



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1999

LEGISLATIVE ASSEMBLY

Tuesday, 20 April 1999

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 2.00 pm, and read prayers.

MINISTER FOR LOCAL GOVERNMENT

Statement on City of Cockburn, Audio and Television Coverage

THE SPEAKER: I advise members that if the Minister for Local Government gives a brief ministerial statement on the City of Cockburn I have approved the release of audio and television footage of his statement.

APPRENTICESHIPS

Petition

Dr Gallop (Leader of the Opposition) presented the following petition bearing the signatures of 424 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 recognise that apprenticeships are an important way of providing life opportunities for young Western Australians and also to securing the skilled workforce needed to develop the wealth of our state.

We therefore call on the Government to address the threat of cancellation of many apprenticeships due to the shortage of work during the current downturn in the resources sector by establishing targeted short term support programs to ensure existing apprentices do not lose their apprenticeship.

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 177.]

TOM PRICE HIGH SCHOOL, GYMNASIUM

Petition

Mr Riebeling presented the following petition bearing the signatures of 161 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned seek your support in gaining sufficient funding to guarantee the construction of a gym for Tom Price High School.

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 178.]

LONGLEY, MS LAURA

Petition

Mr Pental presented the following petition bearing the signatures of 25 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 request that the Education Department immediately lift the suspension on the Principal of Como Senior High School, Laura Longley, and reinstate her to her position, to allow her to continue the innovative policies that have increased local esteem for the school.

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 179.]

PERTH-DARWIN HIGHWAY

Petition

Mrs van de Klashorst presented the following petition bearing the signatures of 16 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents in the vicinity of Sawpit and Warbrook Roads, Bullsbrook, respectfully call for the proposed Perth to Darwin National Highway corridor to be located as near as possible to the Western boundaries of the properties affected, so as to minimise the impact on the use and enjoyment of the land.

We request that the rights of property owners, along this relatively short stretch, be considered over and above environmental and engineering considerations in arriving at the best possible route for the Perth to Darwin National Highway.

We wish to bring to your attention that the corridor needs only to be moved by approximately 250 metres in order for it to be located on the boundaries of the properties affected, and in so doing minimise the social impact on residents.

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 180.]

VACATION SWIMMING CLASSES

Petition

Mr Ainsworth presented the following petition bearing the signatures of 220 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned petitioners, call on the Minister for Education to abandon plans to contract out vacation swimming classes as it could risk:

- . the current high standard of teaching
- . the affordability of classes
- . the availability of classes, particularly in country areas

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 181.]

Similar petitions were presented by Mr Osborne (37 signatures), Mrs Hodson-Thomas (five signatures), and Mrs van de Klashorst (10 signatures).

[See petitions Nos 183, 185 and 186.]

CITY OF JOONDALUP RECREATIONAL FACILITIES

Petition

Mr Baker presented the following petition bearing the signatures of 36 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents and ratepayers of the City of Joondalup most vigorously oppose the City of Joondalup implementing any proposal to charge junior sports using or utilising City of Joondalup public recreational facilities - a "user pays" fee structure of any description. We call upon the Minister for Local Government to intervene in any such decision making process and to override any such future decision by the City of Joondalup.

We cannot believe that such a proposal is even being suggested and we expect that a reasonable portion of our annual municipal rates be specifically expended upon the provision of important sporting, community and recreational facilities for our new City's young children.

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 182.]

HOMESWEST, OLD-GROWTH TUART FOREST

Petition

Mr Osborne presented the following petition bearing the signatures of 900 persons -

To the Honourable, the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled, we the undersigned do hereby ask the Minister for Planning to prevent HOMESWEST and associated agents from clearing the old growth Tuart forest on Lots Pt 302 & Pt 303 of the South Bunbury Structure Plan (extension of Shearwater).

Your petitioners humbly pray that you give this matter your earnest consideration, and your petitioners, as in duty bound, will ever pray.

[See petition No 184.]

MINISTER FOR LOCAL GOVERNMENT - PERSONAL EXPLANATION*Register of Financial Interests*

MR OMODEI (Warren-Blackwood - Minister for Local Government) [2.15 pm]: In 1979, as part of a business arrangement, my father gave me 493 Sunnywest shares which later became Wesfarmers shares. In late 1996 I passed these shares to my son, Paul Omodei junior, and since that date all dividends have been forwarded to him. Unfortunately, due to an oversight, I inadvertently failed to record this change of ownership on my annual financial interests return. I have now advised the Clerk of the Legislative Assembly that my return for the 1997-98 financial year, required under the Members of Parliament (Financial Interests) Act, is incorrect. By way of an addendum, I have provided the Clerk with an explanation for this oversight.

BILLS - ASSENT

Messages from the Governor received and read notifying assent to the following Bills -

1. Friendly Societies (Taxing) Bill.
2. Friendly Societies (Western Australia) Bill.
3. Transfer of Land Amendment Bill.
4. Soil and Land Conservation Amendment Bill.
5. Port Authorities (Consequential Provisions) Bill.
6. Maritime Fees and Charges (Taxing) Bill.
7. Adoption Amendment Bill.
8. Marketing of Meat Amendment Bill 1999.

BUSINESS TAXATION, REVIEW*Statement by the Treasurer*

MR COURT (Nedlands - Treasurer) [2.20 pm]: I present for tabling a submission from the Western Australian Government to the Review of Business Taxation, along with a covering letter from me to the chairman of the review, Mr John Ralph AO.

In February this year, the Ralph review released the second of its discussion papers, entitled "A Platform for Consultation - Building on a strong foundation". The discussion paper canvasses a vast range of issues and options on the taxation of business investments and business entities, such as companies and trusts. The Ralph review's discussion paper raised a number of issues of interest or concern to the Western Australian Government. Chief among the issues is the proposed trade-off of accelerated depreciation in return for a 30 per cent company tax rate, compared with a rate of 36 per cent currently.

Accelerated depreciation allows the cost of an asset to be deducted over a shorter period than its effective life. In after-tax terms, it increases the rate of return of an investment above what it could be in the absence of accelerated depreciation. Capital-intensive industries, such as mining and manufacturing, are the major beneficiaries of accelerated depreciation. Although the Western Australian Government supports the goal of a 30 per cent company tax rate, it is very concerned that a company tax rate-accelerated depreciation trade-off would seriously diminish the international competitiveness of Australia's resources sector. In this regard, a recent study by Pricewaterhousecoopers found that the proposed trade-off would result in the "tax competitiveness" of Australia's mining industry declining from seventh to ninth out of nine major mining nations. This reflects the fact that for projects with large up-front capital costs - that is, most resource projects - the adverse impact of the removal of accelerated depreciation outweighs the beneficial impact of a reduced company tax rate. As the resources sector is the major contributor to the wealth created in this State - accounting for around 30 per cent of gross state product - such a trade off has the potential to dramatically impact on the Western Australian economy. In light of this, the Government's submission proposes that any broadening of the business tax base required to achieve a 30 per cent company tax rate should not focus on removing accelerated depreciation at the expense of the resources sector. Rather, to the extent possible, it should occur across the entire business tax base, thereby limiting any adverse distributional impact.

Given the importance of the issue to the Western Australian economy, the proposed removal of accelerated depreciation is the main focus of the Government's submission. Nonetheless, the submission also comments on some of the other key issues raised in the Ralph review's discussion paper. Specifically, the submission -

strongly supports the current treatment of exploration expenditure - which is fully deductible in the year it is incurred - as well as the proposed treatment of so-called "black hole expenditures", such as immediate deductibility of expenditure incurred in defending native title claims;

supports the consistent taxation of trusts as companies, but suggests that "unfranked" distributions to non-residents should continue to be taxed under the existing dividend-withholding tax regime, to maintain Australia's attractiveness to foreign investors;

suggests that capital gains should continue to be taxed at the same rate as other income, but supports the option of exempting the first \$1 000 of capital gains realised each year from capital gains tax;

supports the proposed removal of entertainment and on-premises car parking from the fringe benefits tax base, which would significantly reduce employers' compliance costs; and

suggests that the tax system should not penalise legitimate hedging arrangements, such as those used by many gold and petroleum producers to lock in a fixed price.

I stress that the Government's efforts to secure the best outcome for Western Australia from the review of business taxation will not end with the submission I am tabling today. The Government will continue to pursue its concerns, particularly in relation to accelerated depreciation.

[See paper No 870.]

THE FUTURE OF FREMANTLE PRISON

Statement by Minister for Works

MR BOARD (Murdoch - Minister for Works) [2.23 pm]: I inform the House of a new vision for the usage and attraction of tourism for Fremantle Prison. Fremantle Prison is widely recognised as one of Australia's most intact convict heritage sites. As a sign of its importance, it will be considered by the United Nations Educational, Scientific and Cultural Organisation for World Heritage listing later this year.

In order to capitalise on the obvious asset of such an historical site, last week I launched the Fearless Hearts of Fremantle project, an initiative which will allow people to experience completely the sounds, sights and smells of a living prison.

Since 1993, the Government has pursued a conservation and future use strategy for the prison with advice from the Fremantle Prison Trust. These developments include the leasing of prison buildings to the private sector, the introduction of exhibitions and the redevelopment of areas on the grounds such as the Terrace Gardens. These activities alone, however, will not assure the long-term viability of the prison as Western Australia's premier convict heritage site; thus, the Fearless Hearts of Fremantle project.

The colourful history of the prison deserves to be heard and experienced. I have established a project steering group consisting of a range of eminent and suitably qualified people to assist me to develop a clear and strategic direction for the establishment of a "living" museum over the next six months. The vision for Fremantle Prison is that we create an internationally recognised museum which interprets and represents 150 years of changes to the criminal justice system. The prison should be self-funding within five years.

The Fremantle Prison represents four distinct eras of Australian justice: As a convict prison; a colonial prison; a State prison used for wartime; and a modern prison. We expect to use the main cellblock as a living interpretation centre using leading-edge interactive and live displays. It may also be possible to increase the use of the prison as a place for academic study.

