concerned about the contempt that had been shown by the leadership of the Western Australian Government in its commitment to section 70; after it was allegedly repealed, it appealed the question of the repeal. It was upheld that various procedural entrenchments that surrounded the Bill had not been complied with and therefore section 70 still stood. This is very reminiscent, is it not, of what has happened subsequent to Mabo? The Government went back and had another bash at it. It tried to dot all the i's and cross all the t's to deny the Aboriginal people the rights that it had agreed to give them. Once again, the matter was challenged, I think in around 1906. The challenge succeeded. The legislation was taken back to the Government and again changed. It was taken to Whitehall where finally it was felt that all the procedural requirements had been met. The Aboriginal people in this State lost their right in total to the one and a half to 2 per cent that had been promised to them so fervently by Lord Forrest and his cohorts. There has never been a more blatant exercise of complete disregard for Aboriginal people and the commitments that were made in order for them to obtain a measure of wealth and power.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 2915.]

PROSTITUTION, NORTHBRIDGE

Statement by Member for Perth

MS WARNOCK (Perth) [1.51 pm]: This is not the first time I have raised this matter and sadly it probably will not be the last. Once again, following a meeting last night in Northbridge, residents of areas around Hyde Park are loudly voicing their

objection to overt prostitution or soliciting in their streets. Women residents have told me they are fed up and frightened because of kerb crawlers loitering in the area. Discarded syringes and condoms are a minor matter compared with their growing concerns about men who circle the block repeatedly in their cars, asking them for sex, frightening them by following them in their cars with their lights off, and repeatedly stopping them as they go about their ordinary business, such as buying milk from the local shop. The abduction of young women from the streets of Perth has caused serious concerns in our community, and there is genuine fear about some of the unsavoury characters who are regularly kerb crawling in residential areas of Northbridge. I have spoken to the police today and they are certainly doing their best. However, on behalf of these residents, I ask when the Government will provide police with sufficient resources for this task and when the Government's new prostitution legislation will be produced. If the Government is out of ideas, the concerned residents of Northbridge have made a series of constructive suggestions. I support them. My constituents are well and truly fed up and are demanding action.

RADIO LOLLIPOP

Statement by Member for Hillarys

MR JOHNSON (Hillarys) [1.52 pm]: Many members in Parliament would be aware of my work with Radio Lollipop. Radio Lollipop is a volunteer organisation that aims to reach sick children in hospital. The organisation is manned by volunteers and an extremely conscientious and diligent chief executive officer, Joanne Pollard. In addition to playing requested CDs for the sick children and having on-air phone-in competitions, the work of the volunteers includes reading to children in hospital and organising games and other fun activities. A new studio is soon to be opened at Princess Margaret Hospital to help the volunteers with their work. Radio Lollipop operates on the principle that happy children get better sooner and in fact one study showed that the amount of painkillers administered by medical staff actually decreased when Radio Lollipop was on air. The volunteers' commitment to provide care, comfort, play and entertainment to the sick children dates back to the very first Radio Lollipop founded in the United Kingdom some 20 years ago. The first Radio Lollipop outside the United Kingdom was in Perth at Princess Margaret Hospital for Children. There are now some 15 stations throughout the world with three in Perth, including the newly opened Joondalup Health Campus studio and Fremantle Hospital. Lollipop is also looking at moving into regional hospitals in the near future. As well as the volunteers in the wards, a group of bus drivers help raise funds once a year for Lollipop. Without Steve and Pat Salter, Hughie Ots and Allan Bird organising more than 1 000 drivers and encouraging participation in the uniform-free day, Radio Lollipop would not be able to meet many of its commitments. I can only speculate that many passengers had no idea that Priscilla Queen of the Desert, Robin Hood and the Pink Panther were employed as drivers. Lollipop volunteers have given thousands of hours' service on the wards, their only reward being a smile or a giggle from a patient enjoying the magic we call Radio Lollipop.

MOBILE TELEPHONES

Statement by Member for Rockingham

MR McGOWAN (Rockingham) [1.54 pm]: I take the opportunity to raise an issue of extreme importance to safety on the roads. It relates to drivers using mobile phones while driving. In other States around Australia the use of non-hands-free mobile phones is illegal. In New South Wales it is illegal to drive while using a mobile phone because of the danger not only to the driver but also to other road users because of the loss of the use of one hand and the loss of concentration. A number of studies have shown that the use of mobile phones while driving is at least as dangerous as drink driving to a certain degree of intoxication. My very firm view is that this Parliament should legislate as soon as possible to put in place some rules which make the use of a mobile phone while driving an offence under the Road Traffic Act or the Criminal Code. If we do not do that, we will be increasing a road toll which is already high enough.

FAMILY LAW ACT

Statement by Member for Joondalup

MR BAKER (Joondalup) [1.56 pm]: In view of the recent Jonker family tragedy and the ever-increasing apparent loss of the public's confidence in the way in which family law is administered and many of the decisions of the Family Court of Australia and Western Australia, I believe it is timely for yet another substantial review of the Family Law Act. I wish to highlight some readily identifiable defects in the Act that have been raised with me by many of my constituents. Section 14 sets out the object of the Act's primary dispute resolution mechanisms. Section 14(a) states -

> to encourage people to use primary dispute resolution mechanisms (such as counselling, mediation, arbitration or other means of conciliation or reconciliation) to resolve matters in which a court order might otherwise be made under this Act . . .

Surely an inquisitorial system would better complement this object rather than the quasi-adversarial system presently used to administer justice in family law disputes. Section 43 details the general principles to be applied by the Family Court of Australia, and states -

(a) the need to preserve and protect the institution of marriage as the union of a man and a woman to the exclusion of all others voluntarily entered into for life;

(b) the need to give the widest possible protection and assistance to the family as the natural and fundamental group unit of society, particularly while it is responsible for the care and education of dependent children;

Where in the Act is there a provision which enforces or upholds these so-called fundamental principles? Sections 119 and 120 seem to indicate that quite the contrary is the case. For example, parties to a marriage may bring proceedings in contract or in tort against each other. Under section 120 no action lies in damages for adultery. These points are interesting. Many of my constituents who have experienced the vagaries of family law first-hand advocate the trialling of a three-member jury system in resolving disputes, particularly those involving child welfare issues. They suggest that one such member could be a clinical child psychologist.

SHOPPING CENTRES

Statement by Member for Bassendean

MR BROWN (Bassendean) [1.58 pm]: For a long time small retailers have raised concerns about planning issues, particularly those planning issues that enable local authorities to establish one shopping centre after another without regard to the viability of retailers who have been established for some time. Recently I was contacted for the umpteenth time by a group of retailers who are facing this situation with a local authority that is proposing to give the green light to the establishment of a shopping centre some 300 metres away from their shops. Although it is not the responsibility of the State Government or indeed of local government to restrict competition, it is a responsibility of state and local governments to plan properly. The oversupply of shopping centre space is allowing businesses to be created that will not be viable. There is a need for urgent attention to be given to this matter. I am aware that a draft policy from the Ministry for Planning has been out for public consideration for some considerable time. However, that process has taken an inordinate amount of time and has not yet been concluded. Until it is successfully concluded, we will see more small businesses go to the wall. Indeed, we are looking at the people who contacted me going to the wall if plans to provide a shopping centre almost alongside of them are allowed to proceed.

SHIRE OF BUSSELTON

Statement by Member for Vasse

MR MASTERS (Vasse) [1.59 pm]: Most Vasse electors appreciate the money that members of this place happily spend in my electorate while on holidays, on wine purchases or tourism; however, this influx of capital is helping to fuel a rapid population growth. Busselton Shire is planning for a doubling of its population by the year 2011. To cope with the expected 35 000 people, the shire has recently produced its urban growth strategy, and I commend planning staff and councillors for their foresight in preparing this balanced and well thought out document. This strategy has confirmed my belief that the State Government must pay its fair share of social dividends so that, hand in hand with the shire, the proper range of services and facilities is provided to the existing and future residents of the Busselton region.

To date, the Government has committed funds to a range of essential services and facilities; however, more are needed. These include change rooms and associated facilities for the Dunsborough regional playing fields; a boating facility in the western part of Geographe Bay; and a Lotteries house, or similar, in Busselton to cater for the large number of service and community groups or agencies that are looking after the expanding Busselton population; and I hope, a new south Busselton primary school is only a few years away. There is no crisis or community housing anywhere in the entire shire, which is placing extreme pressures on Anglicare, the Society of St. Vincent de Paul and other community help groups. Over the next few years, I look forward to this Government paying urgently needed social dividends to the people of the Busselton Shire.

[Questions without notice taken.]

TITLES VALIDATION AMENDMENT BILL

Second Reading

Resumed from an earlier stage of the sitting.

MS MacTIERNAN (Armadale) [2.38 pm]: Before question time I was discussing the history of section 70 of the Constitution Act and pointing out that it has some unfortunate parallels with the current case. I had taken the history to 1906. This matter lay dormant for about 80 years but lived on in the folk memory of many Aboriginal people who knew that the colonial government which handed power to Western Australia had attempted to make provision for them. Actions seeking to contest section 70 have been taken to the courts over the past few years. Alas, those actions have not been successful and the rights of these people, which the colonial government had attempted to enshrine in the Constitution of Western Australia at the outset of self-government of the colony, were, for once and all, denied to them. I hope that now, with the Mabo

decision and subsequent decisions, we can right that disgraceful wrong perpetrated by our predecessors in those days but alas I fear that will not happen until such time as we have a change of government.

MR SWEETMAN (Ningaloo) [2.40 pm]: I support the Government's legislation. I have noted with interest some of the contributions made by opposition members speaking to the Bill. Initially I will refer to some points made by the member for Eyre, not in relation to this Bill but in his contribution to the Address-in-Reply. It was late at night and there were not many members in the Chamber. However, I listened intently to many of the things he said. In many ways his electorate is similar to mine and it is interesting to compare notes on those similarities. Some of the points he made drew on information published in *The West Australian* by a criminologist, Dr David Indermaur, about various social problems developing within the Aboriginal community. Whatever criminologists discover in the city, it is multiplied in regional Western Australia, particularly in communities with high Aboriginal populations. It is easy for one to be targeted in a debate like this as branding all Aborigines the same. That is not so. Difficulties exist within the Aboriginal community; but, of course, there are also some very good people.

In this debate we are talking about legislation parallel to the Federal Government's 10-point plan. I am bitterly disappointed that the 10-point plan was not passed as it was initially drafted before it went to the Senate. I was led to believe that it passed basically unscathed. Pragmatism comes into politics at all levels. No-one could count on avoiding the possibility of going to a double dissolution with One Nation running rampant, simply because of the decimation that may have occurred with the requirement for only half quotas to elect senators to the Senate in a double dissolution. Therefore, a deal was done. On the face of it we were told that it had not been watered down. In subsequent briefings, it became clear that some passages had been significantly watered down, particularly in the spiritual and physical connection with land. I am concerned about the connotation of that and the enormous difficulty that will be created in years to come. The legislative position is still uncertain in the area of land administration for people who currently occupy land under some form of lease.

It is perhaps noble to say that finally society is getting its mind around the notion of native title. Most people have an enormous amount of goodwill for the indigenous population. However, that position is starting to slip because people are reluctant to take responsibility and to recognise that significant problems exist which need to be discussed openly. In that regard, I refer to a point made by the member for Eyre in relation to domestic violence, anti-social problems and the like. He said -

> We have an immense problem, much of which is below the surface and unrecognised and which the community at large has a propensity to bury.

One of the purposes of my address today is to try to benchmark some of the problems which exist. In the towns in my electorate there is now - and I am not exaggerating - a seething anger about the Aboriginal problems. Much of that can be linked to native title. Leaving aside the human rights aspects, humanitarian issues, and the guiding principles of native title which are fine, we probably do not have much to argue about if we sit around a table and discuss the situation face-to-face. A similar situation applied when the basic wage and drinking rights were given to Aboriginal people back in the 1960s. Using today as a vantage point from which to view history, it is extraordinary to me that, for some inexplicable reason, Aboriginal people did not receive a basic wage and did not have drinking rights.

Mr Graham: Can I say to you - without having a go - when your grandchildren or members of their generation are sitting here, they will find it inexplicable that we had so much difficulty with native title. It is a right, and an accepted right.

Mr SWEETMAN: I am happy to take that interjection because that is what just might happen: This situation is a fundamental flaw in our nation. My personal view is that is why we will never be able to live with the consequences of native title. The whole world is falling in on itself. We are not reinventing the Aboriginal culture. The member for Pilbara should be seeing that in his electorate as I am seeing it in mine. People are going off in different directions doing their own thing. This is achieving very little for Aboriginal people.

I need to return to the basic wage and drinking rights. One of the biggest problems in the Aboriginal community today is as a consequence of the Aboriginal people trying to adjust to those two extraordinary circumstances in their lives. People marched around then with that philosophical bent to give people equal rights. They said that they should have the right to drink like any other person in the community, and should be able to earn a basic wage, which is fine and noble on the face of it. As soon as they got those rights, those people had achieved what they set out to achieve, and they walked away from the situation. As I have said, I did not buy my five-year-old son a Porsche or a Holden because I could not afford it but because he could not handle it at the time.

Nobody stood around trying to ease those people through a time-warp from one set of circumstances to another. Calamities have befallen the Aboriginal people as a consequence of those two events. Settlements of 150 or 160 people were suddenly turned off large pastoral properties. It is not a good thing to talk about, I know. The member for Pilbara probably recalls some of circumstances up his way. Those people became town fringe dwellers with no hope of employment. It was a complete change of lifestyle.

Mr Graham: They were bonded labour and sold with pastoral properties in the 1960s, for God's sake.

Mr SWEETMAN: That is right; I know. No-one eased them through and said, "Hang on," when those communities were on those properties. I find it extraordinary. I would not be in that situation, but the down side of the policy -

Mr Graham: This is the last time I will interject on you. Do yourself a favour and go down to the Australian Broadcasting Corporation film library and get out the footage of Paul Robeson's visit to outback Western Australia that included your electorate in the 1960s, and look at the living conditions of those people. It was an international shame.

Mr SWEETMAN: We are not at cross-purposes. The member is simply trying to make a point and trying to apply some guilt to the arguments and say that we need to keep the big and noble picture in perspective. We are sitting above a layer of ooze. If the member for Pilbara does not want to recognise it, he should continue to live in Perth and let his electorate do its own thing. I go back to my electorate and I see what it is like. I live in my electorate and I see what people must persevere with there.

Mr Thomas: Were you there in 1986?

Mr SWEETMAN: I have been in Carnarvon since 1953. I did not shift there because I had a political aspiration.

Mr Thomas: Did you support the Liberal Party campaign in 1986?

Mr SWEETMAN: I probably did, yes. Is there something significant about 1986 in this argument?

Mr Thomas: It is one of the most disgraceful campaigns I have ever seen. You, Hassell and the rest of them can hang your heads in shame.

Mr SWEETMAN: The member for Cockburn may want to take a philosophical perspective. In these events and in native title in particular we see the last remnants of a culture and tribal structure in which we have overlapping claims or competition between different groups with different dialects, and we are not solving the problem. I would be the first to say that if, once and for all, we could solve the problem and have true reconciliation with our indigenous population, it would be great - whatever it takes, do it to achieve that - but the goalposts keep moving each time we make a further concession. I am bewildered at what reconciliation means. It is as dead as a dodo. We will never achieve it, because the moment we disagree with an opinion held by an Aboriginal group we are seen to be anti-reconciliation.

I can speak with some credibility, having lived in Carnarvon all my life and having understood how the bush operates when I was a child. My mother and father did what they could through the church in which they were involved to help Aboriginal people. Much of those things have been dismissed as philosophical humbug and fundamentalist garbage. As the member for Eyre said, many people came out of those institutions and missions - even though it is not fashionable to say so, because they are now known as the stolen generation - with values and social graces, to quote the member for Eyre precisely, which equipped them well for our society.

I started school in Carnarvon in the same year as the mission kids, as they were called, started school. That was the Church of Christ mission. The drop-out rate among those kids up to year 10 - we were only a junior high school then - was practically nil. There was assimilation - again, a dirty word; we do not talk about assimilation when we talk about Aboriginal people. It was working. One of the problems today is -

Mr Kobelke: What was working?

Mr SWEETMAN: Assimilation, in that people were participating in society.

Mr Kobelke: Are you saying that assimilation was working for Aboriginal people?

Mr SWEETMAN: It depends on what we want to call assimilation. I call it assimilation when we stand shoulder to shoulder in the community and workplace and try to achieve common goals and do the best for our families, the State and the nation. We are now going down different paths. I do not want to take a colonialist point of view, but it was interesting recently to read a poem by Rudyard Kipling called "The White Man's Burden". Although it did not apply to Australia, some terrible similarities cropped up that could readily apply to Australian society. It is ridiculous that Aboriginal agencies such as the Aboriginal Legal Service and the Aboriginal Medical Service have been developed only for Aboriginal people. The Aboriginal Medical Service should be annexed to our regional hospitals. It is inefficient and it is not meeting the needs that it is supposed to meet. Regional hospitals still meet more needs than the AMS meets, yet there is a duplication of services.

Separate to that, there are the incorporated bodies. In the Gascoyne area alone, there are more than 24 incorporated bodies. That is what happens when a couple of Aboriginal families get together and decide to launch a venture or buy a station, a fishing boat and so on, and the Government funds them to do so and they receive ongoing grants to maintain that incorporated body. That has tended to isolate Aboriginal people from the mainstream of society. Not just incorporated bodies have done that; government agencies have also done that. In saying, "We will have self-determination," they have drawn many Aboriginal people out of good employment in which they worked shoulder to shoulder with us. For example,

the Mitchells in Carnarvon bought a fishing boat with their grant, and they were going to go fishing. The purpose of their grant was that they would go fishing and take a lot of young kids on board and teach them the ropes and the ways of life, how to behave and so on and bring them under discipline. That was an abject failure. It occurred three times, and there were three separate lots of funding. It drew out of the State Energy Commission a person who had worked there since the days when the shire ran the power station in Carnarvon. That took one person out of employment in which he worked with people in the broader community. It took another person from the salt operation - a dozer driver - to work for the incorporated body. Michael Mitchell also became involved.

Before he went to play for Claremont and Richmond, Michael Mitchell was an apprentice electrician. He finished his indentures in Perth while he was playing with Claremont. He has never gone back to that profession. We are crying out for Aboriginal leaders and Aboriginal role models to work in the community - up at six o'clock and working at seven o'clock and providing for their families. What are we achieving? We are isolating those people. We have monuments to Aboriginal initiatives. I nearly said "endeavour" - that is the wrong word. We must try to keep those people within the broader community. By setting up various agencies, we are isolating people who should be examples and role models. Instead, they are in agencies where they are less effective and less efficient.

I now refer to law and order issues. Although those matters cannot be tied directly to the legislation, they are loosely associated with it. Guilt has permeated through all agencies, the Police Force, schools and everywhere else. We clearly have two sets of standards. School teachers and principals have said to me, "We discipline kids now how we think they would be disciplined at home." Kids at school who are not subject to discipline at home, but to all intents and purposes are feral on the streets and at school, are basically tolerated. That is creating hostility and it is an ongoing irritation to people in the school and community.

I could submit much anecdotal information, but I will speak about something which epitomises the situation. In my case, my electorate office door is often pushed open by passing Aboriginal kids. My electorate officer is called an "F'ing white C". They spit on the carpet and rap the window just for the sake of it. I do not think they realise they are doing it any more. That is what we accept as an everyday part of life, living in most regional towns in Western Australia that have a large Aboriginal population. We complain about someone who has broken into our house. The police invariably get them. They do not make such a great secret of it; they are not good crooks, those blokes. They think that there is not a lot to answer for, so they just keep doing it. They break into cars and houses and take whatever they need. They are finally sentenced but they receive a discounted sentence because they did it all as a job lot.

For instance, when our house was knocked off recently, the police found terrific sets of fingerprints on the windows. Most damage was done to the car - the contents were stripped. I drove from Parliament to Carnarvon. It was the middle of Friday morning, and the police were still there getting fingerprints off the windows. I thought, "Oh, who's dead?" I was relieved that someone had only knocked off the house and the car. My wife gave statements and went to court. Because the kids who broke into the house had done so many other houses - the ALS decided that it had no case - they decided to plead guilty to that, so that was lumped in as a job lot, but they pleaded not guilty to doing the car. We were staggered to find that the police thought that was fair and reasonable because fingerprints were not taken from the car and so the charges for that would be dropped because the offenders had pleaded guilty to breaking into the house. I made the point that the police could have obtained sets of fingerprints from the car at that time. They said it did not matter. They had good fingerprints from the windows and they would match them all. That created an escape. I am sure that police officer would have known that he had to linked the two together, otherwise it could be claimed that it could not be proved beyond reasonable doubt that the offenders who knocked off my house knocked off my car as well. These sorts of cases make people stop and ask whether the police are for real.

Members should understand that Aboriginal kids, particularly, are reluctant to accept responsibility for conforming with the standards and values that we hold dear because of the immunity they appear to have through some cultural abstract or whatever. However, the police and the Aboriginal fraternity are keen to ensure that everyone else gets their just desserts. I plead the case of a CEO of a shire in my electorate - the case is over and done with now; the person involved is not pursuing it any further, and I will not use his name. He is also a justice of the peace and so he is an outstanding community person, a pillar of our society. When he finished work at the shire, he went across the road to Woolworths to buy his bread and milk to take home. There was a little Aboriginal kid outside Woolies going to town in a paddy, tearing up paper and throwing it all over the sidewalk. He went up to the kid, as any reasonable person would, and picked him up by the shoulder and said, "Now you will clean it up." The kid looked at him without saying anything and cleaned it up. Order was restored. The next day this CEO received a call from the detective at the police station asking him to go to the station. He said, "Someone has laid complaints against you for assaulting that child yesterday." to which the CEO replied, "You can't be serious." He was told it was a serious matter and the ALS and the child's parents were at the station. The CEO asked what would happen if he refused to go. The detective said, "We have thought of that; we have three officers in." The CEO went to the station and was duly charged. Two months later the case went to trial. In the intervening period this person did not take it too seriously because he thought nothing would come of it, that it was a nonsense and a beat up. I guess that was a reasonable way of looking at it. The law could never be so stupid as to allow something like that to go to trial! He was

advised that he should obtain legal representation because "this is the bush and you don't know what will happen." He used a solicitor from the city who represented him at a cost of $2 500. He was found guilty. The trial took nearly all day and a further 20 minutes in summing up. The circuit magistrate decided that he had to find him guilty and gave him a suspended sentence, or whatever it was. Can members imagine the irritation that it caused that bloke?

Dr Turnbull: Now he cannot be a JP.

Mr SWEETMAN: He sent a letter to the Attorney General suggesting that he find an orifice into which he can put the JP-ship. He is not happy about what happened. I guess that is an extreme case in one sense, but generally it is not that unusual with some of the things that happen. I meet with as many Aboriginal groups as I possibly can - the ATSIC regional councils, the council of elders and so on. I try to talk about the same issues that the member for Eyre referred to as well; issues that we are only too happy to cover over. I wonder when we will set aside the ideological humbug that is associated with issues such as native title. We all take partisan views on these issues and not the issues that are affecting people. The suicide rate for Beagle Bay was covered in *Four Corners* on Monday night. I do not know how many suicides have occurred there. I think eight or nine suicides have occurred in the Kimberley area since Christmas. I am not sure that there have been many fewer in my area. If murder- suicide and the hanging in Carnarvon the other night are counted, there have been three in four weeks and so the rate is high there. There is a problem that we do not appear to be talking about, which is linked to a higher philosophical principle - that is, native title. I hope that in making these few comments that we can somehow separate the native title issues and the higher principles associated with it and talk in a pragmatic way, even in a bipartisan way, which would be extraordinarily unusual for this place, about the underlying, overwhelming problems for our law enforcers, our teachers and our communities in general, particularly in regional Western Australia. However, the people in the city are not immune from it.

MR PRINCE (Albany - Minister for Police) [3.05 pm]: I will make a few comments in response to some of the issues that have been raised by members in the course of this debate and I thank members for their participation. Yesterday when this matter was being debated, I distributed around the Chamber written answers to questions that had been raised, mostly by the Leader of the Opposition and the Deputy Leader of the Opposition. I want to read other matters into *Hansard* as I go. I do not propose necessarily to answer those questions in full unless the House wishes me to do so. However, it may be advisable to do so for the record. I advise that the complete responses have been distributed and are available to members. I do not want to clog up *Hansard* or take up time in doing this.

Mr Ripper: These responses should be on the record.

Mr PRINCE: I am happy to do it if the member wants.

Dr Gallop: You should incorporate it into *Hansard*.

Mr PRINCE: I do not know whether I can.

The DEPUTY SPEAKER: The minister can seek leave.

Points of Order

Dr GALLOP: I am trying to help the minister. The response that the minister gave to the questions I raised is in a document entitled "Questions asked in Parliament, 22 October 1998, Titles Validation Amendment Bill". I suggest that the minister at the conclusion of his speech seek leave to incorporate those comments into the second reading debate. I am sure it would be useful for Parliament.

Mr PRINCE: I am happy to do that. The Leader of the House suggested I table the paper.

The DEPUTY SPEAKER: The minister can seek leave to have them incorporated unless they are graphic charts or statistical material.

Debate Resumed

Mr PRINCE: They are not. I am being advised by the Clerk and the Leader of the Opposition that I cannot seek to have it incorporated. I will paraphrase parts of it and then at the end of my speech I will table the paper. In that way it will be available as part of the public record. One of the questions raised by the Leader of the Opposition to which I responded was: How many interests were issued during the period of the operation of the office of traditional use? I was the minister responsible for the administration of our Land (Titles and Traditional Usage) Act during 1994-95 when it was effective. I can therefore say to the House with some accuracy and confidence that between 1 January 1994 and 16 March 1995, 4 934 mining and 4 494 land interest titles were issued. That included among other things, the creation and amendment of reserves, and disposal, dedication and resumption of roads, all of which are normally part of the business of government. They were either commenced or finalised. It is not possible to differentiate between valid and invalid grants fundamentally because the courts, in this instance dealing with native title and almost certainly the Federal Court, must determine if native title rights and interests existed and if they are affected by the grant. I do not think members opposite understand that. It is all very well to have a claim, but nothing is affected until the Federal Court states, "Here is native title on this land."

As I have said a number of times, to truly understand this subject, one must have lived it for the last four or five years endeavouring to keep up to date. I do not pretend to have that expertise. One cannot come to it late and expect in a few hours of reading and briefings to develop an understanding. It is incredibly complicated. One of the fundamental points people seem not to understand is that one cannot say how much "affect" there has been until at some time a court says, "Here is native title and here is the nature of the native title."

I was asked how many grants were made without reference to the Native Title Act. In total, 9 828 matters were finalised under the Land (Titles and Traditional Usage) Act, and a further 211 titles were granted subsequent to March 1995, the majority of which were mining or other normal land interests.

I was also asked: When the Government started to comply with the Native Title Act, was the Act not followed in special cases? The answer is, yes. I realise a number of members opposite placed emphasis on this point, so I will provide some detail. After 16 March 1995, seven special cases involved 211 titles between them. Cabinet agreed on a case-by-case basis, for each of the seven, to indemnify the company - they all involved companies - not to apply the Native Title Act. The matters related to current or former tenure which was considered to have extinguished native title, or where existing mining operations were on the land in question. They were all special cases involving mining matters, with tailing dumps, pipelines and a number of other special matters. Cabinet was involved in each of the decisions. Cabinet authorised the Minister for Mines to grant the respective 211 titles.

The Leader of the Opposition asked in relation to validation and extinguishment whether the Government could give an estimation of the amount of compensation involved. This is another matter which is ill-understood by members opposite, government members and everyone else. This is an area of law in which either one practices all the time, or one does not have much of a handle on it. It is not possible to estimate the amount of compensation liability should compensation be payable.

Mr Ripper: Do you envisage that no compensation might be payable at all?

Mr PRINCE: It is possible. One can envisage no compensation being payable, and also compensation being paid. This is hypothetical of course. It may be "paid", in the broadest sense, in a number of ways, and not just with money. No compensation claims have been determined in Australia in relation to native title.

Mr Carpenter: Under what circumstances do you envisage no compensation being paid?

Mr PRINCE: Where native title is not seen to be affected. That is possible. For example - people will argue about my example, but it is the best one I can think of - a hunting right might apply over a large tract of land; I am thinking of the Central Desert where vast areas are moved over by people in the traditional lifestyle. If one had the grant of, for example, a mining title, which is a small footprint in a large area, it could well be that, notwithstanding that a federal court finds native title in this large area, it is native title of the hunting type which is not affected by the grant of a mining lease over a small piece of land. In that sense, no compensation may be payable in a pecuniary sense.

On the other side, the best example I can think of is in the Dampier peninsular, and to an extent into the Kimberley, where people had some sea-going facility and fished around the islands. Grants of pearl farming leases were made to send out cables and ropes from which the spats are grown. When I was minister in charge of the traditional usage Act, a number of examples came to me in which a pearl farming company's spat nursery was clearly having an effect on the area in which people traditionally fished. Granted, the traditional form of fishing was with an aluminum dingy and a rifle "fishing" for dugong. However, we sorted out a number of arrangements in which the pearling people moved their spats, and traditional usage people did not fish, at appropriate times of the seasons. That was a relatively small area and an intensive native title use. Therefore, one might expect compensation in such circumstance.

One can think of many different examples. One must always ask: What is native title? It is not necessarily a freehold title as understood in the British and European concept of freehold, which has its origin probably in Rome, Greece and so on. It is the concept people have throughout the world with regard to the exclusive occupation of a piece of land. No compensation claims have been determined on native title in Australia. Therefore, we do not know the approach any court is likely to take on this issue. Three agreed determinations have been made on native title: Crescent Head, New South Wales; Hopevale, Queensland; and Western Yalanji, also in Queensland. They are special cases, each of which differs from the other. It is not possible to give an estimation of the compensation liability.

The process involved is set out in the Native Title Act. I have a "*native title reporter*", which I am happy to make available to any member. It is the publication by Butterworths which will shortly be moving to its second volume. I will come to the amendments of the Deputy Leader of the Opposition in a moment. One needs a good working knowledge of the Native Title Act, which sets out the process for claiming compensation. A compensation claim must be lodged with the Federal Court, and must be covered by an affidavit, specific information and so on. The claim will be referred to the native title registrar of the National Native Title Tribunal or, I hope in time, the State Native Title Commission. The registrar must then provide copies to the state minister, and give notice to any native title party who may be affected. We know that multiple claims are

made in a number of places, with two or three claims overlapping not being uncommon. In fact, Kalgoorlie is covered by 14 or 18 claims. Notice must also be given to anyone else with a proprietary interest in the land, the commonwealth minister, local government and the public. It is a massive notification exercise.

Any person with a non-native title interest in land may become party to a compensation claim. The application may then be the subject of mediation, which is not a bad idea, in an attempt to resolve whether title exists. However, people must enter the mediation with a view to coming to a result - so far, that has not been the case. Mediation may cease by the order of a court on its own motion, or by application from any party to compensation. If the mediation ceases, the Federal Court will make the order that compensation is payable, who pays it, the method for determining the amount and so on. If members want more detail than that, I suggest that they take the time to study the appropriate provisions of the Native Title Act.

I was asked why the process is not spelled out in this state legislation. The answer is simple: It would be a waste of paper to simply replicate exactly the wording of the Native Title Act. It is written in the law which governs this area. If we wrote it into our state legislation, perhaps in some different form of words which are more readily understandable - I am critical of the commonwealth draftsman here - we would run the risk of dispute when two sets of words govern the same area.

Of course, the commonwealth Act would override the state Act. With the greatest respect, and I say this as a practising lawyer, the Government does not want to create more work for lawyers in this area because fundamentally there is more than enough to keep them busy and happy for the rest of their days. I cannot see the point in replicating a compensation process in the state Act because it must be the same as the commonwealth Act. If it is written exactly the same, it would be a waste of paper and if an attempt were made to write it in better form, so that it is more readily understood, there is the risk of creating potential for conflict, dispute and litigation. That is to be avoided. I oppose setting out the process in state legislation.

I was asked: How can individuals whose rights are to be impaired be said to have access to compensation if the process is complex, legalistic and potentially more costly than the value of compensation sought? I agree. How can there be said to be access? I did not write the Native Title Act; the Commonwealth did.

Dr Gallop: We can make sure the State Parliament gives people rights that mean something.

Mr PRINCE: If we tried to write something that was not exactly the same as the Commonwealth's provision, we would be creating even more problems for those who seek compensation because there would then be the potential for conflict between the two sets of laws, which ostensibly set out the same thing. This State is subject to the Native Title Act. It empowers this Parliament to make law in certain areas and only in certain terms. That is then subject to ratification and approval by the House of Representatives and the Senate. If we try to change things so that they work better - I would like a whole heap of things changed to work better - we will create conflict between state and commonwealth law, and the only people who win in that situation are the lawyers.

Dr Gallop: We can go into this in committee, but your legislation says compensation is to be determined in accordance with the principles contained in part 2 of the Native Title Act and that does not preclude us from outlining the process by which it can be arrived at.

Mr PRINCE: The process is contained in part 2 of the Native Title Act. Does the Leader of the Opposition want to come up with another process?

Mr Ripper: That was not the advice given in the second reading debate or by government advisers when we were briefed.

Mr PRINCE: We will debate it in committee. The advisers can sit with me at the time.

I was asked: Has the State signed off on its negotiations with the Commonwealth as to its 75 per cent contribution to which it has committed itself? The State has accepted the commonwealth offer. I seek to table correspondence between the Prime Minister and the Premier dated 3 June 1997, 22 August 1998 and 24 September 1998. I said yesterday that I would table this material.

[See papers Nos 319-321.]

Mr PRINCE: I was asked: Will the Commonwealth make a contribution in all cases, including those in which settlement has been reached by agreement? Yes, for compensation. I was asked: Are there any cases in which the Commonwealth need contribute less than 75 per cent? No, the Commonwealth will contribute three-quarters of compensation for any grants where compensation arises under this Bill. The financial agreement will provide for only a 50 per cent contribution by the Commonwealth on administrative costs for the establishment of the Native Title Commission. Bluntly, I think that is mean, because it is the Commonwealth's law and it made an absolute hash of it. Nonetheless, it is the best the State has been able to get. I was asked: Will the Commonwealth make a contribution for past validations and extinguishing acts, as well as presumably for future acts? Yes, as well as the future acts. Future acts are covered in the Native Title (State Provisions) Bill.

I was asked: Will any written agreements between the State and Commonwealth be tabled in Parliament? I have tabled the correspondence so that members are aware of the state of play at the moment. As far as I am aware there is no agreement to be tabled in Parliament as yet, because it has not been completed. One of the last questions asked by the Leader of the Opposition was how much land is represented by these interests, and whether it is reasonable to say that they would have extinguished native title at common law. He was talking about the scheduled interests. From memory, the scheduled interests were category B. They are estimated to constitute less than 0.6 per cent of the State, with current tenure included in the schedule comprising approximately 0.4 per cent of the State. The leases are listed in the schedule because the grants conferred exclusive possession on the grantee. I cannot take that any further, other than to say that it is obvious that when a grant of exclusive possession is given, those things must be listed. Some are somewhat esoteric, but they were grants of an exclusive possessory nature. That is why they are specifically listed. It is a relatively small proportion of the land area of this State. On a proper interpretation of the Mabo decisions Nos 1 and 2, and the section 109 case involving this State and the Wik decision - but mostly with respect to Mabo No 2 and the Wik decision - those exclusive possessory grants will extinguish and have extinguished native title and should be listed as such.

The Leader of the Opposition wanted to know why there was no distinction between leases which are current rather than historical, because the leases included in the schedule are both current and historical. If an act in the past has extinguished native title, even if the lease is no longer current, native title is extinguished and the law as derived by the High Court is quite clear on that.

Dr Gallop: Is it? Which law?

Mr PRINCE: Mabo No 2, the Wik decision and the section 109 case. They all spell it out.

The Deputy Leader of the Opposition asked what type of act with regard to titles will be covered by new section 12A, which states that every intermediate period act attributable to the State is valid and is taken always to have been valid. Intermediate period acts are defined under section 232A of the Native Title Act. I do not propose to read it out because it is lengthy, but I suggest it would be worth the while of the Deputy Leader of the Opposition to read a copy of the Native Title Act and go through section 232A. It is in the paperwork I have distributed in the Chamber, and, so far as anything in this Act is, it is self-explanatory.

Mr Ripper: With regard to which argument are you making the point?

Mr PRINCE: The Deputy Leader of the Opposition asked what type of act with regard to titles will be covered by new section 12A. Every intermediate period act attributable to the State is valid and is taken always to have been valid. I said that intermediate period acts are defined in section 232A of the Native Title Act.

Mr Ripper: I then outlined some of the acts I thought would be covered, so it was a rhetorical rather than an actual question.

Mr PRINCE: Splendid! The Deputy Leader of the Opposition said it was up to the Government to tell the Parliament precisely how many pieces of land and how many titles were involved with this validation Bill.

Mr Ripper: And which bits of land.

Mr PRINCE: Yes. The Deputy Leader of the Opposition said the Government should present Parliament with a schedule of titles. I have already said that between January 1994 and March 1995, 4 934 mining titles were issued and 4 494 land matters were finalised. A further 211 titles were subsequently issued without reference to the Native Title Act procedures.

Mr Ripper: We should have a schedule with specific details for each of those titles.

Mr PRINCE: It has not yet been prepared. I can ask that one be prepared.

Dr Gallop: You will have to prepare one because we will insist upon it.