A fundamental principle for this project will be the highest standards of conservation and interpretational integrity. We will not work in isolation, however, and plan to consult widely with the local community and historical and other interest groups.

The Fearless Hearts of Fremantle project will be a source of not only education and enjoyment for the people of Western Australia, but also vitality and tourism for the City of Fremantle. We will ask for expressions of interest from the private sector in order to gain support for the project. This will enable us to reach our long-term goals for the living museum more expediently; that is, to preserve the buildings and cultural history associated with them for all to learn from and enjoy.

The Fearless Hearts of Fremantle project will bring the prison back to life through audio and visual re-enactments of history. It is vital that we understand the importance and impact of convictism and criminal justice on our society. Fremantle Prison is offering us the chance to do so.

CITY OF COCKBURN, SUSPENSION OF MAYOR AND COUNCILLORS

Statement by Minister for Local Government

MR OMODEI (Warren-Blackwood - Minister for Local Government) [2.25 pm]: I rise to advise the House of the circumstances leading to the suspension of the mayor and councillors of the City of Cockburn and the appointment of three commissioners.

In June 1998 I met with the chief executive officer and the director of planning and development services of the council, at their request, to be briefed on issues in relation to lot 17 Hamilton Road, Spearwood. The principal issue related to a proposed deed of agreement with a company of which the mayor is a director. Later the same day the mayor and another councillor met me to brief me on the same matter.

Council's actions in relation to lot 17 Hamilton Road had previously been subject to an inquiry by the Department of Local Government. The council had also been subject to an investigation by the Ombudsman in 1997 on the same issue which had resulted in adverse findings and the unanimous rejection by council of a recommendation by the Ombudsman.

Subsequent to these meetings the Executive Director of the Department of Local Government determined to inquire into the council under section 8.3 of the Local Government Act 1995. This decision was entirely his and was a routine and regular decision. The inquirers addressed nine terms of reference and completion of the report was delayed to enable natural justice to be accorded to adversely affected persons.

On 7 April the executive director forwarded me the report and recommended the suspension of the council. His advice was supported by an opinion from the Crown Solicitor's Office that indicated that it was open to me to take such a course of action.

The report I will table today is a sad reflection of the actions of the Cockburn City Council - in some cases individually, in other cases collectively. It finds that the council has not been fair and reasonable to all its residents and ratepayers in respect of lot 17 Hamilton Road and that it ignored its own policy and misused resources in its endeavours to satisfy the owner of lot 17.

The report also concludes that the council's functioning gave rise to a perception of the council allowing itself to be influenced by individual councillors for the personal benefit of those individuals. I was dismayed to read in the report of the council's decision to remove "conflict of interest" from its code of conduct.

Furthermore, since the inquirers prepared the report I understand that the council has refused to revoke improper decisions in relation to lot 17 when given express legal and professional advice to do so. This reflects on it poorly. It is clear that the mayor and some councillors do not understand their roles.

The report and consequent suspension of the council represents the culmination of ongoing issues that have not been dealt with in a satisfactory way by the council.

Three commissioners with backgrounds of elected member, CEO and qualified planner have been appointed to run the council until the formal inquiry to be announced shortly reports. This inquiry, which is likely to consist of a single legal practitioner, will recommend either the reinstatement of the council or its dismissal. I propose restoring elected local government as soon as practicable in either outcome. However, in the event of reinstatement, the election for the seven vacancies which were to be filled on 1 May will need to be held first.

I urge members to read the report, which will also be drawn to the attention of all Western Australian councils. I now table the report. In order to attract the privilege of the House, I move that the report be printed.

Question put and passed.

[See paper No 871.]

LEGISLATIVE ASSEMBLY COMMITTEE ROOM - AIRCONDITIONING

Statement by Speaker

THE SPEAKER (Mr Strickland): With respect to sittings of the Assembly's Standing Committee on Legislation, work to aircondition the Assembly committee room and to provide television monitors to show the proceedings in each House is being completed this week. Consequently, the Legislation Committee will sit in the select committee room upstairs. The Assembly committee room will be available again before the next sitting week.

CITY OF COCKBURN - INQUIRY

Report

On motion by Mr Omodei (Minister for Local Government), resolved -

That this House authorises publication of the report of the inquiry into the City of Cockburn.

[Questions without notice taken.]

COURT SECURITY AND CUSTODIAL SERVICES BILL

COURT SECURITY AND CUSTODIAL SERVICES (CONSEQUENTIAL PROVISIONS) BILL

Extension of Date for the Presentation of Legislation Committee's Report

MR BARNETT (Cottesloe - Leader of the House) [3.06 pm]: I move -

That the date for the presentation of the Legislation Committee's report be extended to Tuesday, 4 May 1999.

Although this is the first use of a committee in this manner, progress has been laborious. If we are to have an effective committee system out of this Chamber, it is incumbent on all members to progress legislation through the committee, otherwise, the Government will not make use of the Legislation Committee.

Question put and passed.

COMMONWEALTH PLACES (MIRROR TAXES ADMINISTRATION) BILL

Second Reading

Resumed from 3 December 1998.

DR GALLOP (Victoria Park - Leader of the Opposition) [3.07 pm]: Before I start my contribution on this Bill, I reflect on the outcome of the Premiers Conference of Friday, 9 April 1999. Particularly, I compare the outcome of that conference, including the intergovernmental agreement on the reform of state-commonwealth financial relations, with what was said by the State Government prior to the last federal election.

Point of Order

Mr BARNETT: This is a finance Bill and clearly the Leader of the Opposition can range in his contribution to matters of

commonwealth-state relations and, indeed, even the Premiers Conference. However, to rise at the beginning of a second reading debate and announce that he will make a speech - indeed, read it - on the Premiers Conference is flouting the conventions and standing orders of this House.

Dr GALLOP: I fully intend to deal with matters relating to the Bill, which raises many issues relating to the revenue of Western Australia. That revenue is the very issue I will raise in relation to the Premiers Conference. It is the height of arrogance for the Leader of the House to criticise me for undertaking some research on a major subject affecting Western Australians, and for taking the opportunity to make such comment in debate on this Bill.

The DEPUTY SPEAKER: The Commonwealth Places (Mirror Taxes Administration) Bill's long title reads -

An Act to provide for the administration and operation of State taxing laws that are applied as Commonwealth laws in relation to Commonwealth places, and for related purposes.

The Leader of the Opposition can vary and use examples other than those contained in the Bill.

Debate Resumed

Dr GALLOP: As all members might recall, after the Howard tax package was announced last year, the State Opposition called on the State Government to release an analysis of the impact of that package on Western Australia. Three weeks later, and about half an hour before the West Coast Eagles played in a final, the Premier released the so-called Treasury analysis on the impact of the Howard package on Western Australia. The Opposition claimed at the time that the analysis was narrow in focus, riddled with inconsistencies and, indeed, contained some false assumptions. For example, the analysis did not even mention "vertical fiscal imbalance", which deals with the mismatch between the State's revenue raising powers and expenditure responsibilities. This has long been recognised by the Premier and Treasury as a fundamental problem in state-commonwealth financial relations. In fact, only in August last year, the Premier claimed that vertical fiscal imbalance was one of the major problems in the federation. However, the government analysis did not mention that aspect. The Premier now believes that "this issue is just an academic argument".

Why such a backflip? The Howard tax package worsens vertical fiscal imbalance. Under the package the States will be even more financially dependent on the Commonwealth. It is estimated that the percentage of state-source revenue of total revenue for the State of Western Australia will drop from 56.5 per cent to 42.3 per cent following the introduction of the Howard tax package. In other words, the Howard tax package will result in an increase in vertical fiscal imbalance in our federation. This will intensify what the Premier has rated in the past as one of the major problems in the federation. No mention was made of this matter by the State Government when we debated the Howard tax package during the federal election campaign.

Also, the State Government has failed to provide to Parliament any information on the impact of the goods and services tax on key industry sectors, such as tourism and housing, to give only two examples. The Minister for Disability Services promised to provide Parliament with an analysis of the goods and services tax in his portfolio. It was only when the member for Willagee and Labor spokesperson in this area gave the minister a reminder recently that such an analysis was forwarded to him. All members of this Parliament would be getting representations from people involved in the charitable industries that provide important services to people in this State on what the impact of the GST will be. The Minister for Housing could not provide the Opposition with figures on the impact of a GST on Homeswest construction and maintenance when asked in Parliament in the context of the GST debate during the federal election campaign. We now understand from a letter sent by all state housing ministers to the federal minister that it will cost an additional \$42m from 1999 to 2003 for Homeswest construction and maintenance under a GST. All up, including the necessary GST compensation, Western Australia needs at least an additional \$77m over the next four years to ensure that it will not be severely disadvantaged by the introduction of a GST. However, the States will receive only an extra \$370m as a result of the deal that was brought down last week. If Western Australia's share were \$37m, and the usual assumption we make is that we would gain 10 per cent of those total figures, it would be well short of the \$77m required. Those are two examples of this Government failing in its duty during the federal election campaign to provide real information to this Parliament and to the people about the consequences of the GST. We now find that the GST package is deficient in providing support for Western Australia.

Let us consider the Treasury analysis. We must consider briefly not only what was excluded from that document, but what was included. I cannot emphasise strongly enough the importance of the integrity and independence of such an analysis. Government members based their support for the Howard tax package on the findings of that so-called Treasury analysis. The Treasurer and ministers stood up in this Parliament and unequivocally stated that Western Australia would be \$2b better off after 10 years under the Howard tax package. It is obvious, and was obvious at the time, that this claim is wrong. To put it simply, the Treasury analysis produced during the election campaign was fundamentally flawed. To present a scenario that Western Australia would not be worse off in the first three years, the Government started off with a nil balance on the bottom line and then worked backwards. In doing so, the Government underestimated the impact of the revenue forgone not only in the first three years but in the following seven years. This meant that during that election campaign the figures produced by the Government that WA would be \$2b better off were false. This has been proved by information the Opposition obtained from the Premiers Conference last week.

A table obtained by the Opposition on the net budgetary position of all State Governments under the first six years of the Howard Government tax package proves that the Government's pre-election figures were wrong. Let us take the year 2005-06 as an example. The Treasury analysis claims that Western Australia's budget would be \$158m better off in that year. That figure was produced at the time of the federal election. However, the table that was produced at the Premiers Conference shows that Western Australia will be better off, but by \$22.6m, which is a significant difference from the figure

quoted earlier. The difference is \$135.4m. That indicates to the Opposition that the figures that were produced during the election campaign cannot be the basis upon which we can conduct a rational debate on this issue.

Let us consider a few other examples of the intergovernmental agreement proving the invalidity of that Treasury document. Let us look at the abolition of stamp duty on business conveyances. The Opposition claimed at the time that the Treasury analysis severely underestimated the stamp duty revenue given up under the Howard tax package. We claimed that the Government would collect approximately \$190m from this source in 2001-02 and that indexed to the CPI this amount would be approximately \$213m in 2005-06. The Government claimed that it would collect only \$85.8m in stamp duty on business conveyances in 2005-06. This was a very important disagreement between the Opposition and the Government in the federal election campaign. It went to the heart of the issue about whether Western Australia would gain from the Howard tax package.

Information from the Premiers Conference shows that this Government now believes the stamp duty will be worth \$210m in 2005-06. This compares with the figure of \$85.8m that the Government released in its Treasury analysis. Due to the gross underestimation of revenue forgone, the State Government will not be able to abolish this tax on 1 July 2001, as promised before the last federal election. Western Australia will be in a budgetary position to abolish stamp duty only in 2005-06 while Queensland will abolish it in 2003-04 and Victoria in 2004-05.

I reflect quickly on comments made by the Treasurer when he defended the Treasury analysis, in particular, the conservative estimates of stamp duty that were made in that analysis. I refer to comments made in this Parliament on 9 September 1998 when the Treasurer defended the fact that his analysis claimed there would be no increase in stamp duties over a 12-year period. He claimed -

The estimate of no growth in stamp duties reflects the state of the markets concerned; for example, the share market is currently at a cyclical high and reductions in revenues are more likely than increases.

The Opposition said to the Treasurer that that was not a basis upon which to judge intergovernmental revenue to this State if the GST was passed by the Federal Parliament. It was interesting to check whether the Premier was right in what he said. The All Ordinaries closed on 9 September at 2 542.5 points. Yesterday the index closed at 3 113.1 points. The cyclical high that the Premier was talking about was not the high point of that cycle.

In relation to the claim in September that there would be no increase in stamp duties over 12 years, which is the Government's assumption in its analysis, I checked the forward estimates of stamp duty in the Government's 1998-1999 midyear review document. Is it not interesting that when there is no federal election campaign and Treasury is producing its midyear forecasts of stamp duty revenue to the people of Western Australia, Treasury shows a 6 per cent increase in stamp duty revenues between 1998-99 and 2001-02. This compares with the analysis in which it claimed there would be no increase over 12 years. We get a different view from the Government when there is an election campaign in progress. However, when the campaign is over and Treasury is producing analyses, we find there will be a 6 per cent increase in stamp duty. That is very important because we must compare what revenue we would have got under the current system versus the revenue we might receive under the future system of the Howard tax package. The Government assumed that under our current system, Western Australia would not have any stamp duty increases over that time. It was clear that was a fallacious assumption, and the Opposition said so at the time. The Government's documents show that the Opposition was right and the Government was wrong when we debated these issues during the federal election campaign.

I will focus on the area of wholesale sales tax equivalents. Under the Howard tax package, the Government will no longer receive wholesale sales tax equivalents from government trading enterprises. Those payments are made so there is competitive neutrality in the marketplace between government trading enterprises and private operators. These payments are expected to be worth \$24m to Western Australia in 1998-99. During the federal election campaign, the Treasury analysis failed to put any value on them. However, in the agreements signed last week, the Commonwealth agreed to compensate the States for this loss of revenue. However, all States will get only \$338m over three years as compensation. Even if Western Australia gets \$34m in those three years, it will still be \$40m short of what it will require to be fully compensated for that loss of revenue.

I now refer to government taxes and charges. The agreement states that the Commonwealth, States and Territories will agree to a list of taxes and charges that are outside the scope of the goods and services tax. That will be very important in terms of intergovernmental relations in the Australian federation. Sections 19 to 22, which deal with government taxes and charges, state -

- 19 The Commonwealth, States and Territories agree that the GST does not apply to the payment of some taxes and compulsory charges.
- 20 The Parties will agree a list of taxes and compulsory charges that are outside the scope of the GST. This list will be promulgated by a determination by the Commonwealth Treasurer as set out in Division 81-5 of the *A New Tax System (Goods and Services Tax) Act 1999* (the GST Act).
- 21 In agreeing the list, the Commonwealth, States and Territories will have regard to the following principles:
 - (i) taxes that are in the nature of a compulsory impost for general purposes and compulsory charges by the way of fines or penalties should not be subject to GST as these will not relate to any specific supply of goods or services;
 - (ii) similarly, those regulatory charges that do not relate to particular goods or services should be outside the scope of the GST; and

- (iii) the inclusion of any other charge in the Commonwealth Treasurer's determination notwithstanding that it may relate to the supply of a particular good or service will require the unanimous agreement of the Commonwealth, States and Territories.
- 22 The agreed list of taxes and other compulsory charges that are outside the scope of the GST will be subject to on-going review and adjustment as necessary in consultation with the Ministerial Council. The Parties will notify any objections to changes to the list within a period to be specified by the Ministerial Council.

That is just the sort of thing we see consistently coming out of the Commonwealth. What does it mean? It appears from the agreement that under sections 19 to 22 the compulsory taxes, charges, fines and penalties would not be subject to the GST if they did not relate to any specific supply of goods and services. Regulatory charges that did not relate to particular goods or services would also be outside the scope of the GST. However, does the intergovernmental agreement imply that compulsory charges, fees and taxes which relate to the provision of particular goods and services will be subject to the proposed GST? Does it mean, for example, that motor vehicle licence fees which are earmarked for road construction will be subject to the proposed GST? Does it mean that all government charges, taxes and fees which have been earmarked for particular goods or services will be subject to the proposed GST? It is not easy to answer those questions but they are important because we know how the Commonwealth interprets such matters. Certainly, I can guarantee that there will be much argument about the issue and that none of that argument will be to the benefit of the States or to the State of Western Australia when it comes to the Commonwealth's interpretation of a compulsory tax or charge. That is still an unanswered question and it is one on which the Premier was willing to sign up. The Premier was silent on the issue before the election, and I hope that he will be able to shed some light on what his understanding of compulsory charges will be and whether the people of Western Australia will be hit by the Commonwealth through that indirect route if we should choose to use some of those charges for specific purposes such as road construction.

I now refer to the Commonwealth Grants Commission. I should like to discuss what happens after those transitional years, but let me make it clear that we are still not convinced that the package will leave Western Australia in a revenue-neutral position in those transitional years. As I have stated, I believe that there is an underestimation of the revenue forgone under the GST. I believe also that there is an overestimation of the revenue that Western Australia will receive under the GST package. For example, I am yet to be convinced that the Western Australian Government will save \$60m from indirect tax reform or that an annual growth dividend of \$40m will be enjoyed by Western Australia as a result of the tax package. Those are the sorts of things that commonwealth bureaucrats get away with in negotiations. In John Howard's figures, they assumed that we will save about \$60m from indirect tax reform. It is all about the embedded wholesale sales taxes that make up the price of the goods and services that we currently purchase.

Pensioners will not be convinced of all the price reductions that are supposed to come in respect of some goods and services with a GST replacing the wholesale sales tax measures. If I were a pensioner, I would be sceptical that the figures quoted by the Government on inflation would be the actual figures. There will be profiteering - of course there will be - but the Premier was happy to sign up on a figure of \$60m from indirect tax reform. He was happy also to sign up on a figure which says that our State will be \$40m better off as a result of the GST. He should tell that to all the small businesspeople who will have tax inspectors hovering over them day in and day out under the GST and the administration of the new tax. I believe that the figures estimating improvements to our base in Western Australia vastly overestimate the situation.

If we look past the transitional years, we see that Western Australia will again be subject to the whim of the Commonwealth Grants Commission. I reiterate: The GST will be a Commonwealth tax. It will be set by the Commonwealth, it will be administered by the Commonwealth, it will be raised by the Commonwealth, and the terms of its distribution will be set by the Commonwealth. The Commonwealth Grants Commission has progressively reduced the share of Western Australia's financial assistance grants over the past few years. In fact, our relativities have reduced from 1.1 in 1993-94 to 0.94 in 1999-2000. On other occasions, in relation to the Commonwealth Grants Commission, the Premier has said -

The Commission operates on the principle that more grants should be allocated to the poorly performing States - hardly an incentive to perform well . . . The Commonwealth is wringing the neck of the goose that lays the golden egg.

However, the Premier has agreed to a package which will see more of Western Australia's budget being subject to the same Commonwealth Grants Commission process that he believes is wringing the neck of the goose that lays the golden egg.

I remind members that under the Howard GST package, the amount of unsourced revenue in Western Australia will drop from 56.5 per cent to 42.3 per cent. More and more revenue that comes to the State of Western Australia will be subject to a formula that the Premier says is against our interests, and he was only too happy to sign up on that agreement.

Let me refer to a real difficulty in the short term for the people of Western Australia which was certainly concealed from the people during the election campaign - that is, specific purpose payments. There is a well-founded fear from several quarters that the tax package will allow the Commonwealth to cut specific purpose payments to the States. It may be all very well for the Government to say that we will get the revenue from the GST, but what about specific purpose payments? We have seen such tactics used by the Commonwealth. When it has a fiscal squeeze, it shifts it on to the States. In other words, historically it has cut financial assistance to the States to meet its fiscal crises and that has meant that it has been harder for us in delivering services. What about the specific purpose payments which are very important to the State of Western Australia? The Premier has repeatedly claimed that such fears are unfounded. In a media statement of 13 November, the Premier said -

The Commonwealth undertook not to cut aggregates for specific purpose payments for the States and Territories in real terms.