Mr PRINCE: I am sure it can be done; it has not been done.

Mr Carpenter: Do you think we should assent to something when we do not know what it is?

Mr PRINCE: Members do it all the time.

Mr Carpenter: Do you, as a matter of principle?

Mr PRINCE: No, I do not.

Dr Gallop: That is all we are saying.

Mr PRINCE: I am sure it can be done and I will ask for it to be done. The information will be supplied, as I have supplied this information. I was asked the value of the land that will be affected by this legislation, and whether the Premier can provide that information. As I have said, it is not possible to estimate the value of each piece of land affected by the legislation or the estimated native title compensation. There are no court decisions that provide any guidance. This is an

area in which the law is evolving. It started evolving in 1989, with Mabo No 1, and it will continue to do so for the next 30 or 40 years.

I was further asked: What is the status of the agreement to do with the three-quarters contribution by the Commonwealth. I have answered that. There is no written agreement as yet, but it is anticipated that there will be. There is an exchange of correspondence, which I have tabled. The Government is sure that the Commonwealth will live up to this obligation.

Mr Ripper: Will that agreement operate retrospectively?

Mr PRINCE: Yes. There is no doubt about that. It is commonwealth law and it must. I was asked: Under which state law is compensation to be payable? Past act compensation is payable under the Titles Validation Amendment Bill. I was asked by what procedure compensation is to be claimed. It will be claimed through the Federal Court. I was asked at what time it can be claimed. Compensation claims can be lodged at any time.

I was asked: What is the length of the decision-making procedure? Frankly, no-one knows, because nobody has tried. It may be relatively short; it could be long. It is difficult to say. It will depend upon the Federal Court processes and the degree of complexity that is involved in the case or cases that are brought before the court. I speculate that some will be short and some long. Again, it will be a matter to be determined on a case by case basis. The Deputy Leader of the Opposition has put some amendments on the Notice Paper. He seeks an amendment to clause 12GA, which is the requirement to notify mining rights. The current Bill has a note following clause 12A that acknowledges an obligation under section 22H of the Native Title Act for the State to give notification about certain acts done within six months of the validation taking effect. The opposition amendment does no more than paraphrase the Native Title Act requirement. The approach to drafting this Bill was to try to avoid as far as possible repeating provisions that were already in the law under the Native Title Act. That was done to avoid possible inconsistencies. In relation to the notification provision, the Commonwealth has already put in place a determination. I have a copy of the Native Title (Notices) Determination 1998 for members.

[See paper No 322.]

Mr PRINCE: This specifies how the State is to give notices, and the State is now bound by that determination. The Government will not support the amendment. It is not consistent with the approach adopted in drafting the Bill. With respect to the Deputy Leader of the Opposition, the amendment does not achieve anything, because the State has the obligation to give notices under commonwealth law in any event. The Deputy Leader of the Opposition's drafting is easier to understand than the Native Title Act. However, we do not want to replicate in different words what is already there, because we could wind up with inconsistencies.

The proposed amendment to clause 12GB is an attempt to force the State to identify which intermediate acts it believes to be invalidly granted and to give notice of those grants to native title parties. More than 10 000 grants were made in the period. The vast majority are valid, because of past extinguishment or absence of native title rights at the time of the grant. It is not possible legally to identify which, if any, of them might be invalid because as yet there have been no determinations of native title. It is not possible to ascertain if a given grant has had any impact on native title rights. That is because we do not know if there is any native title there.

Mr Ripper: You should notify potential claimants and representative bodies of all the acts.

Dr Gallop: Then they can work out whether there is an interest involved. You have that obligation.

Mr PRINCE: The acts have been done; no native title was found. It is impossible to identify which, if any, are invalid.

Mr Ripper: The people whose interest might be affected have not been advised.

Mr PRINCE: There are no interests until the Federal Court finds there are some.

Dr Gallop: Why then are you legislating?

Mr PRINCE: Because we must have some certainty in this area.

Mr Ripper: There is certainty for statutory title holders but not for native title holders or potential claimants.

Mr PRINCE: We do not support the amendment because there is no practical way in which the State could give the notices. It was for that reason that the Commonwealth limited the obligation to give notices to mining acts where it is at least possible to identify all the grants made in the period. The Government's approach is consistent with the Native Title Act. Legislation in Queensland and New South Wales does not require this identification and there does not seem to be much point in having it here either.

Mr Ripper: Just common decency.

Mr PRINCE: The Deputy Leader of the Opposition is ignoring the process used under the Land (Titles and Traditional

Usage) Act which involved extensive consultation with the people of the respective areas. The Deputy Leader of the Opposition is treating it as though they have no idea, and that is not so.

Much of the rest of what was said during the second reading debate has been covered, and I do not know that there is much more that I can say without dragging this matter on unnecessarily. I table various documents relating to this Bill.

[See paper No 323.]

Question put and passed.

Bill read a second time.

Committee

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

Clause 1: Short title -

Mr RIPPER: Everybody knows that in 1994 and 1995 the Western Australian Government issued interests in land that were invalid. If none of the issues about the interest in land has been challenged in the courts, why is it necessary to proceed with this validation Bill in this manner? We are validating these titles on a wholesale basis without proper notice to those people who might potentially have a claim. The Government is proceeding with the Bill through Parliament in a hasty manner. We have had the Bill for two weeks, and the second reading debate was held only a week after the Bill was introduced into the Parliament, which is just barely within the convention, but is most unusual in the practice of this place. A week later we are having the committee stage. It is 3.40 pm on Thursday and by 5.30 pm the Government will guillotine this legislation. Why is it necessary to handle this Bill in this manner? The Government cannot argue that there is an urgent need. The Government has not argued that there is an imminent threat to a major project which is important for the State's economy. The minister must justify why the Government is dealing with Aboriginal property interests in this hasty and capricious manner. It is not fair.

There are other ways in which the Government could have approached this. For example, the Government could have prepared and gazetted the list of all the titles to be validated. It could have allowed a period for objections to the validation of the titles, and then proceeded to validate them. The Government is not doing that; it is validating titles en masse and without notification and via parliamentary procedures which are hasty and will limit scrutiny. This Parliament is being asked to validate more than 10 000 titles. We have no details of those titles, nor have the potential native title holders. People might get information about mining titles in six months, but those titles represent only 50 per cent of the titles in question. There is no provision for notification in respect of the other 50 per cent, which might involve native title claimants or native title holders. At the very least, the minister should consider removing the guillotine.

Mr PRINCE: First, I will address the issue of speed. The member for Kalgoorlie, having discovered that this is a difficult issue in her electorate, suddenly began encouraging the Government to bring on this matter, and it has been brought on. It is of significance to the economy of this State and has been for a long time.

The Native Tile Act - convoluted, poorly drafted and inconsistent as it is - has had a stranglehold on the proper economic development of this State ever since it was passed. It is an appalling piece of legislation. This is not something new; I have said it before. Anyone who has tried to wrestle with this issue will agree.

Mr Carpenter interjected.

Mr PRINCE: That is a lot of rot. The member was not here and he does not know what he is talking about. The 7:0 judgment was a constitutional decision in respect of exclusivity of jurisdiction. It was not in any way a judgment of the quality of the legislation passed by this Parliament in late 1993, which ran in 1994-95. That was good legislation; it worked and involved a very good process.

Several members interjected.

Mr PRINCE: It was good; the processes worked; the people worked.

Mr Ripper: It was found to be unconstitutional by the High Court, 7:0. Legally that is not very good.

Mr PRINCE: The processes worked very effectively.

Several members interjected.

Mr PRINCE: There was a great deal of consultation.

Mr Ripper interjected.

Mr PRINCE: Get off it!

Mr Ripper: Al Capone was effective, but what he did was not legal.

Mr PRINCE: As far as the Government is concerned, the processes, the consultation and the effort expended ensured that no invalid titles were issued. This Bill, under the authority of the Native Title Act as amended after the Wik judgment, validates the issue of those titles.

Mr Ripper: If you do not think that any invalid title has been issued, why not proceed more slowly and cautiously and with more regard for the rights of potential Aboriginal title holders? You would not treat any other property owner in this State as you are treating Aboriginal title holders.

Mr PRINCE: The Native Title Act provides for a claims-based system. I have had this debate before. That is wrong. It is lengthy, contentious and a poor way of establishing native title.

Dr Gallop: Would you prefer the common law? That is what you will get.

Mr PRINCE: The common law involves claim, defence and so on. It is contentious and the Native Title Act is the same. It is a claim-defence-contentious exercise. The Government's legislation -

Dr Gallop: You should not keep referring to that.

Mr PRINCE: The leader should listen. The Government's legislation was designed to establish, through an administrative process, whether native title was likely, and to deal with it that way. That worked. Nonetheless we are stuck with the Native Title Act and that is that.

The Government issued a series of titles and it does not believe any are invalid. This Bill ensures that they are validated. I do not have a problem with that, neither do the people operating under them, and I do not expect anyone else to have a problem.

I refer to a question asked by the member for Burrup relating to the development of Jennifer Court. The land in question was a subdivision in Karratha. It was sold in October 1995 and a crown grant was issued in July 1996. The sale proceeded without reference to Native Title Act processes on the basis that the land had been part of an overall subdivision development in the late 1970s and early 1980s. It had been sold to enable development for residential purposes. In other words, it was part of a former pastoral lease that had been dealt with prior to the Native Title Act and Mabo and was able to be dealt with as a special case. The other comments he made with regard to the land around Karratha were correct.

Dr GALLOP: I will reemphasise the points made by the member for Belmont. However, before doing so, I would like to clarify the comments made by my colleague the member for Kalgoorlie, who commented on the delay in the Government's acceptance of the establishment of a state-based approach. As members know, under the original Native Title Act, it was okay for the State to establish its own procedures. Nothing was done because at that time the coalition Government had a non-cooperation attitude towards that legislation. The member was making the point that the delay was due to that attitude. The Opposition wants legislation to be treated properly in this Parliament. We have finally reached the committee stage of this debate and it will be guillotined at 5.30 pm.

I query the validity of the minister's comments about the definition of native title. His comments sit very uncomfortably with the Mabo decision as applied in respect of Murray Island. This minister is still working on the basis of the Land Title (Traditional Usage) Act, which went down 7:0. Until the Government gets its act together, we will have problems with the legislation.

The minister has made very questionable statements about compensation. The advice given to the Opposition by Mr John Clark is totally different from the advice the Government has provided on this matter. The statements made by this minister about the fact that compensation cannot be determined at this stage sit very uneasily alongside court cases that have already considered the matter and the evidence given to the federal parliamentary committee.

Mr Prince: Which case?

Dr GALLOP: Crescent Head. The minister's statements in relation to section 29 of the Native Title Act, which is predicated on the assumption that we do not know whether native title exists - that is why we issued the notices in the first place - indicate that he does not know what is going on. If that is true, it is this Parliament's duty to ensure that what we pass is good law. We will have one hour and 40 minutes to determine whether this is good law. That is not good enough and the member for Belmont's comments stand scrutiny in that respect.

Mr RIPPER: The guillotine should be removed. The Government is pushing the Bill through and the minister has given contradictory information to the committee. During the second reading debate by interjection he told us that the Land Administration Act contained procedures governing compensation. That was the advice provided by the government advisers when the Opposition was briefed. Now we find, according to his response to the second reading debate and written answers provided to the House, that that is not correct. The compensation will be handled, as far as he is concerned, by the Federal Court under provisions of the federal Native Title Act. The minister has not given accurate information about

compensation amounts. He said, "We cannot determine what the level of compensation will be; there have been no court cases." Apparently, he is unaware of the court case which determined a benchmark for compensation of two and a half times freehold value. He is apparently unaware of the Royal Australian Institute of Valuers' evidence to a federal parliamentary committee which confirmed that benchmark. If the Government does not know what it is talking about when it comes to this piece of legislation, how can the rest of the Parliament be expected to judge it properly? How can native title claimants and people with property interests - I remind the minister that they would be pre-existing property interests that might be affected by the legislation - determine what is going on?

We have already received some misleading information, and that compounds the Government's appalling track record on native title. The minister is still defending the original Court legislation which was found by the High Court in a 7:0 decision to be unconstitutional. The minister still defends that legislation as effective legislation. It is hardly effective and it can offer no certainty if it is unconstitutional. On top of that, the structure of the legislation is unfair. There are other ways of validating titles. We could publish the list of titles with particulars that the Government wishes to validate, we could allow for people to make objections, we could consider those objections, and then we could proceed to validation. Again, what is the rush? Have any of those titles been challenged? The answer is no. The minister confirms that they are not likely to be subject to imminent challenge, because his opinion is that no invalid titles were issued. He cannot point to a major project or to an economic interest which is being affected. All that the minister can do is run the State Government's traditional rhetoric on native title issues. It is not a fair way to deal with the property rights of Aboriginal people. It is not the way in which Parliament or the Government would deal with the property rights of anyone else.

The minister says, "It is impractical to notify people because we don't know whether native title exists." I remind the minister that section 29 of the Native Title Act provides for the issuing of notices, because we do not know whether native title exists. The notice is issued to alert people who might think that native title exists that an act is about to be done which might affect their interests. There is no reason not to follow the same policy and procedure when it comes to validations. The Government should do a little more preparation and allow members a little more time to scrutinise the matter before we guillotine it through in about an hour and a half.

Mr PRINCE: Section 29 notices are for future acts. This is in relation to past acts.

Mr Ripper: Is the principle different? No.

Mr PRINCE: The member for Belmont ignores the process by which the grants were made in the first place. We do not expect that any invalidity will be found. That is in accordance with the Native Title Act, and it is a validation so that there can be certainty into the future. The Crescent Heads matter was not a court case; it was an agreement which was endorsed by a court, so in that sense it was not a court determination. It is not a fine distinction, because the parties had agreed, I think, on two and a half times freehold value - it was a relatively small piece of land, a gold mine, from memory - and sought court endorsement.

Dr Gallop: You don't think it would have established a precedent?

Mr PRINCE: No. It may do so if one could find a similar circumstance somewhere, but it is not a court precedent of which notice must be taken; it is a factual precedent which may be useful from the point of view of other parties who might be in similar positions to negotiate and to say -

Dr Gallop: That's not what you said before; now you say that it may.

Mr PRINCE: No. I am saying that for the purposes of negotiation, people may point to that agreement and say -

Dr Gallop interjected.

Mr PRINCE: Just a second, let me finish.

Dr Gallop: You said there is no basis for determining.

Mr PRINCE: There is not as a matter of law. I said that as a matter of fact people can point to it and say, "That was done there, can we start there?" That is negotiation; there is no precedent in law to follow that. As I understand it, it was an agreement that was ratified by a court in one form. Of course there is no legal precedent. As far as I am aware - I said it, too - no case for compensation has been determined, there is no precedent to work from and there is no benchmark, but no doubt there will be.

With respect to the concept of native title, I refer to division 2, section 223 of the Native Title Act where native title is defined as -

> **Native title Common law rights and interests**
>
> 223.(1) The expression "native title" or "native title rights and interests"means the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters, where:

(a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; and

(b) the Aboriginal peoples or Torres Strait Islanders, by those laws and customs, have a connection with the land or waters; and

(c) the rights and interests are recognised by the common law of Australia.

Basically that is a restatement of Mabo No 2 -

Hunting, gathering and fishing covered

(2) Without limiting subsection (1), "rights and interests" in that subsection includes hunting, gathering, or fishing, rights and interests.

Statutory rights and interests

(3) Subject to subsection (4), if native title rights and interests as defined by subsection (1) are, or have been at any time in the past, compulsorily converted into, or replaced by, statutory rights and interests in relation to the same land or waters that are held by or on behalf of Aboriginal peoples or Torres Strait Islanders, those statutory rights and interests are also covered by the expression "native title" or "native title rights and interests".

Does the Leader of the Opposition want me to go on? It continues for quite a while.

Dr Gallop: Did the High Court determine that the people of the Murray Islands had possession of those lands over and above everyone else?

Mr PRINCE: As I recall - it has been a year or more since I read Mabo No 2 - it found that at the time of "discovery" by the ship that called there, there was in existence an obvious system of title ownership - a hereditary system or a succession system from one generation to another - and an exchange of ability to use land for particular purposes, which one would otherwise call a title system, for want of a better way of describing it. It existed and it was seen and recorded at the time. I cannot remember the name of the ship's captain now. It went back to the time at which those observations were made. The common law at that time recognised that as native title. Therefore, it went on to say that at that time one could have recognition of similar things as native title. Subsequent cases said that that could be recognised on the mainland. The section 109 case was the first time that was said. I paraphrase, obviously; there is much more detail and it was far more eloquently said in the High Court judgments as to what is the Commonwealth concept of native title.

Mr CARPENTER: Earlier I asked the minister by way of interjection, "Do you think that, as a matter of principle, Parliament should assent to something when it does not know what it is?" and, unless I misheard him, the minister said, "No, we should not." It seems that we are being asked to assent to the validation of thousands of titles that were issued, and the minister cannot tell us what they are.

Mr Prince: I have said that they are mining titles and other land use titles.

Mr CARPENTER: But we cannot have the detail. All that we are given is rough parameters of what area they might fall into. We have only the minister's word on what the titles are. In that case, we can have only the Government's word that no objections have been raised and that probably no native title interests are affected. It is unbelievable that that should be foisted upon Parliament.

I ask the minister to put himself in the position of those on this side of the Chamber or of Aboriginal people who, if they knew what titles we are dealing with, may feel they have an interest which is being affected. This is a very unfortunate way to deal with important legislation. This legislation is as important as any which has come before the Parliament. The Government is asking members to consent to the validation of thousands of titles without being told what they are. For the life of me I cannot imagine such a scenario happening anywhere else unless it only involved Aboriginal people. It is because it involves Aboriginal people only - I use the word "only" as emphasis of a point of view which I disagree with - that this Parliament is able to get away with this. If it was about any other interest in the land - if the interests of mining companies were being adversely affected or if the legislation were affecting pastoralists or farmers or people with other forms or property interest - there would be an outcry that the Parliament of Western Australia was moving to validate 10 000 titles without knowing what they were. We are being asked to do that having been given only the word of the minister and the Government that no native title interests are adversely affected. Without wanting to be offensive to the minister, he made some derogatory comments about the commonwealth native title legislation which is superior to the legislation he had a hand in.

Mr Prince: No, not in terms of drafting.

Mr CARPENTER: If the minister lets me finish, he can stand up after. The minister is in no position to come into this Parliament and lecture people on this side of the House about our approach to native title legislation. He had an instrumental

role in the drafting of legislation which was thrown out of the High Court in the 7:0 judgment, which cost the State millions of dollars and has essentially placed us in this position. Now he comes into the Parliament and tells us that we must validate these titles, the bulk of which were issued in the period 1 January 1994 to March 1995 when his legislation was in effect. I do not believe that we are expected to assent to this Bill and this action on the word of the minister that no interests are being adversely affected.

Mr PRINCE: I understand what the member for Willagee is saying. However, he is not taking into account the fact that these things happened all over Australia. New South Wales had a Swiss cheese exercise. Everybody thought that it was okay because the mining titles were being issued over pastoral leases which were almost exclusive possession with no reservation for Aboriginal access or anything of that nature - likewise in Queensland. Victoria is almost exclusively freehold. Those States went on blithely issuing titles. They are in exactly the same position as Western Australia.

Mr Carpenter: No, that is not right. The circumstances at play when your legislation was drafted in WA were not the same as was believed to be in place in Queensland and New South Wales. There was a variation of the types of rights. The minister was given specific advice by every lawyer in town and every constitutional law expert, apart from the lawyers being paid by the Government, said that Government was acting in a way that was thought to be unlawful.

Mr PRINCE: If the member for Willagee wishes to make a speech to that effect that is fine. I listened to him. After the amendments to the 1933 Land Act, the pastoral leases had statutory rights of access. It was the only State to have that. Some of the earlier pastoral leases were in the form of exclusive possession. They varied significantly from the 1880s and 1890s as some of the historical research shows. It is fascinating to see how things have changed over the years both in area defined and the nature of the rights of the pastoral lessee. The Government identified the need to deal with the matter. The other States did not bother; they just carried on issuing titles. The Government had a process which sought to identify any native title and if it would be affected and to deal with the issue when it arose. We are confident that the titles issued are valid. If at any subsequent date any titles are found to be invalid because of a finding of native title, this Bill, if passed, validates those past acts.

The Native Title Tribunal and the process under the Native Title Act were in place as of December 1993 and we have used them since March 1995. Three titles have come out of it. The economy of this State is largely based on extractive industry and other agricultural endeavours. Without a proper land management system which works for all those who have an economic interest in it - not just the mining companies and the people who work for them and the Aboriginal people, many of whom are employed by the mining companies - there will be a gradual slow down. It is happening slowly. We need a system that works. We put in a system that works but on a question of jurisdiction -

Mr Carpenter: You say you put in a system that works?

Mr PRINCE: The member for Willagee will not listen. On a question of constitutional jurisdiction, the High Court found that the commonwealth Act was exclusive, covered the field and therefore the state Act did not exist. That does not mean that the processes were bad or that the legislation was badly crafted. It means that the constitutional validity was not there to pass it because the Native Title Act had been passed by the Commonwealth. That is the point that the member for Willagee will not understand. I am not being personal or getting at anyone about this. We issued titles -

Mr Carpenter: Did you say that I do not understand? You are the person who was praised by the Premier for your role in drafting a piece of legislation which was struck out. I was interviewing lawyers around Western Australia who all told me that that was what would happen. Now you come in here and tell me that I do not understand. You do not understand, that is your problem. You should not be guiding this piece of legislation because you are not up to it. Your track record shows that. Don't come in here after what you have done and say to me that I do not understand. You do not have exclusive knowledge of anything because you are a lawyer; you have demonstrated that.

Mr PRINCE: I have never claimed that and never would.

The CHAIRMAN: I ask members to direct their comments to the Chair.

Clause put and passed.

Clause 2: Commencement -

Mr RIPPER: This House is being asked to endorse this legislation without detailed information about the titles which will be validated and the availability of that information to the people whose rights might be affected. The Opposition will not prevent this legislation from passing to the Legislative Council but in the Legislative Council it will pursue the issue of the need for the Parliament to have the full details available before the Act comes into law. I make these comments on this clause because this is the commencement clause. The Government owes it to the Parliament as a matter of accountability, to its law making functions and to potential or actual Aboriginal property holders whose rights have not yet been identified, to provide this information before the Parliament completes the validation of all these titles and the consequent extinguishment of native title rights.

Clause put and passed.

Clauses 3 to 6 put and passed.

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

Mr RIPPER: I was very concerned with some of the written information provided to the Chamber by the Government in answer to the questions. In answer to the question "Even once the Government ostensibly started to comply with the Native Title Act, were there any special cases where the Act was not followed?" the Government said yes. In answer to the question, "How many special cases were there and why?" the Government said, "There were 7 instances after 16 March 1995, involving 211 titles, where Cabinet agreed, subject to indemnification by the company, not to apply the Native Title Act." On the face of it, Cabinet agreed to undertake an illegal act. I am staggered that Cabinet would consciously agree to disobey a law which the High Court had confirmed shortly before that. I do not believe that it was a proper action by the Cabinet. In those seven instances and those 211 titles where Cabinet agreed or not to apply the Native Title Act in return for an indemnity, who are the parties to the indemnity agreement in each case? The minister should be naming the companies or individuals who have provided the indemnities. We should know the amount of the indemnity in each case and when it was entered into. The Chamber should be given a copy of each of the indemnity agreements. The minister should be explaining to us what is meant by indemnification and what obligation has been placed on project proponents or companies. What is the risk faced by the Government? It seems that we have a situation where the Government has received a guarantee from a corporation.

Mr Prince: An indemnity.

Mr RIPPER: What happens if the proponent is not able to honour the indemnity? What is the risk faced by the Government? What if a company disputes the terms under which it applies? The minister should explain how it is that the Cabinet of this State consciously decided to act illegally.

Mr PRINCE: There were seven instances which were all special cases. They all had some degree of particularity. I am trying to search my memory to remember the details. They all involved mining leases. The conditions that were special to them are all attached to the leases, which are public documents. They are all available for scrutiny and advice if members want to know what they are. I do not have the information before me. The companies concerned gave indemnities. It was similar in process to the system that was operating then in New South Wales which said, "Here is the title unless . . . ", as it were. It was called the Swiss cheese way of doing business. We did that because the seven instances were exceptional. We carefully researched whether there could be any form of adverse effect on any native title and concluded there was not, otherwise we would not have proceeded. I do not have the details available, but one involved the Chalice gold mine. One was the BHP DRI plant in Port Hedland.

Mr Ripper: That is a rather big project to submit to this risk.

Mr PRINCE: It did not involve the whole plant but part of it. I am subject to correction because I am speaking from memory of a cabinet decision of some years ago.

Dr Gallop: You should not have to rely on your memory. You should have the facts before you when presenting the Bill.

Mr PRINCE: Perhaps. There were the normal special purpose leases. We concluded on the advice given to us that it was highly unlikely there was any native title there.

Mr Ripper: Will you table the advice?

Mr PRINCE: I have not got it. The member for Belmont asked the question, and that is the answer. The leases are all available as public documents. The conditions on the leases are all available for the Opposition to peruse. I will endeavour to obtain details for members opposite so that their threat with regard to the other place will have some more information with it.

Dr GALLOP: In the minister's second reading speech where he defended the Government's decision to introduce this legislation, he said there were various intermediate period Acts between 1994 and 1996 before the High Court handed down its Wik decision and that because of uncertainty about that the Government needed to validate certain titles. The truth is that it is much more complicated than that. We are raising these issues because we have noted in the second reading speech that the Government has not told us everything about the issues we are being asked to endorse. As a result of my questions we now find that after the Native Title Act was confirmed by the High Court and the State Government's Land (Titles and Traditional Usage) Act was ruled out of order, there were seven instances where Cabinet agreed, subject to indemnification by the company, not to apply the Native Title Act. It did not involve general uncertainty about Wik but a conscious decision by the Government to do something that it knew did not comply with the legislation. Any decent Government that came into the Parliament knowing that situation would have told us in the second reading speech. In this case the Government did not. It was only as a result of our asking questions that we received a response to that issue.

I will go one step further: The Opposition asked in the second reading debate how many special cases there were and why indemnities were issued. The Government answered those questions in the most general terms. Then when it comes to the committee stage the minister says, "Look, I cannot quite remember what they were. One was the BHP DRI plant at Port Hedland; another might have been this or that." We are back where we were with the second reading speech. We must press the Government, if not in this Chamber, certainly in the other place, to get all the details of the titles that were issued after 16 March 1995. We would have to say that it is a pretty shoddy approach. On the one hand the second reading speech does not tell us anything. We could go so far as to say that it conceals very important facts about this legislation. The acts done by this Government were in deliberate contravention of federal law. There is nothing in the second reading speech. When we raised the issue and asked how many titles were involved, we would have thought that the Government would come into the committee stage with the full details of those acts, a full explanation of why each was done and a full explanation of who was involved in the decision-making, so that we as a Parliament could feel more comfortable about what we were doing.

Instead, the Government chooses again to be pushed to answer those questions. I assure the minister that we will push for answers. The Labor Party will look for the support of minority parties to make sure we obtain that information. It is a very shoddy affair. I hope the Leader of the House is listening. His rather inept interjection earlier missed the mark completely. The Opposition, unlike the Government, has done its homework on this issue on behalf of the taxpayers of Western Australia.

Mr Barnett: Does the Opposition support this Bill?

Dr GALLOP: At this stage, we have real questions about it. We will move amendments to this Bill in this Chamber and amendments in the other place as well. We hope the Government will give the amendments serious consideration.

Mr PRINCE: Seven instances arose involving the granting of 211 titles in particular instances. The National Native Title Tribunal has been running since 1994, yet only three titles have emerged. Should we hold up the BHP direct reduced iron process operation? Only a part of it was affected.

Dr Gallop: Does the end justify the means?

Mr PRINCE: No, it does not. This is the largest single investment in this State in an awfully long time. One has a problem over part of its footprint, and careful research indicates no probability of native title; therefore, one goes ahead.

Dr Gallop: Why not come into the Chamber and explain them all in those terms?

Mr PRINCE: Those were the considerations taken into account with the others as well. I do not have the detail.

Dr Gallop: You should have the detail - it is not unreasonable to ask for it.

Mr PRINCE: It is unreasonable for the Leader of the Opposition to suggest that it is a secret.

Dr Gallop: It is secretive; there was no mention of it in the second reading speech.

Mr PRINCE: It is not secret at all.

Mr Carpenter: This is not The Weld Club; this is Parliament. You come in here with legislation, so provide the detail -

Mr PRINCE: If the member for Willagee wants to debate by personally offensive remarks, that is up to him - I do not. He is a slogan shouter with a stuck autocue.

I have provided the information on the seven special cases that is currently at my disposal. The information is publicly available. It has been publicly available since all the decisions were made. Leases were granted, whether they be mining leases or leases under the Mining Act for other than mining purposes. The BHP DRI plant is one example, and some of the pipeline leases would have been the same. It is no secret. Members opposite do not know about it because they have not looked.

Mr RIPPER: I pursue the question of the Government's acting illegally, contrary to the Native Title Act. Why did the Government choose to do that? The minister said one case was a large resources development project, and he appears to be arguing that the end justifies the means. He went on to say that the Government researched the history and was fairly confident that no native title rights were involved. If the minister was so confident there were no native title rights, why not issue a section 29 notice under the Native Title Act and wait to see whether any objections were lodged? That would have been the legal and proper approach. If the research was so good, the minister could have behaved legally and properly in relation to the rights of any possible Aboriginal title holders.

Mr Prince: The tribunal operated for four years, and three titles have come out. Do you seriously suggest that we should hold up the BHP plant?

Mr RIPPER: The Government could still have got the project up. The minister said that only three native title tribunal determinations have been made. Is it not the case that 1 200 agreements have been made under the Act? It might have been

handled effectively under that Act. Leaving that aside, what about the possibility that the minister's research was so accurate that no objections would have been lodged to the section 29 notice when issued? The minister has given nothing like an adequate explanation of the circumstances surrounding these illegal acts. We need to pursue this matter at greater length. The minister and the Leader of the House should take this matter off the guillotine, and come back on Tuesday week for more committee debate on this Bill armed with full information which the Chamber needs to make a proper decision. The minister is treating us with contempt.

Mr CARPENTER: In relation to the seven instances after 16 March 1995 involving the 211 titles in which Cabinet agreed, subject to an indemnity by the company not to apply the Native Title Act, I ask the following: What was the nature of the indemnity? Are there written indemnities from those companies? Are they available for Parliament to see? Were the written indemnities endorsed by Cabinet?

Mr PRINCE: The indemnities were in writing, as one would expect them to be. They were in relation to conditions placed on leases issued under the Mining Act. They were not necessarily mining leases, because the Mining Act provide for other forms of leases to be issued as well. The indemnities reflected the conditions placed on them, and indemnified the State from any claim which could arise. That is putting it generally. It was an indemnity specifically regarding compensation validity. They were to do with some pipelines and other matters. I mentioned part of the DRI footprint. They probably related to the AGL Pipelines (WA) Pty Ltd and goldfields gas pipelines and a number of others. All those projects needed to go ahead. Although the Deputy Leader of the Opposition said 1 200 agreements were made, they were in relatively recent time. The tribunal has operated for four years, and achieved three determinations. We issue 4 000 or 5 000 titles a year. The process does not work.

Mr Ripper: You said that research on the history indicated that there would be no native title. Why not use the legal process?

Mr PRINCE: It could never be proved. If we chose the section 29 route, we would still be waiting. The track record of the tribunal - I criticise the federal Act, not the tribunal - is that little is produced at the end of an awfully long process.

Mr CARPENTER: Did the minister say that those matters related to pipelines?

Mr Prince: Yes.

Mr CARPENTER: Did the minister also say native title was never expected to be proved?

Mr Prince: Yes.

Mr CARPENTER: Which pipeline?

Mr Barnett: It was probably the lateral pipelines to the goldfields pipeline.

Dr Gallop: Probably!

Mr Barnett: If you like, my recollection was that some of the lateral pipelines out to the nickel projects were covered.

Mr CARPENTER: Are we expected to believe that the Government believed that with the pipelines, lateral or otherwise - bearing in mind the territory they traverse - there was no chance of a native title claim ever being proved?

Mr PRINCE: It is a question of the effect on native title, if any can be proved. First, one must find native title and prove it and, second, determine whether a lateral underground pipeline can act to extinguish native title. That is highly unlikely.

Mr RIPPER: The Government has said how important it is to validate these titles on a wholesale basis, and to do it without notifying the potential native title claimants. We are told it is important that the Chamber debates the matter quickly and that we guillotine the legislation through in an hour's time. The Government has argued that validation of title is extremely important.

The Government has taken all these actions and handled the legislation in a hasty way because it has argued that it is important for these titles to be validated. I refer to the seven instances and the 211 titles on which the Government has acted illegally. In any of those instances, were titles granted on vacant crown land or on the intertidal zone? I ask that question because this legislation will not allow the minister to validate invalid titles issued on vacant crown land or on the intertidal zone. A major resources development project at Port Hedland involves harbour works and tunnels, and surely impinges on the intertidal zone. That is probably an instance where a title has been issued over the intertidal zone. The Government cannot validate it by this legislation. If the Government regards validation so important as to justify this extraordinary treatment, how will it validate those potentially invalid titles? It could validate them by agreement or it may need to come back to the Parliament at a later stage, with yet another validation Bill, to correct yet another mistake in handling native title. That is the history of this Government. It gets the legal situation wrong, issues titles willy-nilly, and then asks the Parliament to correct its mistakes and validate titles, again, at the expense of capricious treatment of the rights of potential Aboriginal property holders. Perhaps the minister can obtain some information on that matter, and perhaps not.

Mr BARNETT: This is clearly important legislation. I have been somewhat at a loss to know whether the Opposition supports the Bill. Many people in the community want it to go through, and the Opposition should be conscious that it is required to go through the Senate of the Federal Parliament.

Dr Gallop: No it is not.

Mr BARNETT: I stand corrected.

Dr Gallop: You do not have a clue.

Mr BARNETT: The Leader of the Opposition could be a little gracious on occasions. I am not handling the Bill. Many people are waiting for the validation of titles. The Opposition has not been able to clearly define its view on this Bill. I would be interested to hear its position on this Bill and its passage through the Parliament. The Deputy Leader of the Opposition informally requested that it be taken off the guillotine list, and the minister and I are prepared to listen to the argument. I would also like to hear the commitment the Opposition might be able to offer about the passage of this legislation, because many people are depending on it.

Mr RIPPER: It is interesting. I posed an important question about the validation of titles underlying a major resources project, and the minister in charge of the Bill did not rise to his feet. In the meantime a submission has been made by the Leader of the House. I have previously said that the Opposition does not intend to oppose the passage of this legislation through this Chamber, but it will move amendments. The Opposition also believes that the Government should be much better prepared and should provide the House with much more information than it has so far been prepared to provide. The Opposition believes the legislation should not be passed in its entirety until the Parliament has that information. That is the situation. The Opposition agrees with the legislation passing this Chamber, despite its deep concerns about the way in which it is structured and the way the Government is behaving towards potential Aboriginal property holders.

Mr PRINCE: Mr Chairman, you have no idea of how much my heart sinks when members opposite say they will support a Bill, because that guarantees its passage will take three times as long and there will be four times as much rhetoric. No vacant crown land is involved.

Mr Ripper: What about the intertidal zone?

Mr PRINCE: Almost certainly not, but I will check.

Mr Ripper: There is a tunnel under the harbour.

Mr PRINCE: I am sure it does not involve the intertidal zone and my adviser is also. However, we are not totally sure and it will be checked. It has nothing to do with the works near the intertidal zone. It was part of the area involving the plant itself. I am certain it was not vacant crown land and I am sure it was not an intertidal zone.

Mr Ripper: Are you saying you believe this legislation will validate the titles that have been issued in those seven instances?

Mr PRINCE: Yes.

Mr Ripper: Do you think this legislation will validate the 211 titles?

Mr PRINCE: Yes, if there is any invalidity. We do not think there is because we did the work in the first place.

Mr RIPPER: Does that mean the indemnities do not cover any aspect of the intertidal zone? The Government must clarify this issue because it cannot validate a title in the intertidal zone with this legislation. Do the indemnities with these companies cover the Government for its illegal acts or the consequences of its illegal acts on the intertidal zone?

Mr PRINCE: If the grants covered the intertidal zone, they would. The only one that came near the coast was the direct reduced iron plant, which is 8 kilometres from the coast.

Mr Ripper: There is a tunnel as part of that work.

Mr PRINCE: There are the harbour works and the tunnel. It has nothing to do with that.

Mr Ripper: It seems on a prima facie basis that it will involve the intertidal zone.

Mr PRINCE: Not in relation to only that part covered by this matter, because all the other bits had nothing to do with this.

Mr Ripper: You do not know.

Mr PRINCE: I have told the Deputy Leader I will check. What more can I do?

Mr Ripper: Before or after the guillotine?

Mr PRINCE: It has been absolutely remarkable that this matter was put on the guillotine list and members opposite have

gone on and on. All of a sudden, with just over an hour to go, they are referring to the Bill, although we have heard them go on for days.

Mr Ripper: We had half a dozen speakers on the second reading debate of a Bill which validates potentially invalid acts and an illegal act, and covers wholesale extinguishment of native title, and the Government objects to six speakers in the second reading debate?

Mr PRINCE Opposition members have concentrated their minds on what is going on, and they are receiving advice from someone who knows what he is talking about.

Mr Ripper: Thank you!