Let us compare that statement with the information provided from the Premiers Conference just a few weeks ago. The agreement shows that specific purpose payments to the States will increase by just 0.28 per cent in 1999-2000. After adjustment to real terms, that is a fall of 2.6 per cent. Western Australia does worse than the national average. Specific purpose payments to Western Australia will increase by only \$2m - that is, from \$1 321.7m to \$1 323.7m - in 1999-2000, a cut of 2.8 per cent in real terms. We must remember that the Treasurer said during the election campaign that he had written to the Prime Minister about assurances given that to provide the States with access to all the goods and services tax would not affect the rate of growth of the specific purpose payments - the SPPs - that we are receiving. Both the figures and the guarantees that were given by the Treasurer during the election campaign are worthless.

I turn now to the issue of local government funding. All members would have received a letter from the Western Australian Municipal Association dated 25 March 1999 raising the issue of access by local government to money from the GST. Local government fears that it will no longer be able to access commonwealth money and that money will come from the States, and it wanted that matter to be included in the intergovernmental agreement. That did not happen. This Government has refused to provide local government with a certain percentage of the GST revenue. Queensland has come to the party and agreed to provide local government with a fixed percentage of the GST pool each year. Why is this Government afraid to provide such a guarantee to local government? If the Treasurer and his Ministers really believed that this package would provide a windfall gain to Western Australia, they would have no problem with providing such a guarantee to local government. It is obvious that the Government's public rhetoric does not match its private fears about this package. Local government is a very good case study to indicate that this Government fears the effect of this package on its revenue, and that is why it is not willing to give such a guarantee to local government, because it believes it will not be able to honour that guarantee.

This whole process has demonstrated a number of disturbing aspects about government in Western Australia. Firstly, it is now abundantly clear that the Treasury analysis was full of inconsistencies and false assumptions. Secondly, it shows that the Treasurer and the group of Ministers who gave their support to this tax package did so without properly analysing the consequences for their portfolios. Thirdly, it shows the Treasurer for what he is. The Treasurer walked away from the Premiers Conference with a real cut of 2.8 per cent in specific purpose payments to Western Australia in 1999-2000; a cut of \$90m in financial assistance grants to Western Australia in 1999-2000, and that has been revealed in the documents that have come from the Premiers Conference; and with insufficient compensation for increased costs in Homeswest housing and construction, and for the loss of wholesale sales tax equivalents.

The Treasurer also agreed to a package which will result in a greater amount of Western Australia's future revenue being subject to the Grants Commission, over which we have no influence; and to a Howard tax package which will reduce the financial accountability and autonomy of the States. What is even worse is that the Treasurer tried to disguise these failures by throwing in his idea of scrapping Medicare. Of course, in this whole health funding debate, the Treasurer has failed to remind everyone in Western Australia that Medicare principles were put into legislation in this Parliament by his own Government; and, secondly, that he willingly accepted a health care funding agreement from the Commonwealth that would see Western Australia receive less than 20 per cent of what he said during debate last year was required.

The Treasurer's performance in the election of last year was abysmal. He has been caught out for misleading the people of Western Australia on the impact of the GST, and important questions remain unanswered about the revenue impact should that measure go through the Federal Parliament.

This Bill essentially seeks to ensure the continuation of state taxation arrangements in respect of commonwealth places in the State. The need for the arrangements arose from the High Court decision in the case of *Alders International Pty Ltd v Commissioner of State Revenue (Vic)* (1966). In that case, the court decided that a lease of a shop at Tullamarine Airport was not subject to stamp duty imposed by Victorian stamp duty legislation because of section 52(i) of the Commonwealth Constitution. That section provides that the Federal Parliament has exclusive powers to make laws with respect to all places acquired by the Commonwealth for public purposes. As a result of that decision, it has been considered that in addition to stamp duty on leases, other taxes imposed by the States may similarly be considered inapplicable in commonwealth places. Taxes that may be affected include stamp duties, payroll tax, financial institutions duty and debits tax. This means that any persons carrying on business in a commonwealth place will not be subject to the state taxes to which other persons are subject.

To resolve this situation, the Commonwealth and the States are putting in place a package of legislation which will provide for the administrative and legal arrangements to allow the State Government to continue to receive revenue from state taxes. The Commonwealth has already put in place mirror tax legislation to apply, in relation to each State, the State's taxing laws to commonwealth places in the State. The Commonwealth has also introduced windfall tax to ensure the States are properly reimbursed in the situation that persons seek a refund from the States for taxes paid, due to the constitutional invalidity of the state taxing law.

All the States are required to introduce their own legislation to support the proposed administrative arrangements. I understand the New South Wales Parliament has already passed similar legislation. Officers in the State Revenue Department have assured the Opposition that nothing in this Bill will place any additional obligations on taxpayers. On those grounds, and on the ground that such a Bill is necessary for the application of state taxes in commonwealth places, the Opposition supports the Bill.

MR COURT (Nedlands - Treasurer) [3.36 pm]: I thank the Leader of the Opposition for his support of this legislation.

With regard to the Leader of the Opposition's comments about the Premiers Conference, the fact that three Labor Premiers were prepared to willingly sign that intergovernmental agreement speaks for itself.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and transmitted to the Council.

TITLES VALIDATION AMENDMENT BILL

Council's Message

Message from the Council notifying that it insisted on its amendments Nos 1 to 5 to which the Assembly had disagreed now considered.

Committee

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Court (Premier) in charge of the Bill.

The amendments on which the Council insisted were as follows -

No 1

Clause 7, page 8, lines 15 to 20 - To delete the paragraphs and substitute the following -

- (a) where the act comprising the grant of a freehold estate or lease, apart from this Act, extinguishes native title rights and interests, the native title rights and interests are extinguished in relation to the land or waters covered by the freehold estate or lease concerned; or
- (b) where the act is -
 - (i) a conditional purchase lease in force as at 23 December 1996 in Agricultural Areas in the South West Division under clauses 46 and 47 of the *Land Regulations 1887* which includes a condition that the lessee reside on the area of the lease;
 - (ii) a conditional purchase lease in force as at 23 December 1996 in an Agricultural Area under Part V of the *Land Act 1898* which includes a condition that the lessee reside on the area of the lease;
 - (iii) a conditional purchase lease in force as at 23 December 1996 of cultivatable land under Part V, Division (1) of the *Land Act 1933* in respect of which habitual residence by the lessee is a statutory condition in accordance with the provisions of that Division;
 - (iv) a perpetual lease in force as at 23 December 1996 under the *War Service Land Settlement Scheme Act 1954*; or
 - (v) a previous exclusive possession act under section 23 B (2) (a), (b) and (c) (ii), (iii), (iv), (v), (vii) or (viii) of the NTA (including because of section 23 B (3)), provided that -
 - (A) in the case of any lease described in subparagraphs (iii), (iv), (v), (vii) or (viii) the lease concerned is in force as at 23 December 1996; and
 - (B) in the case of any lease described in subparagraph (iv) the terms "exclusive agricultural lease" and "exclusive pastoral lease" have the meanings respectively given to them by section 247 A (a) and 248 A (a) of the NTA,

the act extinguishes any native title in relation to the land or waters covered by the lease concerned, and the extinguishment is taken to have happened when the act was done; or

- (c) in any other case, the non-native title rights and interests prevail over the native title rights and interests to the extent of any inconsistency, but do not extinguish them, while such non-native title right or interest made under the act, and any valid renewal, remaking, re-granting or extension of the non-native title right or interest, is in force.

No 2

Clause 7, page 9, line 11 - To delete "and is".

No 3

Clause 7, page 9, line 11 - To insert after the word "State" the words "and the public work to which the act relates still existed on 23 December 1996".

No 4

Clause 7, page 9, line 12 - To insert after the word "title" the word "only".

No 5

Clause 7, page 9, line 15 - To delete the words "was or".

Mr COURT: I move -

That amendments Nos 1 to 5 made by the Council be agreed to.

I reluctantly agree to the amendments and I will explain the background for that decision. We have given the Labor Party a number of opportunities to support the legislation which we introduced to Parliament. It concerns us that a number of leaseholders who have residential or commercial leases will continue to have uncertainty over their properties because of the decision by the Labor Party, along with the Greens (WA) and the Australian Democrats, to remove those sections from the legislation. It is also nonsense that the proposals cover the question of public works in which extinguishment has occurred only where there has been a foothold of works on the land which have been taken out.

On 9 March, this House considered these amendments and disagreed to them. An Assembly committee drew up reasons for not agreeing to the Council's amendments. I will put those reasons on the record again because they clearly summarise the issues involved -

Amendment No 1

The amendment is disagreed to as it creates uncertainty as to the status of some 1 300 Western Australian leasehold grants in respect to native title. It also leaves in doubt the status of leasehold grants which expired, were forfeited or surrendered prior to 23 December 1996.

The amendment would mean that native title claims could be made over those titles and it would then be left to courts to decide on a case by case basis whether or not native title rights still exist or co-exist with the land in question. The purpose of the Bill was to remove the uncertainty and the need for litigation in accordance with the provisions that were passed by the Federal Parliament that permit States to make such laws.

Amendments Nos 2, 3, 4 and 5

These amendments are disagreed to as they limit the way in which the extinguishing effect of a public work is applied - such that extinguishment only occurs where a public work has actually been constructed and was still in existence as at 23 December 1996. This differs from the Commonwealth Native Title Act which provides for extinguishment in relation to the land or waters on which the public work was or is situated.

The amendments would create major problems for the future upgrading or development of public infrastructure where land has already been acquired or reserved and has not yet been fully developed.

On 25 March, the Council voted against the motion by the Government that the amendments be not insisted on. I reiterate: The Opposition's amendments remain unsatisfactory to the Government and the Western Australian community because they perpetuate uncertainty in respect of these properties; they leave 1 300 leaseholders potentially exposed to litigation; and they create problems for upgrading of public works or development of the public infrastructure on government land.