Mr PRINCE: It is terrific, and about damn time too! It seems that the discipline imposed on the Opposition by the guillotine is working. One never knows, we might even take off the guillotine because we have made some progress.

Dr GALLOP: The challenge that was issued by the Leader of the House to the Opposition needs some response. When legislation is passed through the Parliament, certain principles are raised. During the second reading debate, opposition members made it clear there was a case for validation, and in the case of exclusive possession acts, there was a case for the confirmation of extinguishment. However, whenever the Government produces something in respect of the validation of particular acts on the one side or the confirmation of extinguishment on other, the Opposition wants to know the breadth and depth of the legislation that it is passing. I made it clear in the second reading debate that the Opposition wanted information on these issues as part of the process of considering the Bill. We have received some information. However, as we probe further, it is clear that the Government is not prepared to give all of that information, simply because in its mind it is not important for that information to come forward. If the Government thought it was important it would have done it up front, and we would know the terms and the conditions of the issue.

The Opposition will move an amendment in this Chamber on the issue of notification, so that all of those people who potentially may have lost an interest and who may need to be compensated are in a position to determine whether that is the case. I would have thought any regime that confirms extinguishment and the logic of compensation is immediately activated would ensure that all of those people who may be affected know about it. The other amendment is to ensure that the compensation process is speedy and accessible, and that people find they can get the compensation without the cost of getting it being greater than the compensation. They are important legal principles.

The Opposition in the other place will consider other issues that will be determined by the sort of information we receive in this debate. Unfortunately, the debate in this place has only 45 minutes to run. However, I am sure the issues that the Opposition is pursuing here would give the minister some ideas about our concerns. They are that we will not confirm the extinguishment of acts that are not exclusive possession acts. The Opposition is treating this issue seriously. We have done our homework on the matter. We will ensure that if this Parliament does something, first, it knows what it is doing, and, second, it can be justified under the laws and principles of this nation. It is clear to the Opposition that the Government either has not done its homework on this issue or it thinks it can rush the Bill through this Chamber and the other Chamber and we will not ask hard questions. It will not work that way. We will ask hard questions and we seek the support of members in the other place to put some real heat on the Government to get answers to those hard questions. We will fulfil our function as legislators properly.

Mr PRINCE: I have again taken advice on the matters raised by the Deputy Leader of the Opposition. No vacant crown land is involved. Although some of the tenures involved may presently be vacant crown land, there has been pre-existing historical tenure that would extinguish native title. I am advised that is almost certainly not the case with the intertidal zone. However, the Deputy Leader of the Opposition has raised a good question. Notwithstanding that all this information is publicly available and has been for years, because it is on the lease at the Department of Minerals and Energy, and it is well known around the traps that these things have been done - a pity the Deputy Leader of the Opposition has not been informed or taken more interest in what goes on in the interest of this State.

Mr Ripper: It is appropriate to raise this when the Government comes to validate the act.

Mr PRINCE: The Deputy Leader of the Opposition was the opposition spokesperson on development for quite a while.

Mr Ripper: I was, and that is why I know it might come under the intertidal zone.

Mr PRINCE: How clever of the Deputy Leader of the Opposition! It is a pity he did not look at the leases and conditions on titles at the Department of Minerals and Energy. The member's point has some validity, but I cannot answer his question. I am more than happy to take this off the guillotine.

Mr RIPPER: Good.

Mr Barnett: What commitment will the Opposition offer about the passage of this legislation if the guillotine is removed.

Mr RIPPER: I thought we just had an undertaking to take it off the guillotine.

Mr Prince: I gave no undertaking. I said that I was prepared to take it off. This is the tag team; now you talk to the Leader of the House.

Mr RIPPER: What does the Leader of the House say?

Mr Barnett: The minister has indicated that the Government would be prepared to take off the guillotine. However, we are looking for some assurance from the Opposition about the passage of the legislation. The Leader of the Opposition and the Deputy Leader of the Opposition have said they support its passage. This is an important Bill, and we agree that important issues have been raised that require answering. Equally, this Bill has been before the Parliament for a couple of weeks. There has been extensive debate, and the Opposition could have used time more efficiently this week. I would like this Bill to pass quickly from this Chamber if we allow you extra time for the issues raised.

Mr RIPPER: The Bill needs the scrutiny that it deserves, and a lot of serious questions have been raised. If the Leader of the House takes off the guillotine it will come back on for debate on Tuesday week. If sufficient time is allowed for it to be debated on that day, I would not see our needing any more than the time available on that Tuesday.

Mr Barnett: I am not entertaining a protracted debate from here on. However, I acknowledge the point about answering some of the issues raised.

Mr RIPPER: It would be helpful to know whether I have three-quarters of an hour to deal with this Bill or longer. I will go on with my questions and allow the Leader of the House to work out his answers.

Mr Prince: You want an answer to the question about the seven projects and some details on them.

Mr RIPPER: I read a list of questions into the record.

Mr Prince: My adviser tells me unequivocally that the intertidal zone is not a problem because the historic pastoral leases went right down to the waterline. I accept it is an interesting question, and the information is publicly available so the member should have it. The member has not got it for himself, so I will supply it to him. On the basis of the unequivocal undertaking the member gave that this matter will be completed on Tuesday week, which means by midnight, which is when Wednesday starts, I will be more than happy to take off the guillotine and I will endeavour to supply the information about those seven projects to the member.

Mr RIPPER: The minister's description of my unequivocal undertaking is equivalent to his description of his own undertaking. He referred the matter to the Leader of the House and I anticipate that it will be dealt with on Tuesday week if the minister takes off the guillotine provided, of course, that the minister can come up with the information which we have been requesting.

Mr Prince: With regard to these seven instances?

Mr RIPPER: We have asked other questions as well. The minister should read the *Hansard* and see what we have asked for. I will repeat some of the questions to remind the minister: Who are the parties to the indemnity agreement in each of these seven instances? What is the amount of the indemnity in each case? What is the date the indemnity was entered into? We must be able to see a copy of the indemnity agreement. We must have some information from the minister about the location of the titles and the advice on which the Government has made its decisions.

Mr Prince: We do not produce legal advice as a matter of convention.

Mr RIPPER: I know it is difficult to extract advice from the minister.

Mr Prince: I am told - I was not here - that it was very difficult to extract advice from the member as well.

Mr RIPPER: On one occasion a previous minister threatened to deprive an upper House member of his seat unless he tabled legal advice. Those were the lengths to which he was prepared to go when he was in Opposition, but I am sure this minister would have behaved more reasonably.

Mr Barnett: Your colleagues in the upper House have just moved a committee of privilege against a senior public servant.

Mr RIPPER: It is a senior public servant who has been directed by the minister to refuse to provide information to the Parliament. The Government has made a concession in a somewhat rambling way that this matter will be no longer be subject to the guillotine. It has made an undertaking that it will return to Parliament on Tuesday week with the information that it should have given to us earlier in the day so that we can properly debate this legislation. My time is about to expire, but I have more questions which I must ask.

Mr PRINCE: The member has raised a question and he has now elaborated on it. I do not know that I am prepared to answer all of those sub-questions. I am more than happy to compile information and pass it to the minister on the details of the seven projects, the areas concerned and so on, and the details of the conditions to the grant of the leases, all of which is publicly available. I cannot recall whether legal advice was provided on each of them, but I suspect it probably was. I

am not prepared to give the member an undertaking to provide him with legal advice on which the Government has acted because that is a convention. In other words, I will give the member answers to everything with the possible exception of that. I do not know whether this matter can be progressed much further because I presume the member will want to see that information before we proceed any further with clauses of the Bill.

Mr Ripper interjected.

Mr PRINCE: Yes, I know, but we are up to proposed section 12A, part 2A of clause 7. I had the answers to the questions that the member raised circulated in the House yesterday. The first time the member raised the issues he is talking about was this afternoon.

Mr Ripper: In the committee stage of the Bill, which is when one raises it.

Mr PRINCE: I provided answers to the questions that have been raised in the second reading speech long before I stood on my feet to give a formal response. Who else does that? Who else has tried to cooperate with the member? Now the member is asking further questions. I will give him the information.

Mr Carpenter interjected.

Mr PRINCE: No. Do not be so ridiculous. The Government is cooperating with the Opposition and I expect this will be cleared up on Tuesday week.

Mr RIPPER: Most of this Bill is covered by clause 7, which contains different parts that will be inserted into the principal Act. I assume that we have the capacity to digress back and forth across all of the contents of clause 7, and the fact that we might move an amendment to one aspect of clause 7 will not prevent us from debating issues that are mentioned earlier in clause 7, because it is all the one clause. I am probably taking a point of order, but I must clarify that so we are not prevented from debating certain issues.

The DEPUTY CHAIRMAN (Mr Baker): My understanding is that the member can move an amendment and debate the amendment, but once that amendment has been dealt with, the member cannot debate an earlier provision within the clause; however, the member can nonetheless debate the whole of the clause.

Mr RIPPER: Mr Deputy Chairman, thank you for clarifying the point that moving the amendment will not prevent me from raising issues dealt with earlier in the clause to which the part in the amendment applies. We have been discussing with the minister the question of these seven instances and 211 titles whereby the Government behaved illegally. However, I want to look beyond those seven instances and ask whether the minister has, in other cases during this period, granted interests in land which is vacant crown land or which is in the intertidal zone or is reserved for Aboriginal use? Does the situation exist whereby those titles cannot be validated by this Bill? Will the minister therefore be required to find some other way of validating these potentially invalid titles? I have mentioned other ways that the minister might seek to do that. He might seek to do that by agreement or to do that by yet another title -

Mr Prince interjected.

Mr RIPPER: Would the last section of this Bill not validate that, or would the minister be seeking to bring in another titles validation Bill?

Mr PRINCE: No, I am certainly not intending to bring in another Bill.

Mr Ripper: You have no intention of bringing in another titles validation Bill?

Mr PRINCE: No, not for this. There is nothing of the nature that the member's question relates to in the knowledge of my advisers and government.

Mr Ripper: Are you giving us an assurance that you have not granted interests on vacant crown land or the intertidal zone or land reserved for Aboriginal use which cannot be validated by this Bill?

Mr PRINCE: If there were, it would be in this Bill. It is not simply an exercise in logic. No interests have been granted to my knowledge and that of my advisers and people who have worked on this exhaustively. I will provide details of the seven aspects, being the parties, the copy of the indemnity - there is no amount because it relates to compensation, validity and so on - the location and the conditions; I will provide such advice as I can. The caveat is with regard to the advice, otherwise I will endeavour to provide the member with the rest of the information. On that basis, do I have the member's understanding, agreement and assurance, and on his head be it, that we will finish this by midnight on Tuesday week?

Mr Barnett: Did the Hansard reporter get that nod of the head?

Mr PRINCE: That was a definite yes. I will ask the Leader of the House to take off the guillotine while I am still at this table.

Mr RIPPER: I appreciate that the Government has responded to the Opposition's objections about the lack of information that has been provided. I say to the Government that if the guillotine is removed, we will cooperate in the passage of this Bill by the close of business on Tuesday of the week after next.

Progress reported.

SESSIONAL ORDERS

Removal of Bill from Time Management

MR BARNETT (Cottesloe - Leader of the House) [5.01 pm]: Having heard that commitment, I move -

> That pursuant to the sessional order the Titles Validation Amendment Bill be no longer subject to an allocation of time.

Question put and passed.

CURTIN UNIVERSITY OF TECHNOLOGY AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

ADJOURNMENT OF THE HOUSE

MR BARNETT (Cottesloe - Leader of the House) [5.02 pm]: I move -

> That the House at its rising adjourn until Tuesday, 10 November at 2.00 pm.

In moving this motion I make a brief comment that over the past two weeks we have had the trial of sitting through the luncheon and dinner breaks. I understand anecdotally from most members that they have found that to be an attractive arrangement, although there are some different points of view. I have yet to receive any feedback from the Speaker or the Clerk as to how it has affected the operations of the Parliament. However, the trial at this stage has proved successful and it lays the basis for our changing in future the sitting hours of this Parliament so that we sit essentially during daytime or early evening hours. We are now due to have one week of absence and then return for at least three and almost certainly four weeks of sitting. Although I do not intend to formally do anything at this stage, I suggest to members for their consideration that we consider sitting through at least the dinner breaks when we return which would allow the House to adjourn on a Tuesday night on average at 10.00 pm and on a Wednesday night at about 8.30 pm. I think members will find that preferable. However, I suggest members discuss that within their own parties; we will certainly discuss it as the Government. I would then anticipate a more formal and permanent change to sitting hours for 1998.

Question put and passed.

House adjourned at 5.04 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

GOVERNMENT VEHICLES

Personalised Number Plates

67. Mr MASTERS to the Minister for Resources Development; Energy; Education:

(1) Have any of the Government agencies or departments within the Minister's portfolio responsibilities purchased personalised number plates for any of the motor vehicles within their car or truck fleets?

(2) If yes, how many personalised plates have been purchased in each of the past three years and at what cost?

Mr BARNETT replied:

Department of Resources Development

(1) No.

(2) Not applicable.

Office of Energy

(1) No.

(2) Not applicable.

Western Power

(1) Western Power has purchased corporate number plates for its fleet vehicles as part of a program to change the organisation's image. The vehicles fitted with number plates are readily identified with the intention being to reinforce Western Power's corporate status.

(2) Western Power purchased 1850 number plates from the Department of Transport at a cost of $198 000. The number plates can be reused when a vehicle is sold, which will alleviate the standard plate and logo costs, presently around $26 per vehicle. The cost of number plates for light vehicles will be recouped in around 4 years. In addition, vehicle panels will no longer be subject to damage when logos are removed (when vehicles are sold). In the past, where panels have been damaged, these have cost in the order of $250 to $450 per vehicle.

AlintaGas

(1) Yes.

(2) Three were purchased for the Natural Gas Vehicle (NGV) Pilot Vehicle Study. They were approximately $300 each.

Education Department of WA

(1) No.

(2) Not applicable.

Curriculum Council

(1) No.

(2) Not applicable.

Department of Education Services

(1) No.

(2) Not applicable.

NORTH WEST SHELF PROJECTS, LOCAL CONTENT

72. Mr BROWN to the Minister for Resources and Development:

(1) Is the Minister aware of an article that appeared in the *West Australian* on 1 April 1998 which reported the State Government saying it was moving to improve local content in big Northwest Shelf projects?

(2) Is the Government moving to improve local content in such projects?

(3) If so, what action is the Government taking in this regard?

(4) What confidence does the Minister expect the community to have in the Government's local content policies when the Minister refuses to disclose in Parliament details of local content in various projects?

(5) Will the Minister institute arrangements which give public access to the contracts and value of contracts allocated to -

(a) companies in Western Australia;
(b) companies in Australia other than Western Australia;
(c) companies in other countries?

(6) If not, why not?

Mr BARNETT replied:

(1)-(2) Yes.

(3) The Government is encouraging developers to use Australian goods and services in line with the State's Local Content Policy released on 5 July 1996.

(4) The community can have complete confidence in the Government's Local Content Policy whilst the Government also protects commercially confidential information.

(5) No.

(6) The information is "Commercial in Confidence" to the parties involved.

WESTERN POWER, JOINT VENTURES

80. Mr KOBELKE to the Minister for Energy:

(1) How many joint ventures or alliances have been entered into by Western Power with companies or other non-government entities?

(2) In the case of each such joint venture or alliance-

(a) who are the private companies or interests involved;

(b) what is the purpose of the joint venture or alliance;

(c) what was the date at which the joint venture or alliance was entered into by Western Power;

(d) why was the particular partner or partners chosen in each joint venture or alliance;

(e) what was the method of advertising or calling for expressions of interest prior to selecting the particular company or organisation as the most appropriate with whom to set up a joint venture or alliance;

(f) what was the date of any such advertising or call for expressions of interest; and

(g) what is the structure of the joint venture or alliance arrangement including the number of Directors and the number appointed by Western Power?

Mr BARNETT replied:

I am advised:

(1)-(2) Western Power is involved in many joint ventures and alliances with private companies and non-government entities. Providing the details to answer this question would be a very lengthy and time consuming process. As a Government Trading Enterprise, Western Power is required to act in a commercially prudent manner, as any commercial business would. Participating in joint venture arrangements forms part of commercial business dealings.

TIWEST COGENERATION FACILITY, MAINTENANCE CONTRACT

128. Mr KOBELKE to the Minister for Energy:

(1) On what date did the Water Power tenders close for the operation and maintenance contract for the Tiwest Cogeneration facility?

(2) How many tenders were received for this contract?

(3) How many conforming tenders were received for this contract?

(4) Has this contract been let and, if so, who was the successful tenderer?

(5) Did the successful tenderer submit a non conforming tender?

(6) If the contract is yet to be let, when is it intended that the contract will be awarded to the successful tenderer?

Mr BARNETT replied:

I am advised:

(1) Tenders for the Operation and Maintenance Contract for the Tiwest Cogeneration facility closed at 10am on Wednesday 27 May 1998.

(2) Three tenders were received.

(3) All three tenders were conforming.

(4) Yes. Integrated Power Services.

(5) No.

(6) Not applicable.

WESTERN POWER

Country Areas

419. Mr BROWN to the Minister for Energy:

(1) Has Western Power carried out a survey on its performance in regional Western Australia or some of the regions?

(2) What is the bench mark by which Western Power rates its performance in regional Western Australia or in certain regions?

(3) When was the last survey Western Power carried out to rate its performance in the regions or in a particular region?

(4) What was the result of the survey?

(5) What criteria does Western Power use to assess its performance, service standards and price?

(6) What benchmark is used for service?

(7) What benchmark is used for cost?

Mr BARNETT replied:

(1) Yes.

(2) Western Power rates its performance in regional areas against customers' perception of service (Customer Satisfaction Survey), performance against Customer Charter targets and against industry standard reliability standards.

(3) Western Power carried out its last Customer Satisfaction Survey in July 1998. A survey of performance against the Customer Charter was also carried out in June 1998.

(4) The results of the Customer Satisfaction Survey were released on 14 August 1998. The survey of performance against the Customer Charter returned satisfaction levels of 3.97 out of 5 for residential customers and 3.87 out of 5 for Business customers.

(5) Western Power assesses its performance against published Service Standards and gazetted uniform tariff prices.

(6) Western Power uses industry wide benchmarks for service delivery.

(7) Benchmarking against similar authorities nationally are used to compare Western Power prices.

DEPARTMENT OF COMMERCE AND TRADE, CONTRACT INVESTIGATION

797. Mr BROWN to the Minister for Commerce and Trade:

(1) Is there an investigation underway regarding the awarding of a major contract by the Department of Commerce and Trade?

(2) If yes, who is carrying out the investigation?

(3) Who initiated the investigation?

(4) What is the nature of the investigation?

Mr COWAN replied:

(1)-(2),(4)
A preliminary inquiry was undertaken by the Anti-Corruption Commission into allegations of irregularities with respect to the tender process involving the appointment of the Department of Commerce and Trade's contracted project director at its Jervoise Bay project office. At the conclusion of the inquiry, the Commission determined that the complainants had not presented any evidence which substantiated the allegations. Further, there was no evidence discovered during the inquiry which substantiated the allegations.

(3) Under the provisions of the *Anti-Corruption Commission Act 1988*, no other information about the inquiry may be disclosed.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY, BROOME

854. Ms MacTIERNAN to the Minister for Housing:

I refer to a Government Employee Housing Authority (GEHA) house in Carnarvon Street, Broome being sold on 7 September 1998 after being passed in at auction two days earlier and ask -

(a) what are the Certificate of Title details for this property;

(b) what was the price for which the property was sold;

(c) what was the reserve price;

(d) how was the property valued and will the Minister table the valuation;

(e) how many GEHA properties have been sold in Broome since 1994 and will the Minister table a list, including title details, of these properties and the price for which they were sold; and

(f) in respect of GEHA properties sold in Broome, which agents were engaged to undertake the sale?

Dr HAMES replied:

(a) Volume 1842 Folio 66.

(b) $179,000.

(c) $179,000.

(d) The property was valued by Broome Property Consultants (Licensed Valuer 674). [See paper No 317.].

(e) See below -

Broome Auctions

1995-96			
Address	Sale price	Agent acting for GEHA	Title Details
13 Streeter Ave	$112 000	Hutchinson Real Estate	1846/136
26 Streeter	$117 500	Broome Real Estate	1842/176
29 Guy St	$146 000	Broome Real Estate	1733/088
1996-97			
13 Louis St	$146 000	Broome Real Estate	799/140
24 Walcott St	$165 000	PRD Realty	1654/380
32 & 34 Hamersley St (Duplex Lot 143)	$280 000	PRD Realty	2086/523
71 Forrest St	$134 000	Hutchinson Real Estate	320/149a
1997-98			
695 Saville St	$138 500	Broome Real Estate	320/148a
27 Orr St	$148 000	Broome Real Estate	1627/933
63 Stewart St	$180 000	Broome Real Estate	2107/975
40 Dora St	$112 000	Broome Real Estate	462/106
7 Owens St	$130 000	Hutchinson Real Estate	1773/878
12 Raible St	$153 000	Hutchinson Real Estate	1349/889

1998-99			
135 Carnarvon Tce	$179 000	PRD Realty	1842/66
5 Forrest St	$180 000	Sold to Homeswest	2088/225

(f) Hutchinson Real Estate, PRD Realty and Broome Real Estate.

DRUGS IN SCHOOLS

946. Dr CONSTABLE to the Minister for Police:

(1) Further to that part of your answer to question on notice No. 599 of 1998 which refers to the metropolitan region -

(a) in each of the last three years, how many random drug searches were conducted, and in which schools in the region;

(b) regardless of "normal practice", what is the case with respect to (a) and (b) of question on notice No. 599 of 1998, and

(c) with respect to parts (d) and (e) of question on notice No 599 of 1998, why is the question too broad to answer, and why was it possible to answer it in relation to other regions?

(2) Further to that part of your answer to question on notice No. 599 of 1998 which refers to crime support -

(a) how does the Drug Squad define, by reference to the number of trafficking offences, and the types and quantities of drugs "substantial trafficking"; and

(b) does your answer mean that, for example, one or two instances of trafficking in schools would not warrant Drug Squad involvement?

Mr PRINCE replied:

(1) (a) In the past three years the following schools have been searched by police following drug related complaints:

1996	Safety Bay Senior High School	No search warrant issued.
1997	Kelmscott Senior High School	Search warrant issued.
1998	Clarkson Primary School)	
	Hamilton Hill Senior High School)	No search warrants issued.
	South Fremantle Senior High School)	
	Christian Brothers College, Fremantle)	

(b) In each case where a search warrant was not issued, the search was conducted at the request of the school principal.

(c) With respect to the above searches, approximately 2 kilograms of cannabis, 2 smoking implements and 3 weapons were found at the schools. From information obtained, a further 1.3 kilograms of cannabis was located at a house. Four charges were laid for possession of cannabis and cultivate cannabis with a further 15 juveniles cautioned for possession of cannabis, possession of smoking utensils and possess weapons.

(2) (a) Organised Crime Operations (nee Drug Squad) is bound by the provisions contained within the Misuse of Drugs Act in relation to drug trafficking relating to “serious drug offences”, particularised and defined within the legislation. There is no prescriptive measure to differentiate between “trafficking” or “substantial trafficking” within the legislation. Confusion in respect of the term “trafficking” does exist within the community when compared to the definition as provided in Section 32A of the Misuse of Drugs Act (Drug Trafficking), particularly in instances when persons are selling or supplying drugs in circumstances that do not bring them within the “Drug Trafficking” provisions of the Act. Dependent upon the circumstances, a person can only be defined as a drug trafficker by the Act either by having prior convictions for serious drug offences or a serious drug offence in relation to specified quantities of prohibited drugs or plants. It should be noted that throughout the State, most drug related matters are dealt with and resolved at a local level. Any involvement in these matters by Organised Crime Operations, who are chartered to investigate and apprehend major drug supplies, would be determined by the seriousness of the offence.

(b) As a person must be charged with a serious drug offence to be classified as a “drug trafficker” by definition of the Misuse of Drugs Act, it is unlikely that a trafficking offence, as opposed to an offence for sell and supply, would occur in a school. As stated previously, most drug related matters are dealt with at a local level by local detectives and do not warrant the involvement of the Organised Crime Operations. Should there be evidence to suggest instances where a child was in possession of illicit drugs with the intent to sell or supply, this matter would be handled by local detectives.

DRUG TRAFFICKING OFFENCES

948. Dr CONSTABLE to the Minister for Police:

In each of the police regions, in each of the last five years -

(a) how many complaints or reports were made in relation to drug trafficking offences;
(b) how many charges were laid in relation to drug trafficking offences; and
(c) how many charges resulted in convictions?

Mr PRINCE replied:

(a) The number of offences relating to drug trafficking (sell/supply drug offences), by police region, are as follows:

Fiscal Year	Metropolitan	Southern	Northern	Central	Total
1995/96	339	87	36	19	481
1996/97	412	114	35	21	582
1997/98	523	134	52	22	731

* To be noted that the existing Regional boundaries are not reflected prior to 1995/96. Consequently, the Police Service cannot provide comparative statistics for the years 1993/94 and 1994/95 as requested.

(b) The number of processed persons (arrests, summons, Juvenile Justice Team referral, or caution) for drug trafficking offences as recorded in the Offence Information System are as follows:

Fiscal Year	Metropolitan	Southern	Northern	Central	Total
1995/96	377	113	40	21	551
1996/97	449	144	41	23	657
1997/98	582	163	49	29	823

(Note: one or more persons can be processed for one drug trafficking offence recorded)

* To be noted that the existing Regional boundaries are not reflected prior to 1995/96. Consequently, the Police Service cannot provide comparative statistics for the years 1993/94 and 1994/95 as requested.

(c) The Western Australia Police Service Offence Information System does not record information pertaining to charges resulting in convictions. This data may be obtained from the Ministry of Justice.

SOUTH HEDLAND POLICE STATION, BUDGET

982. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the South Hedland Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year refereed to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following years budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the South Hedland Station for the year -

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.

(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 $332,004. This figure does not include salaries and other centrally funded items such as transfers or housing costs.
(e) 1997/98 $370,926. This figure does not include salaries and other centrally funded items such as transfers or housing costs.
(f) 1998/99 $433,400. This figure does not include salaries and other centrally funded items such as transfers or housing costs.

(2) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(3) (a)-(c) Not applicable.

(4) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(5) (a) 1996/97 $110,767
1997/98 $109,899
(b) 1996/97 Additional expenditure relating to Overtime/ increased court commitments/ protracted Relieving requirements/ AirCon Subsidies/ Unsentenced Prisoners Meals/ Fuel/ Free Pass.
1997/98 Additional expenditure relating to Shift Penalties/ Relieving Allowances/Free Pass/ Electricity.

(6) (a) 1999/00 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

(b) 2000/01 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

HEALTH SERVICES IN REMOTE ABORIGINAL COMMUNITIES

983. Mr GRAHAM to the Minister for Health:

(1) In which remote Aboriginal communities is it possible for the Health Department to provide an Aboriginal man with -

(a) a blood sugar level test;
(b) a blood pressure test; and
(c) a stress cardiograph?

(2) Is the Patient Assisted Travel Scheme (PATS) available to Aboriginal men in those communities where such services are not available?

(3) If the answer to (2) above is no why not?

(4) If the answer to (2) above is yes, where is the nearest centre that can approve travel under the PATS scheme from each community?

Mr DAY replied:

(1) (a)-(b) The HDWA provides health services to the following remote Aboriginal communities through either locally based or visiting medical/health personnel :

Kimberley Health Service: Kalumburu, Oombulgari, Warnum, Gibb River, Lombadina, Looma, Noonkanbah, One Arm Point, Wangkatjunka, Bayulu.

Pilbara Health Service: Nullagine.

Gascoyne Health Service: Burringurrah, Coral Bay.

Northern Goldfields Health Service: Coolgardie, Coonana, Kambalda, Kurrawang, Leinster, Leonora, Menzies, Mt Magnet, Ninga Mia, Tjuntjuntjarra.

Blood sugar and blood pressure tests are available in all of these remote locations. A number of smaller outstation camps are also serviced from either the remote area health clinic or by way of visiting services from town based personnel. In addition, the Aboriginal Medical Services provide local and visiting primary medical services to a number of other remote Aboriginal communities.

(c) This test is not available outside of hospitals.

(2) Financial assistance through PATS is available to all eligible persons who are referred to a medical specialist in the nearest centre.

(3) Not applicable.

(4) PATS applications are lodged at the closest District and Regional Hospital nearest to the applicant. For people who live in very remote locations these applications are processed by the nearest hospital administration with the assistance of local/community health or visiting medical personnel.

KARRATHA POLICE STATION, BUDGET

984. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Karratha Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year refereed to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following years budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Karratha Station for the year -

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1)
(a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 $244,512. This figure does not include salaries or other centrally funded items such as transfers or housing costs.
(e) 1997/98 $343,438. This figure does not include salaries or other centrally funded items such as transfers or housing costs.
(f) 1998/99 $343,421. This figure does not include salaries or other centrally funded items such as transfers or housing costs.

(2)
(a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 No.
(f) 1998/99 Not yet completed.

(3) (a) 1997/98 $5,119
(b) 1997/98 Savings made relative to Miscellaneous Expenditure.
(c) 1997/98 No.

(4) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 No.
(f) 1998/99 Not yet completed.

(5) (a) 1996/97 $73,437
(b) 1996/97 Additional expenditure relating to Telephone/ Power/ Fares.

(6) (a) 1999/00 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

(b) 2000/01 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

ONSLOW POLICE STATION, BUDGET

985. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Onslow Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year refereed to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following years budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Onslow Station for the year;

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 $96,360. This figure does not include salaries or other centrally funded items such as transfers or housing costs.
(e) 1997/98 $85,760. This figure does not include salaries or other centrally funded items such as transfers or housing costs.
(f) 1998/99 $96,483. This figure does not include salaries or other centrally funded items such as transfers or housing costs.

(2) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.

(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 No.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(3) (a) 1996/97 $18,641.
(b) 1996/97 Savings were in the areas of Relieving Expenditure and Free Pass.
(c) 1996/97 Yes.

(4) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 No.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(5) (a) 1997/98 $10,721
(b) 1997/98 Additional expenditure relating to Power and Water costs.

(6) (a) 1999/00 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

(b) 2000/01 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

PANNAWONICA POLICE STATION, BUDGET

986. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Pannawonica Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year refereed to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following years budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Pannawonica Station for the year -

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.

(d) 1996/97 $45,334. This figure does not include salaries or other centrally funded items such as transfers or housing costs.
(e) 1997/98 $40,347. This figure does not include salaries or other centrally funded items such as transfers or housing costs.

(f) 1998/99 $36,089. This figure does not include salaries or other centrally funded items such as transfers or housing costs.

(2) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 No.
(e) 1997/98 No.
(f) 1998/99 Not yet completed.

(3) (a) 1996/97 $5,017
1997/98 $4,448
(b) 1996/97 Savings with Power expenditure and delays in accounts received.
1997/98 Savings with Travel Allowance, Fuel, Overtime and Free Pass.
(c) 1996/97 Yes.
1997/98 Yes.

(4) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 No.
(e) 1997/98 No.
.
(f) 1998/99 Not yet completed.

(5) (a) 1997/98 Not applicable.
(b) 1997/98 Not applicable.

(6) (a) 1999/00 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

(b) 2000/01 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

PARABURDOO POLICE STATION, BUDGET

987. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Paraburdoo Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year refereed to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following years budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Paraburdoo Station for the year -

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 $53,007. This figure does not include salaries and other centrally funded items such as transfers or housing costs.
(e) 1997/98 $47,176. This figure does not include salaries and other centrally funded items such as transfers or housing costs.
(f) 1998/99 $43,818. This figure does not include salaries and other centrally funded items such as transfers or housing costs.

(2) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 No.
(f) 1998/99 Not yet completed.

(3) (a) 1997/98 $3,360
(b) 1997/98 Savings made in the area of Relieving Allowance/ Power & Gas/ Fuel.
(c) 1997/98 Yes.

(4) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 No.
(f) 1998/99 Not yet completed.

(5) (a) 1996/97 $8,401
(b) 1996/97 Additional expenditure relating to Overtime/ Travel/ AirCon Subsidies/Power/ Fuel.

(6) (a) 1999/00 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

(b) 2000/01 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

TOM PRICE POLICE STATION, BUDGET

988. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Tom Price Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year refereed to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following years budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Tom Price Station for the year -

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 $76,615. This figure does not include salaries and other centrally funded items such as transfers or housing costs.
(e) 1997/98 $67,297. This figure does not include salaries and other centrally funded items such as transfers or housing costs.
(f) 1998/99 $68,186. This figure does not include salaries and other centrally funded items such as transfers or housing costs.

(2) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet complete d.

(3) (a)-(c) Not applicable.

(4) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(5) (a) 1996/97 $2,691
1997/98 $891
(b) 1996/97 Additional expenditure relating to Free Pass/ Kilometrage/AirCon Subsidies/ Shift Penalties.
1997/98 Additional expenditure relating to miscellaneous expenses.

(6) (a) 1999/00 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

(b) 2000/01 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

PORT HEDLAND POLICE STATION, BUDGET

989. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Port Hedland Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year refereed to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following years budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Port Hedland Station for the year -

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 $93,244. This figure does not include salaries and other centrally funded items such as transfers or housing costs.
(e) 1997/98 $78,685. This figure does not include salaries and other centrally funded items such as transfers or housing costs.
(f) 1998/99 $81,050. This figure does not include salaries and other centrally funded items such as transfers or housing costs.

(2) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 No.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(3) (a) 1996/97 $6,377
(b) 1996/97 Savings resulted for Telephone accounts/ Power through station management/ a reduction in escorts and court commitments / Equipment through the Equipment Purchase and Replacement Program.
(c) 1996/97 Yes.

(4) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 No.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(5) (a) 1997/98 $13,927
(b) 1997/98 Additional expenditure relating to Power/ Free Pass/ Fuel/ AirCon Subsidies/ Fares.

(6) (a) 1999/00 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

(b) 2000/01 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

LEONORA POLICE STATION, BUDGET

990. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Leonora Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year referred to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and

(c) was the amount not expended deducted from the following years budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Leonora Station for the year -

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) Financial year 1993/94 budget allocations not devolved to station level.
(b) Financial year 1994/95 budget allocations not devolved to station level.
(c) Financial year 1995/96 budget allocations not devolved to station level.
(d) $125,180.
(e) $115,000.
(f) $114,500.

(2) Yes.

(3) Not applicable.

(4) Yes.

(5) (a) 1996 (over expenditure of $7,060)
1997 (over expenditure of $4,508)
(b) 1996, additional operational expenditure.
1997, power and gas accounts was a major expense. The Leonora Police Station is a multi-tenanted building for which the WA Police Service pays all the utility costs.

(6) (a)-(c) While forward estimate figures have not been allocated to station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

LAVERTON POLICE STATION, BUDGET

991. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Laverton Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year refereed to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following years budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Laverton Station for the year;

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) Financial year 1993/94 budget allocations not devolved to station level.

(b) Financial year 1994/95 budget allocations not devolved to station level.
(c) Financial year 1995/96 budget allocations not devolved to station level.
(d) $339,100.
(e) $400,000.
(f) $384,000.

(2) Yes.

(3) Not applicable.

(4) Yes.

(5) (a) 1996 (over expenditure of $19,944)
1997 (over expenditure of $25,878)
(b) 1996, additional operational expenditure.
1997, vehicle repair costs for the two OKA's used on the back-to-back desert patrols proved to be extremely expensive. This was the major reason for the over expenditure.

(6) (a)-(c) While forward estimate figures have not been allocated to station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

CARNARVON POLICE STATION, BUDGET

992. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Carnarvon Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year refereed to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following years budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Carnarvon Station for the year -

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 $252,140. This figure does not include salaries or other centrally funded items such as transfer or housing costs.
(e) 1997/98 $302,620. This figure does not include salaries or other centrally funded items such as transfer or housing costs.
(f) 1998/99 $284,470. This figure does not include salaries or other centrally funded items such as transfer or housing costs.

(2) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(3) (a)-(c) Not applicable.

(4) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(5) (a) 1996/97 $94,039
1997/98 $16,665
(b) 1996/97 Additional expenditure relating to Overtime /Relieving /Power/Fuel / Servicing/ escorts and court commitments
1997/98 Additional expenditure relating to Overtime / Shift Penalties / Telephone /Power /Fuel /Vehicle Servicing /Consumables

(6) (a) 1999/00 The current accounting system does not allow budget allocation's to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

(b) 2000/01 The current accounting system does not allow budget allocation's to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

MARBLE BAR POLICE STATION, BUDGET

993. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Marble Bar Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year referred to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following years budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Marble Bar Station for the year -

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 $90,930. This figure does not include salaries or other centrally funded items such as transfers or housing costs.
(e) 1997/98 $80,928. This figure does not include salaries or other centrally funded items such as transfers or housing costs.
(f) 1998/99 $67,792. This figure does not include salaries or other centrally funded items such as transfers or housing costs.

(2) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.

(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 No.
(e) 1997/98 No.
(f) 1998/99 Not yet completed.

(3) (a) 1996/97 $3,762
1997/98 $17,284

(b) 1996/97 Savings resulted in the area of Relieving and Travel Allowance.
1997/98 Savings resulted in the area of Consumables/ Vehicle Servicing/ Free Pass/ Telephone/ Power & Gas.
(c) 1996/97 Yes.
1997/98 Yes.

(4) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 No.
(e) 1997/98 No.
(f) 1998/99 Not yet completed.

(5) (a)-(b) Not applicable.