Having said that, a number of other considerations must be taken into account when dealing with this legislation. I will outline why this Bill is important. We cannot understand why the Opposition has insisted on amending the Bill in the way it has. New South Wales, Queensland, the Northern Territory and Victoria have passed Bills with the same provisions proposed in the Government's original Bill, and two of those are Labor Governments. The Bill in its amended form leaves 1 300 leaseholders in a legal no-man's-land and that remains unacceptable to the Government. The amended Bill, however, provides validity for many thousands of title holders who receive grants in the intermediate period and that is extremely important. The amended Bill also confirms extinguishment of native title by conditional purchase leases and war service perpetual leases, of which there are over 800, covering 8 100 square kilometres or 0.32 per cent of the State. I will continue my comments when I have the next opportunity to speak.

Dr GALLOP: I will allow the Premier to finish his comments.

Mr COURT: I thank the Leader of the Opposition. It is ironic that the Labor Party is prepared to accept extinguishment by these leases, but will deny it to the 1 300 leaseholders who collectively cover only 260 square kilometres or 0.01 per cent of the State. The amended Bill also provides for partial extinguishment by non-exclusive leases. This will be extremely important for pastoralist and grazier leaseholders to ensure they can continue to use their leases without becoming involved in complex native title procedures.

We had originally planned to go to a conference of managers on this legislation to give the Labor Party every possible chance to reconsider its position. We have already provided a number of those opportunities. We are concerned that, during the conference of managers, the entire Bill could be lost if we do not have a unanimous position. If the Labor Party or other parties participated in the conference of managers, we could run the risk of losing the Bill. We are not prepared to take that risk because we want the validations to occur. The Government will not abandon those leaseholders who have been rejected by the Labor Party. We will continue to work to protect their interests and we will move as expeditiously as we can to protect their position.

Dr GALLOP: When this legislation was first introduced to Parliament, the Opposition outlined two principles: Firstly, we supported the principle of creating validity in respect of all those leases issued in the pre-Wik uncertainty and, therefore, we supported that section of the Bill that validated all the titles issued in that period. Secondly, we were prepared to accept extinguishment only insofar as the common law had made it clear that we were referring to an exclusive possession act which extinguished native title. When we looked at the schedule of interest that the Government put forward, some decisions made by the courts indicated that coexistence was possible between title holders and potential native title holders. In some of the

other leases there was uncertainty about that matter. Therefore, we believed that if the legislation would extinguish only in respect of exclusive possession acts, we had to amend the legislation and ensure that we did only as much as we said we would do.

We did that for a couple of reasons: Firstly, it is most important that the native title right that is now part of our society be given proper respect in the way that we operate as a Parliament and as a community. Secondly, there could be uncertain compensation implications for the State which would impact on the taxpayer. Our view was that, in light of the new registration test and the amendments that made it clear that residential or commercial leases could extinguish because they were exclusive possession acts, we were protecting the position of any person who was given an exclusive interest. We saw no reason to make it impossible for coexistence and for potential native title holders to have every right to pursue their interests where possible.

We tried to pursue those principles in the upper House to the best of our ability. It was a complex matter. When looking at that schedule of interest, we biased our argument to ensure that if there was any uncertainty, we would not extinguish it. That was the right and proper approach to adopt. I congratulate the Government for recognising that we have two Houses of Parliament and that the upper House had the ability to amend this legislation. The other place did not reject the principles of the legislation; it supported those principles. However, it made sure the actual words in the Act reflected the principles as laid down. It is a good thing that the legislation passed through in an amended form. It shows that our Parliament is on its toes on the issue of property rights. It does not allow legislation to pass through it without proper scrutiny; it makes sure that native title, which is now part of our system, is treated with respect in our community; and it ensures that any future liabilities for the taxpayers that may result are kept to a minimum.

I congratulate my deputy for his handling of the legislation in this Chamber; I congratulate my colleagues in the other place for the way in which they pursued the issue; and I congratulate the Government for finally allowing this legislation to pass through the Parliament. It validates all the interests that were in a state of uncertainty before the Wik decision. It is legislation that will stand the test of time.

Mr RIPPER: I thank the Leader of the Opposition for his comments. It is important that the legislation is passed in the amended form supported by the Opposition. It validates 9 000 land and mining titles issued after the passage of the federal Native Title Act and before the handing down of the High Court's decision in the Wik case.

The legislation validates even those titles which in the Labor Party's view were issued outside the law by this Government because the Government refused to abide by the processes of the NTA even though it knew the legal position. Those potentially invalid titles underlie some important resources projects. Despite the Labor Party's view that the Government acted outside the law on the issue of those titles, Labor considers it important that those titles be validated.

The Premier raised the question of leaseholders. Under the law, as it will be following the passage of this Bill, those leaseholders' leases will be valid. Where there is any conflict between the rights of those leaseholders under their leases and the rights of any native title parties, the leaseholders' rights will prevail. I say "any native title parties" because there may be no native title parties. Further, the leases can be renewed or regranted without going through the future act processes of the NTA. Therefore, there is substantial protection of the rights of leaseholders.

Under the opposition amendment, this Bill extinguishes native title on areas of land on which exclusive possession acts have occurred, including residential and commercial leases in general. The Government and the Opposition have disagreed on the extent of the schedule of Western Australian tenures that should legislatively extinguish native title.

Another area on which the Government and the Opposition have disagreed is historic leases. The Government's original legislation would have extinguished native title on areas of land which once might have had a lease but on which that lease is now defunct. Therefore, in theory native title could have been extinguished on land which is now vacant crown land because of the presence on the schedule once upon a time of a historic lease on that piece of land. That part of the Government's proposal is not at all fair. It is not even workable. It would have required research into the tenure history of pieces of land; some of the records might not be as accessible as records today; and there would be potential legal argument and dispute between people on whether a historic schedule lease had once applied to that piece of land. In that respect Labor's amendment is both fairer and more workable.

The Premier also dealt with our amendment related to public works which limited the extinguishment of native title to the actual footprint of the public work concerned. His argument is that it would inhibit future development of public facilities. My view is that those facilities for the most part will be on crown land reserved for a particular purpose, and development can occur within the confines of that particular reservation. Therefore, the State will not be forced into the future act processes of the NTA or of an equivalent state regime, if the Parliament approves one, when it wants to add a new classroom to a school or a new wing to a hospital.

Mr COURT: I repeat that I cannot believe that the Labor Party has made a decision to go down this path. Whoever thought up the idea of only a footprint of the public work extinguishing native title is not operating in a practical world. The Labor Party knows that the uncertainty left on those properties does not stop people from being dragged into litigation. I cannot understand that the two Labor members who represent the area most affected by those leases cannot themselves believe that the Labor Party is going down this route.

Ms MacTiernan: The member for Kalgoorlie is very supportive.

Mr COURT: Hon Mark Nevill in the other place said words to the effect that people who said their backyards could not be claimed were kidding themselves. He then gave the example of the lady who is in that situation. However, the Labor

Party has made that decision and, as I have said, we will use whatever method we can to try to protect the interests of those leaseholders and to resolve the question of public works. We want to get those other validations through and that is why we are going down this path.

Mr RIPPER: There is another important point to put on the record. There is a new registration test under the amendments to the federal Native Title Act. That registration test is being applied retrospectively to existing claims. The Premier and others, when debating native title issues, often ignore the implications of the retrospective application of the new registration test. The new registration test will thin out the number of native title claims being placed on land in Western Australia. The registration test will require native title parties to amend their claims so that they do not include land over which exclusive possession acts have occurred. This, unfortunately, takes some time. However, in the course of this year, the combined effect of the retrospective application of the registration test and the voluntary adjustment of claims by native title parties will be to remove the spectre of involvement in litigation from the leaseholders whom the Premier says he wants to protect.

The Opposition does not want to impose any additional disadvantages on these leaseholders. However, we know that under the law following the passage of this Bill, their leases will be valid, their rights will prevail and they can have their leases renewed or regranted without difficulty. We know also that the registration test and voluntary alteration of claims will improve their position. At the beginning of debate on this Bill, the Government said that it wanted to confirm past extinguishment of native title. It said that it wanted to do no more than what the common law has already done. If the common law has already done it, there should not be any problem with this legislation. However, the Government's protests show that it did in fact want to go beyond the effects of the common law in the extinguishment of the native title. We regard native title as a property right, and we are somewhat surprised that the conservative parties that one would usually expect to be sensitive to any infringement of property rights seem to forget their concern for property rights when it comes to indigenous property rights. The parties opposite are supposed to back property rights. Why do they not apply the same standards to the property rights of indigenous people that they apply to the property rights of their usual constituents?

Mr Barnett: The property rights of everyone else in the community do not extend to ownership over resources. For example, if a person has a peak property right such as freehold, that does not extend to any claim over resources in the land.

Mr RIPPER: No, it does not. However, I am arguing that the minister's party allegedly has a tradition of support, concern and respect for property rights. Regrettably, that tradition has been absent in his party's consideration of indigenous property rights - that is, native title issues.

Mr BRIDGE: The drawing to a conclusion of the passage of this legislation is an important event. The way it has been arrived at is something I do not propose to address. It has been the subject of lengthy debate in the Parliament. In essence, the major parties have had the carriage of it during that lengthy period. However, in my judgment, the recent requirements under the registration test that have followed the 10-point plan set in place by the Federal Government impose upon indigenous Australians the most disgraceful requirements to accommodate the legislative process. It is almost beyond the period of intrusion that we saw in the bygone era of Aboriginal people in this country. Anthropologists and others pursuing a successful registration test are almost required to creep around gum trees and boab trees to ascertain the conduct and actions of the people in the process of their daily lifestyles. It is the most offensive process that I have ever witnessed.

I am speaking from practical knowledge. As the Premier and other members know, I spent a year and a half working with the Noonkanbah community in pursuit of its native title claim. I have been working up-front with them in accommodating the processes and requirements of this registration test. I have said to those people that it is almost better to abandon any contemplation of native title in this country because it is just too offensive; it is unbelievable. I give an example: Dickey Cox was the renowned chairman of the Yungngora community at Noonkanbah for 20-odd years. Under the registration process, we are required to write down Dickey's story about the sort of fish he caught when he was a little boy and the types of cockroaches that were on the trees when he was roaming the areas of Noonkanbah to justify that he is a legitimate claimant on behalf of the Yungngora people. It is beyond bizarre.

Mr Court: The Kimberley Land Council probably will not accept his application.

Mr BRIDGE: No, that is dead right. It is not giving much credence to the viability and respectability of that claim. However, leaving that aside, it does not matter what it thinks.

Mr Court: Because it wants other people to claim it.

Mr BRIDGE: What it wants is beside the point. I agree with the Premier on that point. However, putting that aside, this Parliament needs to understand that the intrusion into the lifestyle of indigenous Australians which is now required under the processes of the registration test is the most disgraceful in the history of this country. It is worse than the rules which applied in the days of the native welfare system and the protective system that existed in this country years ago. I have never known a time in this country's history when non-Aboriginal people questioned the sacredness and secrecy of Aboriginal law, yet effectively through the registration test that must be exploited, explored and documented to prove the just claim of claimants under this process. It is a disgrace and this Parliament should know that. I have waited for the opportunity to say these things. I want to reinforce those matters. There has not been a time in this nation's history when the intrusion and entry into the sacred areas of Aboriginality has been more exploited than it is under the current requirements of the registration test.

Question put and passed; the Council's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

PERTH PARKING MANAGEMENT BILL

Cognate Debate

On motion by Mr Omodei (Minister for Local Government), resolved -

That leave be granted for a cognate debate for the Perth Parking Management Bill, the Perth Parking Management (Consequential Provisions) Bill and the Perth Parking Management (Taxing) Bill, and that the Perth Parking Management Bill be the principal Bill.

Second Reading

Resumed from 26 November 1998.

MS MacTIERNAN (Armadale) [4.08 pm]: The Opposition supports this legislative set. Although we recognise that it will be modest in its effect, particularly over the next few years, we recognise it as a step in the right direction. This legislative package recognises that inner-city parking is an important planning issue for the city of Perth. It recognises that traffic congestion and air quality are very much bound up in the availability of car parking in the central area, and it also recognises, at least implicitly, that the performance of the Perth City Council in developing and administering parking policy has been less than stellar. I am well qualified to make these comments, having served on the Perth City Council from 1988 until its untimely demise in December 1993.

When I first went onto the Perth City Council, part of one of its slogans for promotional policies was the phrase "Your car is as welcome as you are". It still had the vile, little, pink bug that was used as the promotional vehicle to encourage people to bring their cars into the city. It is almost inconceivable now that only 10 years ago the Perth City Council should be engaged in such a policy when every other western city had realised that this was the wrong way to go and that, in fact, the way to encourage a more vibrant inner city life was to reduce the number of cars entering the city.

My period on the Perth City Council was also the last phase of the great building boom in the city. It is true that the ramping up of the availability of car parking space added significant value to the tower constructions that took place over that period. People were able to get a much higher price for leased accommodation if they threw into the package a substantial number of car parking bays for executives and tenants who intended to take up the lease space. It was therefore a very important issue for the developers of those properties. Indeed, during that period some of Australia's biggest property developers took it upon themselves to personally lobby councillors on this issue as well as on others, including an increase in plot ratio and so on. Time and time again Perth City Council used its discretionary powers to exceed what was already by international standards a very generous allocation of tenant car parking bays. The problem was that the policy itself was generous, but, in its execution, even that generous policy was exceeded by the use of discretionary powers. In most instances, not all, the grounds on which the discretion was exercised were largely spurious.

During that time many short-term parking bays were provided. They were supposed to be for use by people who were not tenants; that is, for those who wished to park outside peak periods, the logic being that we needed to limit the flow of vehicles into the city during peak hours to ease traffic congestion, but outside those peak hours we should welcome cars into the city. I was not convinced by that logic. Even so, in the application of that policy we saw a fairly systematic flouting of the laws by the operators, so that in many instances the regulations which were supposed to ensure that short-term car parking bays were not used by commuters were honoured only in the breach.

Perth City Council had an unfortunate policy. It improved over time but the history of Perth City Council on this issue has not been a happy one. The Australian Labor Party supports this legislative package because it recognises it is an attempt to deal with some of these issues. The package has also been developed in conjunction with Perth City Council, which I understand is prepared to agree to it. I think it recognises the big shift in community attitudes on and increased understanding of these issues. One has only to travel to Berlin and Paris, for example, to recognise that.

Mr Omodei: Have you been there lately?

Ms MacTIERNAN: I have been on a fact-finding mission. I found lots of interesting facts.

Mr Osborne: Did you get your luggage back?

Ms MacTIERNAN: I think the Government arranged for my luggage to be diverted elsewhere, particularly all the incriminating documentation I obtained from Renault.

Mr Barnett: We were hoping that your luggage would be returned and that you would be diverted elsewhere.

Ms MacTIERNAN: No such luck. I can understand the Leader of the House wanting that to be the case but I am here to fight another day.

Certainly the vibrant cities around the world have controlled vehicle access. Those in charge of cities who at a very early stage, even as early as the 1960s, made decisions to ban traffic from the inner city areas have found that policy has been very successful. It is surprising that Perth City Council took such a long time to come to terms with this trend. Its introduction of the Hay Street mall met with a great deal of opposition. The member for Midland may be able to tell me the date that occurred.

Mrs Roberts: It was well before my time.

Ms MacTIERNAN: It must have been in the early 1970s during my days as a shop girl. I used to work in the Savoy Plaza

and ShoeShell which were on the Hay Street mall. There was a great deal of resistance on the part of traders when Perth city councillors sought to introduce the pedestrianisation of that portion of Hay Street. Dire consequences were predicted for those traders. We know that within a very short time those predictions proved to be totally wrong; indeed, during the period Hay Street mall was the only pedestrianised area of the City of Perth it was the most expensive retail space in Perth. Traders were fighting with each other to operate in that pedestrianised environment. It is surprising that resistance occurred, notwithstanding the early success in pedestrianisation. Part of the reason lies in the pressure by big property developers to have car parking spaces included in their buildings for their own private commercial advantage. Obviously they were looking at the success of their own development and not the overall health of the city. It is desirable that effectively we are now proposing to take the power to approve car parking spaces from the City of Perth and put it into the hands of the State Government.

I also commend the Government for resisting the overtures of the Property Council of Australia which sought to have tenant parking bays in commercial developments excluded from this legislation, so that the legislation would have included only public car parking spaces. This would have made a complete and absolute nonsense of this policy. I am glad to see that for once the Government was able to resist the overtures of one of its major backers. Therefore, the direction of the legislation is right. The impact will be very modest in the short term because the policies will not apply retrospectively. We have not even seen the detail of the Perth planning policy which will be the instrument and basis upon which the numbers will be approved. One gathers from the tone of the document that we will not necessarily see a radical change in the numbers involved, and the consequences of this legislation in the short term will be rather minute; nevertheless, it signals a new direction.

Also, the Bill will repeal the City of Perth Parking Facilities Act, which had the unfortunate consequence that any money raised by the Perth City Council from the operation of car parking could be used only on the provision of car parking or any addendum to that activity. In practice, the Perth City Council had this enormous milch cow fed by the parking meters and parking lots. The money needed to be spent, but only so much could be spent on overseas junkets to international parking conferences. The rest had to be spent on expanding areas of parking, which ran contrary to the intent of imposing parking fees.

One exception was made to the requirement of that Act during the late 1980s; namely, to provide the capacity for the funds to be used to run the Clipper bus service. The new regime will enable the central area transit bus system to be funded by the licence fees the State Government will charge the Perth City Council and the private providers of parking. The revenue raised by the Perth City Council from parking fees and fines will be able to be spent on any improvement to the amenity of the area. No longer will we encourage the use of vehicle parking money to create even more vehicle parking places. That is another positive aspect of the Bills.

I raise with the minister a couple of concerns about the structure and wording of the Bills. I hope that during the committee stage the minister will be able to obtain some advice on these issues. First, I may be reading the principal Bill wrongly, but I understand that it will give fundamental power to a creature described as the "chief executive officer". The definition seems to be meaningless. This is not a trivial issue. Central to the whole operation of this system is the power vested in the CEO. The Perth Parking Management Bill's interpretation of CEO reads -

... means the chief executive officer as defined in the *Interpretation Act 1984*;

The Interpretation Act outlines that "chief executive officer", when used in relation to the Public Service, has the meaning given to it by the Public Service Act. That takes us nowhere. This Bill contains a serious drafting error. It is not a trivial matter. To some extent, this CEO position is the linchpin of the administration of the system. I ask the minister to clear up that matter and determine whether we need to amend that definition in some way, as it is incomprehensible as it stands.

The second matter is of substance and goes to the core of the Bill, not merely its drafting; namely, clause 9 proposes that the CEO can at his or her will decide to grant vehicle parking licences outside the Perth parking policy. The proposed regime outlines that the determination of the number of car parks is to be taken out of the hands of the Perth City Council and placed with the Government. The instrument of the Government will be the CEO, who will make decisions according to the Perth planning policy. This will become a statutory instrument created under the aegis of this Statute. Notwithstanding that requirement, the Bill will provide that the CEO, if he thinks it is desirable for whatever reason, can put aside the principle of the Perth parking policy and grant the number of car parking spaces and impose such conditions as he or she thinks fit. He or she can move outside the parameters of the policy.

In view of my practical experience with the problems of the Perth City Council, that arguably presents a worse situation than that faced in the past: Instead of 27 councillors in previous days, and now nine councillors, having to make that decision through consensus, extraordinary powers will be given to an individual. The exercise of these powers is not to be constrained by a series of policy parameters. This bloke or woman - if she happened to be one of the 17 per cent of women in such positions that the Minister for Family and Children's Services told us about recently - may determine to put the policy aside and put in place a number of exceptions. This is a dangerous proposal when considering the stakes and dollars involved in the big developers obtaining concessional car parking rates. We will give one person with no direct accountability absolute power to overturn the Perth parking policy. We are on very dangerous ground. Theoretically, we will be placed in a worse position than leaving it to the council to debate such issues. Nine people would need to be convinced that it was appropriate to exercise this discretion.