(6) (a) 1999/00 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

(b) 2000/01 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

ROEBOURNE POLICE STATION, BUDGET

994. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Roebourne Police Station for the years -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year refereed to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following years budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Roebourne Station for the year -

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.

(d) 1996/97 $112,106. This figures does not include salaries and other centrally funded items such as transfers or housing costs.
(e) 1997/98 $99,774. This figures does not include salaries and other centrally funded items such as transfers or housing costs.
(f) 1998/99 $119,639. This figures does not include salaries and other centrally funded items such as transfers or housing costs.

(2) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(3) (a)-(c) Not applicable

(4) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(5) (a) 1996/97 $11,605
1997/98 $31,649
(b) 1996/97 Additional expenditure relating to Overtime/Travel/AirCon Subsidies/Vehicle Crash/ Fare increases.
1997/98 Additional expenditure relating to Free Pass/ Kilometrage Rates/ Power/ Fuel.

(6) (a) 1999/00 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

(b) 2000/01 The current accounting system does not allow budget allocations to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

HALLS CREEK POLICE STATION, BUDGET

995. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Halls Creek Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year referred to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following year's budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Halls Creek Station for the year -

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 $220,830. This figure does not include salaries or other centrally funded items such as transfers or housing costs.
(e) 1997/98 $213,639. This figure does not include salaries or other centrally funded items such as transfers or housing costs.
(f) 1998/99 $245,000. This figure does not include salaries or other centrally funded items such as transfers or housing costs.

(2) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(3) (a)-(c) Not applicable.

(4) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(5) (a) 1996/97 $65,816
1997/98 $18,054
(b) 1996/97 Additional expenditure relating to Overtime/ Travel/ Relieving/ Free Pass/ Power/ Crash Repairs/ Vehicle Servicing/ Fares/ Prisoner Meals.
1997/98 Additional expenditure relating to Overtime/Relieving/ Power/Consumables.

(6) (a) 1999/00 The current accounting system does not allow budget allocation's to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

BROOME POLICE STATION, BUDGET

996. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Broome Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year referred to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following year's budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Broome Station for the year;

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 $391,120. This figure does not include salaries or other centrally funded items such as transfers and housing costs.
(e) 1997/98 $398,480. This figure does not include salaries or other centrally funded items such as transfers and housing costs.

(f) 1998/99 $425,000. This figure does not include salaries or other centrally funded items such as transfers and housing costs.

(2) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed

(3) (a)-(c) Not applicable.

(4) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(5) (a) 1996/97 $46,719
1997/98 $81,648
(b) 1996/97 Additional expenditure relating to Overtime/ Shift Penalties/ Travelling Allowance/ Air Fares/ Power and Free Pass to Coast.
1997/98 Additional expenditure relating to Overtime/ Shift Penalties/ Telephone/ Power/ Fuel/ Vehicle Servicing/ Consumables/ Air Fares.

(6) (a) 1999/00 The current accounting system does not allow budget allocation's to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

(b) 2000/01 The current accounting system does not allow budget allocation's to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

DERBY POLICE STATION, BUDGET

997. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Derby Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year referred to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following year's budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) above is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Derby Station for the year -

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 $217,220. This figure does not include salaries or other centrally funded items such as transfer or housing costs.
(e) 1997/98 $215,012. This figure does not include salaries or other centrally funded items such as transfer or housing costs.
(f) 1998/99 $245,000. This figure does not include salaries or other centrally funded items such as transfer or housing costs.

(2) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.

(f) 1998/99 Not yet completed.

(3) (a)-(c) Not applicable.

(4) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(5) (a) 1996/97 $24,987
1997/98 $30,045
(b) 1996/97 Additional expenditure relating to Overtime/ Shift Penalties/ Travelling Allowance /Air Fares/ Power and Free Pass to Coast.
1997/98 Additional expenditure relating to Overtime / Shift Penalties / Telephone /Power /Fuel /Vehicle Servicing /Consumables /Air Fares.

(6) (a) 1999/00 The current accounting system does not allow budget allocation's to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

(b) 2000/01 The current accounting system does not allow budget allocation's to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

KUNUNURRA POLICE STATION, BUDGET

998. Mr GRAHAM to the Minister for Police:

(1) What was the annual budget for the Kununurra Police Station for the year -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997; and
(f) 1998?

(2) Was the full budget allocation expended in each year referred to in (1) above?

(3) If the answer to (2) above is no -

(a) what was the amount not expended;
(b) why was the budget not expended; and
(c) was the amount not expended deducted from the following years budget?

(4) In any year referred to in (1) above did expenditure exceed the budget allocation?

(5) If the answer to (4) is yes -

(a) what was each amount of over expenditure; and
(b) what was the reason for the over expenditure?

(6) What is the forward estimates for the Kununurra Station for the year;

(a) 1999;
(b) 2000; and
(c) 2001?

Mr PRINCE replied:

(1) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 $222,940. This figure does not include salaries or other centrally funded items such as transfers or housing costs.
(e) 1997/98 $252,756. This figure does not include salaries or other centrally funded items such as transfers or housing costs.
(f) 1998/99 $325,000. This figure does not include salaries or other centrally funded items such as transfers or housing costs.

(2) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(3) (a)-(c) Not applicable.

(4) (a) 1993/94 The budget allocation for the financial year 1993/94 was not devolved to station level.
(b) 1994/95 The budget allocation for the financial year 1994/95 was not devolved to station level.
(c) 1995/96 The budget allocation for the financial year 1995/96 was not devolved to station level.
(d) 1996/97 Yes.
(e) 1997/98 Yes.
(f) 1998/99 Not yet completed.

(5) (a) 1996/97 $2,737
1997/98 $94,858
(b) 1996/97 Additional expenditure relating to Travel/ Fares/ Misc Expenses Re Drug Crop Gibb River.
1997/98 Additional expenditure relating to Overtime/ Shift Penalties/ Travel/ Free Pass/ Power/ Fares/ Fuel/ Vehicle Servicing. New Police Complex - Increase in Power

(6) (a) 1999/00 The current accounting system does not allow budget allocation's to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

(b) 2000/01 The current accounting system does not allow budget allocation's to be made to station level for future periods without intense effort. While forward estimate figures have not been allocated to a station level at this time it is anticipated that adequate funding will be allocated to meet operational requirements.

INDUSTRIAL AND COMMERCIAL EMPLOYEES HOUSING AUTHORITY - IMPAY PTY LTD, KARRATHA

1087. Mr RIEBELING to the Minister for Housing:

(1) How many Industrial and Commercial Employees Housing Authority houses were allocated to a company known as Impay Pty Ltd which was based in Karratha?

(2) Was this allocation removed from Impay?

(3) If yes to (2) above, why was the allocation removed?

Dr HAMES replied:

(1) None.

(2)-(3) Not applicable.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY - SALE OF PROPERTIES, BROOME, DERBY AND KUNUNURRA

1092. Ms MacTIERNAN to the Minister for Housing:

I refer to the answer to question on notice No. 13 of 1998 and ask what process was used to select the real estate agents that conducted the sale of Government Employees Housing Authority (GEHA) properties in Broome, Derby and Kununurra?

Dr HAMES replied:

Real estate agents with auction licences in the locality/town were given the opportunity to sell properties on behalf of the Authority. For this process, agents were selected according to demonstrated ongoing performance. Where there was more than one agency that satisfied the criteria, they were offered sales on a rotational basis.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY - SALE OF PROPERTIES

1093. Ms MacTIERNAN to the Minister for Housing:

(1) Will the Minister provide a list of all properties sold by Government Employee Housing Authority (GEHA) since March 1993?

(2) Will the Minister advise -

(a) purchase price of each property;
(b) purchaser;

(c) (i) real estate agent; and
(ii) real estate agency,

who handled the sale;

(d) settlement agency acting for GEHA;
(e) settlement agency acting for purchaser; and
(f) whether valuation was obtained in each instance, and if so, from whom?

Dr HAMES replied:

(1)-(2) It is not possible for the Government Employees' Housing Authority to commit the resources required to answer the question in its current form. If the Member has specific questions on particular properties sold by the Authority I would be prepared to commit the resources to answer these questions.

AUDITOR GENERAL - REPORT ON CONTRACTS, COMPLIANCE AND ACCOUNTABILITY AUDITS 1998

1099. Ms McHALE to the Minister representing the Minister for the Arts:

I refer to the Auditor General's report on Contracts, Compliance and Accountability Audits 1998 and ask -

(a) what are the guidelines for the Strategic Initiatives referred to on page 13;

(b) what are grant recipients told about acquittal procedures when they receive a grant;

(c) what resources are provided by the Minister for Culture and the Arts to assist artistic organisations understand their responsibilities when they receive a grant; and

(d) what are the guidelines for the acquittal procedure?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

(a) The Guidelines for the Documentation of Strategic Initiatives have been introduced for projects which meet the strategic plan of ArtsWA and are funded because of the unique opportunity it provides for the arts community and the people of Western Australia. [See paper No 318.]

(b) Page 7 of the Arts Investment Handbook refers the requirements for acquittal of grants. [See paper No 318.] The grants contract outlines the requirement to acquit the grant. Grant recipients are provided with an acquittal form when they receive a grant. [See paper No 318.] The letter making an offer of grant recommends the recipient contact grants administration staff if they have any queries about the grant they have received.

(c) The aforementioned documentation is provided to the grant recipient to explain their responsibilities. Staff of grants administration and the relevant art form project officer are available to provide advice over the phone or in person as required for the acquittal of grants. Staff of ArtsWA give occasional seminars on how to apply for funding and the requirements of grant recipients. These seminars are provided through relevant tertiary institutions and in partnership with an arts organisation. If a project acquittal is not adequately documented the applicant is advised in writing of the need for more information. The letter details the information required. If necessary this is followed up by a phone call.

(d) A contract and acquittal form detail the guidelines for the acquittal of grants. [See paper No 318.]

PINE HARVESTING, GNANGARA

1103. Dr EDWARDS to the Minister for Water Resources:

What work has been undertaken by the Water and Rivers Commission to develop a memorandum of understanding with the Department of Conservation and Land Management (CALM) regarding the pine harvesting in the Gnangara area?

Dr HAMES replied:

The Government has made a commitment to redevelop the existing Gnangara pine plantation as part of Gnangara Park. There has been considerable discussion between the Water and Rivers Commission and the Department of Conservation and Land Management (CALM) on the thinning and harvesting of pines. A technical working group, chaired by CALM and including the Commission, has been working for some time on conceptual planning for the Park. Once the conceptual plan has had broad stakeholder involvement, more detailed planning will occur including consideration of pine thinning and harvesting. It is currently proposed that as part of this process, a memorandum of understanding will be completed by mid 1999.

SNIFFER DOGS

1108. Dr CONSTABLE to the Minister for Police:

(1) Further to the Minister's answer to question on notice No. 599 of 1998, were sniffer dogs used by Police in any of the random drug searches at the schools quoted?

(2) If yes to (1) above -

(a) how many charges made were attributable to discovery by sniffer dog;

(b) how many sniffer dogs were used in the drug searches at each of the schools quoted; and

(c) what is the total number of sniffer dogs owned by the Police Service available to be utilised in drug searches in schools?

(3) If no to (1) above, does the Minister plan to introduce a scheme whereby sniffer dogs will be used by Police in drug searches in schools?

Mr PRINCE replied:

(1) Yes.

(2) (a) A total of 15 Juvenile Cautions have been issued for possession of cannabis and possession of smoking implements, resulting from sniffer dog detections.

(b) Prior to June 1998 searches were conducted with one (1) police sniffer dog. After this date two (2) sniffer dogs were used for searches.

(c) The Western Australia Police Service has two (2) sniffer dogs.

(3) Not applicable.

ABROLHOS MANAGEMENT ADVISORY COMMITTEE, MEMBERSHIP

1135. Dr EDWARDS to the Minister for Fisheries:

(1) How many members are on the Abrolhos Island Management Advisory Committee?

(2) What sectors are represented on the Advisory Committee?

(3) Have the terms of any members of the Advisory Committee expired?

(4) If so, how many?

(5) Which positions or sector interests are these?

(6) When did they expire?

(7) How many of the vacancies have been advertised?

(8) Which positions or sector interests have been advertised?

(9) When and where were these advertised?

Mr HOUSE replied:

(1) Eight, including an independent Chairman. There are also three "ex -officio" Members from Fisheries WA, Department of Conservation and Land Management and the WA Museum who also attend Committee Meetings.

(2) Commercial Fishing, Conservation, Recreational Fishing, Tourism, Planning and Business/Marketing.

(3) Yes.

(4) The terms of three members have expired since establishment of the Committee.

(5) Conservation, Recreational Fishing and Tourism.

(6) The terms of two members expired on 28 March 1998. Both these memberships were extended to 28 April 1999. The term of the third member expired on 26 June 1998 - this membership was extended until 31 July 1998 and has subsequently expired.

(7) The one vacancy was advertised.

(8) Conservation.

(9) The one vacancy was advertised in the West Australian on 15 August 1998 and in the Geraldton Guardian on 19 August 1998.

QUESTIONS WITHOUT NOTICE

VACATION SWIMMING PROGRAM

328. Dr GALLOP to the Minister for Education:

(1) Can the minister give a guarantee that the current charge for vacation swimming classes of around $2.20 per child per day will not increase when the service is privatised?

(2) Can the minister also guarantee that there will be no reduction in the availability of vacation swimming classes in regional and remote areas under privatisation?

Mr BARNETT replied:

(1)-(2) The Government sought expressions of interest about vacation swimming classes and swimming teacher training on 5 September this year. It is only this week that the Opposition seems to have noticed that the issue has been progressing; indeed, it has been progressing for several years. Under the current proposals, if they are successful - a number of proposals were received, for which the cut-off date was 26 October - I anticipate that with outsourcing, or privatisation if members want to use that term, the Education Department will exit from the area of training of swimming teachers. That may well happen during this summer, subject to suitable proposals. If the Government exits, either totally or in part, from the running of vacation swimming, that may happen in the following summer in 1999-2000. This will be done with great care. I make it clear that the Government and the Education Department will continue to operate in-term swimming classes.

Dr Gallop: You told the House that yesterday.

Mr BARNETT: I will tell the Leader of the Opposition again. The Opposition has been absolutely irresponsible in going to the media and suggesting that the cost of vacation swimming classes will rise by 400 per cent, and the Leader of the Opposition knows that. Had the Opposition had a real interest in doing some work on this issue, it could have got a copy - I would have given those opposite a copy freely - of the memorandum of information that went out to proponents. Had those opposite obtained a copy, they would have seen that under paragraph 7.3, relating to variations to fees charged to

participants, participants should note that other than in exceptional circumstances, charges to program participants are not expected to change and that variations to charges levied on program participants are expected to arise only as a result of movements in the underlying, variable components of the charges caused by increases in the consumer price index.

Dr Gallop: How long will that apply for?

Mr BARNETT: If the Leader of the Opposition wants to, he can ask a supplementary question. In going out for expressions of interest, we have made it clear that we do not expect to see charges increase.

Dr Gallop: The use of the word "expect" is a bit of a problem. We want a guarantee.

Mr BARNETT: The Leader of the Opposition might say that he wants a guarantee. We have only just received the proposals. They are to be assessed by a panel which will meet for the first time tomorrow. Although, quite properly, we have made charges, availability and access part of the criteria, if a group - it may be to do with life saving or swimming clubs, or whatever - comes with a proposal to offer perhaps the current program or to give parents an option of smaller class sizes or more intensive or advanced instruction, why not make that available? Why not let parents and children have that choice? That is what this is all about.

VACATION SWIMMING PROGRAM

329. Dr GALLOP to the Minister for Education:

Will the minister table the specification document to which he has just referred in the answer?

Mr BARNETT replied:

I have only one page available here, but I will happily provide a full copy to the Leader of the Opposition.

PETROCHEMICAL PLANT, PILBARA

330. Mr BARRON-SULLIVAN to the Minister for Resources Development:

I remind members that several months ago the Government announced a joint venture proposal by Dow-Shell to develop a petrochemical plant project in the Pilbara. In view of the Asian economic situation, is this project still likely to proceed?

Mr BARNETT replied:

I thank the member for some notice of this question. In June this year the Government selected a group comprising the Dow Chemicals Company and Shell Chemical Limited to undertake the feasibility, and hopefully the development, of a Pilbara petrochemical project. That followed a competitive process. Recently I met with senior executives of both Dow and Shell and I am very pleased with the progress being made. Under the original timetable, the first stage of the feasibility was to be completed by the end of this calendar year. That is unlikely to happen, but it will certainly be completed very early in the beginning of 1999. The full feasibility will progress then. Already a number of key issues have been identified. One, of which everyone was aware, was the availability of ethane. The work on that is proving to be quite positive. Another major issue is site selection. Three sites, at least, are being examined at the moment. Infrastructure will be a major issue. The total cost of common user infrastructure will be about $200m or $300m. The Government is now starting detailed negotiation about infrastructure in the context of a state agreement. The coastal shipping arrangements will be critical for this project. The member for Mitchell is very much aware of the alumina industry which uses large amounts of caustic soda. Part of the economics of this project will be that caustic soda will be delivered from the Pilbara to the alumina industry in the south west. The cost of coastal shipping must be addressed to keep the economics in place. Another issue which involves the Commonwealth relates to the tax treatment of the project. There now seems to be some sympathy at the commonwealth level for accelerated depreciation allowances which are the key to projects like this taking place. All going well, the timetable for the project is for full feasibility to continue next year. Construction would start in the year 2000, at the earliest, with production commencing in late 2003. Obviously the Asian economic crisis is an imponderable unknown; however, even in troubled economic times there is no doubt that the demand for basic petrochemical feedstocks is increasing. Although, arguably, there could be some delay, I do not think there will be any. I am most impressed by the amount of effort that Dow and Shell have put into the project, and their confidence and enthusiasm for it. I expect it to proceed.

Mr Graham: Where are the three sites you mentioned?

Mr BARNETT: I will talk to the member privately about that.

VACATION SWIMMING PROGRAM

331. Dr GALLOP to the Minister for Education:

(1) How many reports on the future of the vacation swimming program and its possible privatisation have been prepared since 1995?

(2) What was the cost to taxpayers of producing these reports?

(3) Will the minister provide the House with copies of each report, including the 1997 report produced by Bird Cameron?

Mr BARNETT replied:

(1)-(3) I thank the member for some prior notice of this question. Two reviews of the swimming and water safety programs of the Education Department have been conducted since 1995. A ministerial review of the department's swimming and water safety programs was undertaken in 1995, and an internal Education Department management review of the swimming and water safety programs was undertaken in 1997. The financial analysis conducted by Bird Cameron was incorporated in that review. The cost of the 1995 ministerial review is not available at this time; however, I will endeavour to get that for the member. I do not see a problem in providing that. The consultancy fees associated with the internal departmental review amounted to $37 625. As to the availability of the reports, no, at this time I am not prepared to release them.

Dr Gallop: This is open and accountable government.

Mr BARNETT: Yes it is.

Dr Gallop: This is a government activity.