If we adopt this proposal of allowing discretion outside the policy, at minimum the decision should be made by the minister on the recommendation of the CEO. It is not good enough to give such extraordinary power to a single bureaucrat who lacks any direct accountability. The Labor Party is concerned about this provision. Ironically, although the direction of this Bill is good, this clause has the capacity to undo that good. I hope the minister will be able to address those two matters. It may

be that we need to amend those two provisions. Although it is not the best legislation in the world - the best is not the enemy of the good, as the Deputy Leader of the Opposition likes to tell us - it is good legislation in general terms. The Labor Party supports the Bills.

MS WARNOCK (Perth) [4.29 pm]: I obviously have a great practical interest in the Bills both as a long-term inner-city resident of Perth and as the member for Perth. The key to the legislation is that it changes a situation which has been very wrong for a long time, and that is that money which comes in from parking in the city, either in the form of fees or licence fees, need not be used solely for other parking facilities. As my colleague the member for Armadale has said, that was the original situation, and to many of us who were opposed to more and more cars being invited into the city - remember the famous slogan "your car is as welcome as you are" and the little pink bug - it has seemed self-defeating for all parking fees to be used for further parking and nothing else. Obviously, all members are able to think of better amenities in terms of community and public facilities for which that money could have been used. The legislation clears up that matter. I certainly support that, having supported the idea for a long time.

That past policy, which we criticise, led to Perth being almost oversupplied with car parking. About 60 000 parking bays are available in the city. In contrast, it has led to Perth being undersupplied with good public transport. That situation has changed gradually and insofar as the legislation will do something about that, we certainly support it. Now licence fees can be used for community purposes and not just for further parking. In the case of licence fees as opposed to parking fees - parking money, as it were - the legislation will provide further public transport in the form of the wonderful central area transit buses - that excellent system of superb open-plan, low-slung buses which was originally partly funded by the previous federal Labor Government under its Better Cities program.

Ms MacTiernan: They were totally funded.

Ms WARNOCK: That is how they were funded originally. I did not fail to remind people about it at the time, but I dare say since then they have been funded in other ways. Now they are to be funded by licence fees, and that is very good news.

As one who parks in the city often, uses its public transport system regularly and is an almost daily pedestrian in the city, I certainly have a personal interest in seeing the system work much better. I support anything that will cut pollution in the city and lead to fewer commuter vehicles coming in every day. That is why opposition members supported the northern rail system, and it is the reason we will support a southern rail system. Anything that improves the quality, desirability, usability and safety of public transport is an excellent idea. I am a driver and I regularly use the public car parks in the city, but, whenever I am able to do so, I travel on foot and also use those wonderful CAT buses.

The aim is to stop the city being clogged up by too many cars and to try to improve our air quality which, rather to every visitor's surprise, is very bad. We have beautiful blue skies and everybody thinks that the air is magically free of pollution, but we find that, according to World Health Organisation regulations and readings, we frequently have startling levels of pollution. Obviously, I support the measure because it should reduce the number of extra car parks in the city, improve public transport and persuade people to use public transport on their regular visits to the city.

As an inner-city resident of 36 years I am acutely aware that the city is attracting large numbers of visitors, and that is very good. It is attracting more consistent custom and it is being used by more people these days, in contrast to what I regard as the bad old days. I will try to put those bad old days as far away as I can from the period when the member for Armadale was a Perth city councillor. Certainly past councils had a policy almost to dissuade people from using the city after hours. There was a policy of decentralisation, supported by various local and State Governments, and there was almost the idea "Let's get these wretched residents out of the city; they are just clogging things up, so let's keep it nice and clean for people who come in during the day and then, whizz, all go out at the end of the day." Thank goodness that mind-set about the city has changed a great deal, partly due to the efforts of groups such as CityVision and many individual lobbyists, councillors and thinkers about the city such as Professor Peter Newman. Everybody seems now to have taken up the idea, one is happy to say, and the parking policy will aid the new view of the City of Perth that it should be a good place for people to live, a good place for people to work, a terrific place to visit in the weekend, a great place to visit and be entertained at night, and generally a place which is more people friendly than it has been at times in the past.

Although I am extremely glad about that and immensely supportive of it, we still have a few problems in that the old mind-set is taking a while to disappear. Recently, I attended a meeting at the Perth Town Hall with the Lord Mayor, Peter Nattrass, some of my constituents from East Perth and many other people from West Perth. The aim of the meeting was to try to persuade the Minister for Transport that we need CAT buses in weekends in East Perth and West Perth. One way to persuade people to live in the city is to improve public transport for them. Many older people do not particularly want to take their cars into the city; they would rather use public transport but only if it is good, reliable and safe. Those buses are good, reliable and safe. That is why we want to see them coming into the city in the weekend, going up to Kings Park and so on so that older people in particular, but, of course, everybody else as well, can get around the central city in the weekend. That is something that we want to see.

As I have suggested, the town is alive in the weekends. Quite seriously, when I first came to live in the city as a young journalist it really was the old joke about firing a gun and hitting nobody. One really could see nobody at all in the streets, either walking or driving. I used to wander around taking photographs of old buildings before they were knocked over and I virtually had the place to myself in weekends. Now I hear myself muttering, "God! you can't find a car park in the city these days." That is just a personal confession; I mostly walk to the city in weekends. The city is an entirely different place from what it was when I first came to live in it many years ago. It is much more interesting and more lively than it was. There are many people to thank for that. Those of us who live and work in the city and want it to be kept as lively as it is now must thank those people for it.

There is still a live argument about shopping hours. There continues to be concern about the owners of small businesses not having enough time with their families. Some people feel that they do not make enough out of the weekend trading, and that big traders, not them, make the money in the weekends. Some people feel that so much trading occurs in weekends - we now trade on Saturdays and Sundays and sometimes on public holidays - that it locks out other leisure activities. I must repeat that as a long-time resident of the city I can say that the place has greatly improved as an environment, although I continue to deplore and regret the disappearance of many old buildings over the years.

I am relating my comments to parking policy, and indicating what an improved parking and public transport policy will do to the quality of life in the inner city. That quality of life has improved a great deal recently. As I said previously, I recently went to a meeting at which discussion was held on buses servicing East and West Perth at the weekend. Recently our group talked to the Minister for Transport, but I have not yet been told the results of the discussion. I hope it will result in the CAT buses providing a reliable service at weekends which will mean older people living in the city will not feel so isolated. People want to go to the city, Northbridge and Kings Park and an extension of the CAT service to Kings Park will do the trick. The money that will be made available by this legislation will provide an opportunity to extend the service. An improved public transport system will make the city a better place in which to live, work and have fun, and I certainly support that.

I must give the present Perth City Council a pat on the back for introducing the tenant parking passes. I first became aware of such passes many years ago in various parts of London, where some older buildings do not have facilities for parking on, underneath or near the premises. Some tenants of those older buildings must park their vehicles on the street, and the tenant parking passes available to residents who must park their vehicles on the street on a permanent basis are a useful idea for people who wish to bring their cars into the city.

I support the legislation and this move should have been made some time ago. As the member for Armadale said, it will be some time before the results of this legislation are apparent, but the accumulation of those parking funds which will be spent on community facilities and a wonderful transport system is an excellent idea and we can all look forward to the outcome.

MRS ROBERTS (Midland) [4.42 pm]: I support the legislation but I have concerns similar to those raised by the member for Armadale, and I look forward to hearing the minister's response to them. A number of issues have been canvassed in the second reading debate so far, and much reference has been made to the little pink car which some members seem not to have liked. The name of that pink car was Percy, which was short for the Perth City Council, and it came with the slogan: Shopper, your car's as welcome as you are. That slogan was printed on the signs for the shopper car parks in the City of Perth. With the passing of time attitudes have changed, but 10 years ago that was a very successful campaign in advertising terms, and it won a national award because of its catchy slogan and Percy, the little Perth City Council car. The campaign was always directed at shoppers to encourage people to come to the city for short-term shopping and parking. It was never intended to encourage all-day parking or commuter parking in the city. However, through a whole range of policies, the City of Perth moved little by little to discourage all-day commuter parking, and at the same time to provide competition for the shopping centres permitted in areas peripheral to the City of Perth.

Some of the problems encountered by the City of Perth in providing parking facilities, attracting visitors and shoppers, and bringing life and liveliness to the city were exacerbated by poor planning at a state government level in the 1970s when the development of major shopping centres in suburban locations was approved. Planning approvals for shopping centres as close to the city as Morley and Garden City, for example, meant significant competition for retailers in the City of Perth. In other capital cities in Australia and other countries, planning policies were put in place to prevent those large shopping centres being established within a certain distance of the capital city. It is still a shame that Perth does not have the same attraction as a shopping environment as many other capital cities have. Unfortunately, only three major department stores are located in the city - Myer Stores Ltd, Aherns and Target Australia Pty Ltd, now that the Coles complex has been redeveloped. I talk to people often about the merits of shopping in the capital city as opposed to other centres and, unfortunately, the feedback is that they find it much more convenient to shop at Garden City, the Morley Galleria, Midland Gate and other major centres in suburban areas. Part of the reason is the convenience of parking at those centres, and also in many instances a wider variety of goods is available than is available in the city and it is all more accessible. One of the complaints from people who live near the city and like to shop there is that there are very few places from which they can purchase fruit, vegetables and other daily requirements. With the limited time many people have available for shopping, they often look for a one-stop shopping experience whereby they can easily park their vehicles or use public transport to get to the centre and meet all their shopping needs. The State Government and the City of Perth have not found a solution to this problem.

I am not suggesting that massive, suburban-style parking lots should be provided. However, the public transport system must be improved so that the city is more accessible. As the member for Perth suggested, the public transport service to and from the city must be improved at weekends and in the evenings because that is when people have time for recreation and are likely to visit the city. The only people catered for in a proper fashion in the public transport system are commuters who go to the city on a daily basis for their employment. At peak times there is a regular public transport service, either train or bus, from most parts of the metropolitan area. The problems occur at weekends and during the evenings. The extension of the CAT service at weekends is a worthwhile suggestion by the member for Perth. Like the member for Perth, I have recently found it more difficult to park in the city at weekends, but I am always amazed at the number of people at suburban shopping centres at various hours of the day compared with the number in the city even though it appears that business is picking up in the city at weekends. An extension to the central area transit bus route and improvement in the frequency of the buses on weekends and perhaps into the evenings are possibilities that the Government should be considering. This legislation provides for CAT buses to be funded out of parking revenue which is an appropriate move. Some years ago, when I was a member of the Perth City Council, we examined the possibility of using parking money for other purposes.

We sought approval through I think the then Minister for Transport, Pam Beggs, to fund the old city clipper service from parking revenue. In a sense, that was probably the first step in the direction of using parking revenue, particularly tenant parking fees, for a city bus service.

I was interested to note the comments of the member for Perth about the tenant parking passes. I was a member of the vehicle parking committee many years ago that moved towards that because of problems in the West Perth and Northbridge areas with residents who, by nature of their terrace houses and units built many years ago without provision for parking, needed to park on the street. However, those residential streets were being filled up by all-day commuters who were taking advantage of essentially free street parking and unlimited hours and leaving residents with nowhere to park. The proposal was modelled on the London system. We implemented parking restrictions of two hours so that commuter parkers and people working in the city could not take advantage of free parking in residential areas. At the same time we provided passes to enable residents to park their cars near their homes without having to abide by the parking restrictions.

Much more work must be done about public transport to encourage people into the city in an effort to bring life back into it and to improve it as a venue for shoppers, particularly families. The city of Perth could go a long way towards being more family and children friendly. Many major shopping centres provide facilities to occupy children while parents go shopping and facilities that parents can enjoy with their children. That could be considered in much greater detail if we want children and families in particular to come back into the city.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [4.57 pm]: I thank members opposite for their support of the legislation. It goes to show that, although in many cases the community believes that all we do in here is argue with each other, there are many occasions when legislation is agreed to. No doubt we develop a bad name during question time. This is good legislation that will provide for improved parking. I thank all members opposite for their general support.

We will discuss in Committee the issues raised by the member for Armadale regarding clause 9 and the definition of chief executive officer under the public service legislation. With reference to where the revenue is being spent, which was the main issue referred to by members, we can provide a copy of the Perth Parking Policy to members or they can read it on the Internet where I believe it is available. We have a successful CAT transport system and I daresay that licence funds from parking spaces will be spent mainly on the Perth parking management area to give effect to the Government's policy. Extra money will be spent on the expansion of the CAT system, improving public transport access, enhancing the pedestrian environment, supporting bicycle access and other initiatives which contribute to a balanced transport system in the city.

I recommend that members read the Perth City Council Parking Policy which contains sections on residential parking. In particular provision will be made for events and for people with disabilities which is a matter that is dear to my heart. For the past five years of government in Western Australia we have taken a bipartisan approach to disabilities which has contributed to making our community more accessible. We have led the nation, but at the most recent ministerial conference on disabilities it was apparent that other States are catching up to Western Australia and are doing more for people with disabilities. Obviously access for the disabled, in particular funding for disabilities, is becoming a national issue. Certainly the provision of parking for people with disabilities and access under the Australian Standards and in compliance with the Disability Services Act is something about which people with disabilities will be happy.

Bicycle parking facilities will be built into new developments and established premises in accordance with the City of Perth planning scheme bicycle policy. Special purpose bays will be provided for motor cycles, bicycles, delivery and service vehicles, taxis, buses and coaches and a range of other vehicles and combined parking will be permitted within a single parking facility. There will be a focus on improving parking in the city. Many of the areas within the Bill may not be readily accepted by some property owners in the city. However, as the member for Midland said, we must open up the city for pedestrians, make it more accessible and attractive to families and make it the capital city centre we intend it to be. Although members may not agree with the splitting of the City of Perth, it has resulted in a greater focus on the central city area. Areas such as King Street and Barrack Street and the work being done on the Riverside Drive foreshore are certainly enhancing the city's image. Further developments such as the erection of the belltower and upgrading of heritage buildings will also enhance the image of the city.

The member for Midland referred to "Percy the Shopper" with his pink car. It goes to show that we learn something every day in this world. I was not aware of Percy and his pink car. It sounds as though that promotion was almost overdone. Too many cars come into the city these days and we are now trying to reverse that somewhat. There is no doubt that the outer city shopping centres with their parking facilities, bells and whistles and special facilities have attracted people away from the central city area.

I thank members for their general support. I am sure this Bill will enhance the image of our city with improved parking and it will benefit the State environmentally. I am pleased to be part of a Government that has introduced this legislation. I will leave other matters to be dealt with in Committee.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Barron-Sullivan) in the Chair; Mr Omodei (Minister for Local Government) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Interpretation -

Ms MacTIERNAN: Can the minister take us through the interpretation of "chief executive officer"? The Bill states that chief executive officer -

means the chief executive officer as defined in the *Interpretation Act 1984*

The Interpretation Act states -

"chief executive officer" has the meaning given by the *Public Sector Management Act 1994*.

I want to establish the connection and how we will identify the CEO.

Mr OMODEI: The day-to-day administration of the Act will be the responsibility of the Department of Transport and the CEO will be the Director General of Transport. The Interpretation Act states -

"chief executive officer " has the meaning given by the *Public Sector Management Act 1994* and -

(a) when used in relation to -

(i) an agency within the meaning of that Act; or

(ii) an office or employee in, or anything else connected with, an agency within the meaning of that Act,

means the chief executive officer of the agency; and

(b) when used in an enactment otherwise than in the circumstances referred to in paragraph (a), means the chief executive officer of the agency principally assisting the Minister administering the enactment in its administration.

Ms MacTiernan: How do we know what that is?

Mr OMODEI: That means that each of the statutes will be allocated to the minister.

Ms MacTiernan: That is allocated to a minister but not to an agency.

Mr OMODEI: It is the agency assisting the minister and the agency is the Department of Transport.

Ms MacTiernan: No legislative framework is in place. Where in this Bill does it state that is the agency?

Mr OMODEI: I am advised that, in two years' time, it could be the Minister for Local Government or another minister. It is simply the person the administration of the Act is given to under the constitution.

Ms MacTIERNAN: I am still concerned by it and I can perceive what is being said here.

Mr Omodei: What do you want? Do you want it to be the minister's responsibility?

Ms MacTIERNAN: No. I am happy for the CEO to have this role. I am concerned that we must specify who the CEO will be, given the very comprehensive powers that he will have. Through the provision in the Interpretation Act we now know that the CEO is the CEO of the agency responsible for assisting the minister with the administration of the Act.

Mr Omodei: But in this case it will be the Director General of Transport.

Ms MacTIERNAN: I am saying that this legislation contains nothing which states that the Department of Transport will be the agency that will be doing this. We must make that clear. I cannot recall previously seeing such provisions expressed in such a vague manner.

Mr Omodei: It depends on who has the responsibility for parking. If it is stipulated in the Act that it will be the Director General of Transport, then every time that responsibility is changed, the Act must be changed.

Ms MacTIERNAN: Perhaps we can cognately look at the definition of "minister" because no definition of minister is contained in this legislation. Clause 5 refers to a minister, and it might be argued by implication that this reference is made, but it is certainly nebulous. Clause 5 states that the minister who will approve the policy is the minister who has the administration of the Transport Co-ordination Act, but it does not state in this legislation that further references to the minister relate to the minister who has responsibility for the administration of the Transport Co-ordination Act. In my view, it should state that.

Mr Omodei: Can we take that question on notice and get back to you?

Ms MacTIERNAN: Yes. The two perhaps must be looked at together but while a reference is made to the minister - I think it is reasonable that it is the minister who is responsible for the administration of the Transport Co-ordination Act and for gazetting the legislation - nothing in this legislation expressly states that thereafter when a reference is made to "the minister" in this legislation, the minister who is referred to is the minister who has responsibility for the Transport Co-ordination Act. I think that is something that must be put beyond doubt otherwise all sorts of jurisdictional disputes will arise in appeals.

Mr Omodei: I suggest that we check it and, if it needs to be fixed, it will be fixed in the other place.

Ms MacTIERNAN: We should fix it before it goes to the other place so the legislation can be dealt with more quickly, otherwise it will have to come back to this place. I have heard these promises before.

Mr Omodei: Oh ye of little faith!

Ms MacTIERNAN: I am happy to put this clause to one side and deal with it after the minister has had time to consider it. I note that these Bills are listed on the Notice Paper for tomorrow and Thursday.

Mr Omodei: That does not mean we must deal with them.

Ms MacTIERNAN: This is not an ideological issue, but it should be sorted out, and I would like it sorted out in this place before we pass the Bill.

Mr OMODEI: We will try to do that bearing in mind that we adjourn for dinner at 6.00 pm. Rather than delay the progress of the Bill, we should postpone debate on this clause.

Further consideration of the clause postponed, on motion by Mr Omodei (Minister for Local Government).

Clause 5: The Perth Parking Policy -

Mrs ROBERTS: This clause provides that -

For the purposes of this Act, the Perth Parking Policy is the policy of that name developed by the CEO in cooperation with the City of Perth, . . .

What will be the effect of the words "in cooperation with the City of Perth"? Is this something which must be mutually agreed and which each party signs off or does it mean that the City of Perth is consulted but then the decision is made by the CEO?

Mr OMODEI: It is not necessarily the subject of mutual agreement, but the City of Perth's opinions are canvassed and when proposals for change are put its opinion is sought. It is expected that in most cases those proposals will be agreed to.

Mrs ROBERTS: The difficulty with having the CEO in that position is that he or she is unelected and is making an ultimate decision about the Perth parking policy. We must consider the people who have been elected to represent the City of Perth. I would like some greater assurance that their opinions and positions will be taken into account. While those opinions are in accord, there will not be a problem. However, if differences of opinion arise between the elected members of the City of Perth and the CEO, it appears that under this legislation the CEO's position will ultimately prevail.

Mr OMODEI: It is a thorough process in that the CEO must consult not only the City of Perth and publish in the *