Mr BARNETT: Perhaps the Leader of the Opposition should listen to the reason for my not being prepared to make those reports available at this time. The Leader of the Opposition can stare up to the members of the media to see whether they are watching.

The reason those reports will not be made available is that they contain a lot of information which will be used in the assessment of the proposals received and as the basis of negotiation. The release of those reports would limit the ability of the State and the department to negotiate the best possible result.

Mr Ripper: It is commercially confidential. Is that your excuse?

Mr BARNETT: We would be a very foolish Government if we were to hand to competing tenderers information which would advantage them in dealing with the Education Department and the Government.

CARAVAN PARKS AND CAMPING GROUNDS REGULATIONS

332. Mr MARSHALL to the Minister for Local Government:

With the commencement of the Caravan Parks and Camping Grounds Act and regulations last year, there appears to be come confusion among campers and caravanners about roadside camping and overnight stays. Can the minister clarify the situation and advise whether any ongoing review is in place to address problems which may arise from this legislation?

Mr OMODEI replied:

I thank the member for some notice of the question. There is a popular misconception that under the new legislation, for the first time ever people will be prevented from camping wherever they want. Such a prohibition has been in place since 1974, although some councils have only recently begun to enforce that restriction. However, I was more than surprised to read comments in the "Riebeling Report", spring edition, produced by the member for Burrup, about a ban on camping within 50 kilometres of a registered caravan park. As a two-time shadow Minister for Local Government, the member should know that there is no such law. He has invented and promoted a new law, and has misled caravanners and campers in the process. Under the Act, a person can camp on land other than a licensed caravan park or camping ground only with the prior approval of the owner or occupier. This includes private property, reserves, pastoral leases and vacant crown land. The Caravan Parks and Camping Grounds Advisory Committee has recommended, and I support, a further amendment to allow overnight stays in designated roadside rest areas. To that end, Main Roads WA and the Department of Local Government are liaising to develop an appropriate policy to address the issue. The "Riebeling Report" is inaccurate, because it states -

> The laws prevent camping within a 50 km radius of a registered caravan park. The previous limit was 19 km.

In fact, the previous limit, which we removed, was 16 km.

Mr Riebeling: Put a letter to the editor in the next one!

Mr OMODEI: What we are doing, on the advice of the caravan parks advisory committee, is making sure that those concerns are addressed. The member for Burrup may also want to know that the land which he talked about - Cleaverville and Forty Mile Beaches - is vacant crown land and subject to native title claims. The local council has tried to have that land vested so that it can create a camping ground, and perhaps the member should address the issue of native title so that he can help his local council rather than spread misinformation to old people who have been travelling around Western Australia for many years. The member for Burrup should start telling the truth.

The SPEAKER: Order! Before I give the next member the call, I indicate to the member for Rockingham that he is interjecting far too much.

MINISTER FOR FAIR TRADING - CABINET DISCUSSIONS ON PASSIVE SMOKING

333. Mr RIPPER to the Acting Premier:

(1) Did the Minister for Fair Trading disqualify himself from any Cabinet discussions dealing with the issue of passive smoking in enclosed workplaces?

(2) Does a declaration of pecuniary interest or conflict of interest prevent a minister from lobbying coalition colleagues or participating in party room debates on the same matter for which the interest was declared?

(3) If not, why not?

Mr COWAN replied:

(1) Yes, the Minister for Fair Trading did excuse himself from Cabinet whenever that matter was discussed.

(2) With regard to the issue of lobbying, I have not heard any member comment to me that any lobbying has been done; so I can say quite safely that there has not been any lobbying.

(3) This question is not applicable, because the minister did excuse himself.

DRUG SEIZURES

334. Mr JOHNSON to the Minister for Police:

In the past two days, the Western Australia Police Service has been very successful in seizing some large quantities of illicit drugs destined for Perth streets. Can the minister give details to the House of any other significant drug seizures the Western Australia Police Service has made over the past month?

Mr PRINCE replied:

I am delighted to give some detail, in brief form, of what the police have managed to do in the past month or so. On 5 August, the police seized four kilograms of cannabis head and leaf and 134 plants. On 17 August, as a result of a vehicle search in Belmont, they seized 54 grams of heroin, with a street value of about $23 000. On 25 August, the police seized 71.4 grams of cocaine in Scarborough, with a street value of $15 300. On 27 August, the police seized two litres of the drug fantasy in Waikiki, with a street value of about $10 000. On 4 September, the police seized seven bags of heroin powder, weighing just under 200 grams, with a street value of $85 000. That person has been charged with possession of heroin with intent to sell or supply, and a request has also been made that he be declared a drug trafficker. On 9 September, the police seized 71 grams of amphetamine powder in Padbury; and again the person charged has been sought to be declared a drug trafficker. On 14 September, the police seized from a hydroponic set-up in Stirling 27 cannabis plants and 918 grams of cannabis leaf. Early in October, the police seized from what was effectively an amphetamine factory, with chemicals and so on, 27 ecstasy tablets and 26 grams of amphetamine powder. On 28 October, as result of members of the public tipping off the police about a strong chemical odour in a particular place, the police found a clandestine laboratory with significant quantities of a drug in the precursor state. On 16 October, the police seized 2 875 grams of cannabis head. On 20 October, the police attended two cannabis crop sites in Eglinton, where they seized 188 plants; and two individuals found at the site were caught with seven kilograms of cannabis leaf. On 21 October, the police seized 22 grams of amphetamine powder found in an air freight bag. On 27 October, as a result of a vehicle search, the police seized 27 grams of heroin. On 27 October, the police seized another ounce of heroin, with a street value of $56 000. On 27 October, at Perth Domestic Airport, the police seized from an alleged courier from Sydney 711 grams of heroin and 142 grams of cocaine. On 28 October, the police seized in Langford - the member for Thornlie would, no doubt, be interested in this - a quantity of equipment and precursor chemicals for the production of amphetamines; and in Thornlie, the police seized 26 grams of amphetamine and a quantity of liquid amphetamine, for which a person has been charged, and that person has also been charged with possession of ecstasy. In Attadale, the police seized another quantity of chemicals and amphetamines; and so on.

That is obviously not everything that the police have done in the drugs area in the past five or six weeks. However, that summary illustrates clearly that the police are being very active in this area. The street value of what has been seized is probably in excess of $1m. At the same time, just to update the Leader of the Opposition, since yesterday, five more members of outlaw motorcycle gangs have been charged. One person has been charged with possession of unlicensed 7.62 millimetre ammunition, unlawful possession of pearls, and some drug offences. Any bikie who can be identified as not having worn a helmet will be charged. Does the Leader of the Opposition support the police?

Dr Gallop: Of course I do.

Mr PRINCE: The Police (Confidence Power and Review) Amendment Bill was introduced by the Leader of the Opposition in August and is Order of the Day No 1 on the Notice Paper. Where is that Bill?

Dr Gallop: It is in my office.

MINISTER FOR FAIR TRADING - MINISTERIAL RESPONSIBILITY

335. Mr RIPPER to the Minister for Fair Trading:

I refer to numerous comments by the minister to the effect that problems within the Ministry of Fair Trading are not his responsibility but are the responsibility of his department and his public service officers. Will the minister explain to the House what he understands to be the principle of ministerial responsibility?

Points of Order

Mr BARNETT: Although I am sure the Minister for Fair Trading can answer the question and express his interpretation of ministerial responsibility, I wonder whether that question relates to his ministerial responsibility as the Minister for Fair Trading?

Dr GALLOP: As you are aware, Mr Speaker, the Opposition has been pursuing a range of matters in the Ministry of Fair Trading. One of the problems is that this minister seems to believe he is precluded from answering many of the questions we ask. It is a highly legitimate question in pursuit of precisely where he stands on this issue to provide us with a basis on which to judge his performance.

Questions without Notice Resumed

Mr SHAVE replied:

As I have often pointed out to the member for Armadale, the Ministry of Fair Trading covers 40 Acts. Boards are in place that have specific duties. The member for Armadale -

Dr Gallop: Can you say anything without smirking. Take your job seriously.

Mr Cowan: Can you allow any of your colleagues to ask a question without interjecting all the time?

Dr Gallop: Who is grumpy? Go and chew a bit more wheat!

The SPEAKER: Order! I am wondering whether we can settle down and can proceed with question time.

Mr SHAVE: How can I not get amused when dealing with an academic dope like that? I take my ministerial responsibilities seriously. As I have pointed out to the member for Armadale many times, I will not get involved in the day-to-day performance of the staff. If I did, I would get labelled with the same tag the Labor Party had when it was in government because it intimidated public servants if they did not call its tune. I take responsibility for my ministerial portfolio.

Mr Ripper: Has the minister's ministerial responsibility extended to lobbying colleagues on the passive smoking issue?

The SPEAKER: Order! That question is too diverse.

WA REPRODUCTIVE TECHNOLOGY COUNCIL, TELLING ISSUES WORKSHOP

336. Mr BAKER to the Minister for Health:

I refer to the WA Reproductive Technology Council's decision to hold a workshop known as Telling Issues targeted to meet the special needs of lesbian mothers. In view of the fact that section 23 of the Human Reproductive Technology Act appears to exclude lesbians from accessing taxpayer subsidised in-vitro fertilisation procedures regulated by the Act, does the minister support the expenditure of the council's funds on matters that appear to be outside its functions.

Mr DAY replied:

I thank the member for some notice of this question.

As members will be aware, the Legislative Assembly Select Committee on the Human Reproductive Technology Act 1991 is examining access to in-vitro procedures under the Act by single women. However, it is correct that the eligibility criteria set out in section 23(c)(i) and (ii) of the Act prevent access by such individuals to in-vitro fertilisation. However, neither the provisions of the Act, nor the directions prohibit the treatment of a single woman by artificial insemination. In other words, by other than in-vitro fertilisation, provided the donor has specifically consented to the use of his semen. I understand this is contained in directions 3.9 and 4.2 of the Human Reproductive Technology Act Directions of October 1997 and guideline 7.1 of the Human Reproductive Technology Act Draft Guidelines of April 1993. Single and lesbian women are accessing artificial treatment through clinics in Western Australia. Whether this is appropriate is a matter for individual judgment. No doubt there will be a variety of views within the Western Australian community on the matter. However, I

presume the Reproductive Technology Council does not have jurisdiction to prevent such activity. As a result of this situation the council has received requests for a Telling Issues workshop to consider the issues around such activities. The council has run four workshops and income from registration fees has covered all expenses.

INDUSTRIAL AND COMMERCIAL EMPLOYEES HOUSING AUTHORITY, LAND SALES

337. Ms MacTIERNAN to the Minister for Housing:

I refer to the minister's answer yesterday in which he said that the Board of the Industrial and Commercial Employees Housing Authority had received legal advice on the land sales issue in 1996, but decided that no further action was warranted.

(1) Who provided that legal advice?

(2) Was it substantially different from the advice subsequently received by him?

(3) What reasons were given by the ICEHA Board for not taking further action?

(4) Will the minister table all documents in relation to the board's decision not to proceed?

(5) Was the board's initial decision not to proceed ever discussed with the then Minister for Housing?

Dr HAMES replied:

I thank the member for some notice of this question. I have sought advice from Homeswest on this issue anticipating the question the member may ask, and I have been advised that this question is sub judice.

Dr Gallop: It is you they are talking about.

Dr HAMES: I have been advised that the decision by the ICEHA Board and the legal opinion it was given may be used by the person who has been charged as part of his defence. For that reason it is sub judice.

LEEUWIN-NATURALISTE NATIONAL PARK, ENTRY FEES

338. Mr MASTERS to the Minister for the Environment:

As a person who supports the principle of charging fees for entry into national parks, I ask -

(1) How many of the popular beaches within the Leeuwin Naturaliste Ridge area will be open to the public free of charge?

(2) What process has occurred over the past 18 months to resolve community and local government concerns about the entry fee proposals for the Leeuwin-Naturaliste National Park?

(3) What significant new expenditures are proposed by the Department of Conservation and Land Management in the park over the next few years?

(4) Are the Shires of Busselton and Augusta-Margaret River happy with the proposal to charge entry fees?

Mrs EDWARDES replied:

I thank the member for some notice of this question.

(1)-(3) As I indicated the other day, 80 per cent of the safe swimming beaches within the Leeuwin Naturalist Ridge are free to public access. These beaches include some within the Leeuwin-Naturaliste National Park. I will give the member a list of those safe swimming beaches. The task force met in October 1997 and included representatives from the Busselton and Margaret River Shire Councils, Augusta-Margaret River Tourist Association, Cape Naturaliste Tourist Association, Surf Rider Foundation and the Department of Conservation and Land Management. The task force was chaired by the Chairperson of the Leeuwin-Naturaliste National Park Advisory Committee. It met on five occasions and prepared a report in May for my consideration. However, prior to presentation to me it had further ongoing consultation which included the shires. There are some significant new expenditures to which I referred the other day in answer to a question. I will give them to the member in writing.

(4) Both shires have agreed to the recommendations of the task force report and have arranged for every ratepayer to be issued with an annual park pass and will undertake works for the benefit of the Leeuwin-Naturaliste National Park in payment for the passes.

In response to a question by the Opposition yesterday, I referred to the Labor Party's having introduced fees to two national parks. In 1986 the commercial tour fees for beach passengers to those two national parks, which have beach frontages, were introduced and increased in 1991. The park entry fee was increased in 1986 to $2 and in 1990 to $3.

DISABILITY SERVICES - ACCOMMODATION FUNDING

339. Mr CARPENTER to the Minister for Disability Services:

Some notice of this question has been given.

(1) In the last round of Disability Services Commission funding allocations for accommodation, how many applicants who met the "critical need" criteria were not funded?

(2) Why were they not funded?

(3) How many people who now meet the critical need criteria are awaiting funding today?

Mr OMODEI replied:

I thank the member for some notice of this question.

(1) The Disability Services Commission informs me that of 58 applications considered, 31 individuals were assessed as being priority 1. Funding was immediately approved to 11 individuals. Twenty individuals who met the critical need criteria were not funded immediately.

Mr Carpenter: Priority 1 meaning very urgent.

Mr OMODEI: Priority 1 meaning the primary carer is seriously ill with poor prognosis of any improvement; the person's accommodation supports have already broken down completely; the person is at high risk of exploitation, neglect or abuse to self and/or others; the prime carer cannot cope with the person's consistently disruptive, challenging behaviour; the prime carer is responsible for more than one person with a disability or multiple problems; the prime carer is under extreme stress; the person is a sole carer; or the person is in temporary accommodation but cannot continue.

Mr Carpenter interjected.

Mr OMODEI: The member should let me finish answering the question.

(2) Accommodation support funds are released at four-month intervals to take account of the amount of funding available, the changing needs of applicants and the time taken for new accommodation arrangements to be put in place once they are approved.

The 11 individuals who were approved for funding immediately met the "critical need" criteria due to circumstances which required a rapid service response. While clearly in critical need, the other 20 individuals did not require as urgent a service response as the 11 for the following reasons: Eight individuals are in temporary accommodation; one individual has received a custodial sentence; nine individuals have been offered $10 000 support packages through the home and community care program carers, metropolitan, initiative to provide interim supports; and two individuals have been provided with assistance to apply for a support package through the home and community care program carers, country, initiative by local area coordination.

(3) The 20 persons assessed as being in critical need will again be considered for funding by the assessment panel in November when the recently received applications will also be considered.

GOVERNMENT DOMESTIC AIR TRAVEL CONTRACT - COMMITTEE'S REPORT

340. Mr BLOFFWITCH to the Minister for Works:

I refer the minister to the Standing Committee on Public Administration report on the "Government Domestic Air Travel And Associated Reservations Contract". What is the minister doing in response to the committee's findings?

Mr BOARD replied:

I thank the member for Geraldton for the question. I welcome the report of the Standing Committee on Public Administration about the domestic air travel and associated reservations contract because in many ways the report was a review of the performance of that contract 12 months down the track. The Government aggregated its domestic air travel and provided a competitive environment in which the two major airlines compete for domestic travel for state government services by providing two brokers, Business Travel International and American Express. That has saved the Government $6m to $7m a year.

As was outlined by the standing committee, it is always difficult to ensure that local government agencies are not disadvantaged. The Government launched the regional buying compact which allows local travel agents to step outside the aggregated contract for any line purchase below $50 000 and buy their tickets locally. That gives government agencies the opportunity to pay 10 per cent more or the travel agents' fees can be 10 per higher so they can compete against the aggregated contract. By that means, the Government brought a balance into the situation. The Government has a

responsibility to the taxpayer to ensure the best possible environment for that $25m a year contract. At the same time, so that local travel agencies are not disadvantaged, it has allowed government agencies to deal locally if they wish. A difficulty is that agencies do not fully understand the situation. As part of its "selling to government" forums, the Government conducts an education program. It is working with agencies and local businesses to ensure they are aware of the opportunities available under the regional buying compact. A good balance will be achieved through that process and savings will continue to be made.

BIKIE GANGS - NATIONAL CRIME AUTHORITY HEARINGS

341. Dr GALLOP to the Minister for Police:

(1) What action has the minister taken to initiate National Crime Authority hearings into Western Australia's outlaw motorcycle gangs?

(2) Has the minister written to the NCA; if so, on what date and will he table the letter?

(3) What action has the minister taken to increase penalties for bikies who refuse to cooperate with such hearings?

(4) Has a proposal for tougher penalties been drafted and approved by Cabinet?

Mr PRINCE replied:

(1)-(4) The Western Australian legislation complements the national legislation and provides for a penalty of $1 000 or six months' imprisonment for refusal to answer questions. That is pathetic and it should be reviewed. The shadow spokesman on Police, the member for Midland, raised the matter about 10 days ago. I agree with her comments. A more appropriate penalty would be $50 000 and five years' imprisonment which is the penalty for contempt of the District Court. That would equate this situation with refusing to answer questions in the District Court. I have looked at the matter. Were the Government to introduce a Bill to amend the Western Australian legislation, it would have no effect because the constitution provides that the federal legislation overrides that of the State. Unfortunately, that is the case. I have asked the federal authorities to look at changing their legislation so the penalty can be raised to at least $50 000 and five years' imprisonment.

I have written to the NCA, but I cannot give the member the date. It was a couple of weeks ago when the matter was first raised. It is something that I will raise at the Australasian Police Ministers conference in two weeks' time.

Mr Graham interjected.

Mr PRINCE: That is with the other ministers to whom I have written. I have had the utmost cooperation from the local office of the NCA. The officer-in-charge has been of great assistance to me and senior police officers in preparing the submission which will trigger a resumption of what the NCA calls Operation Panza. That refers to the NCA inquiry into outlaw motorcycle gangs which ran for several years before going into a holding mode in December 1996. That has been the subject of telephone conversations with the Director of the NCA in Canberra. He has offered to come to Perth himself if that would assist. I am told that the member of the NCA who would carry out these hearings could not come to Perth earlier, but is expected towards the end of November which is when I hope the hearings will commence.
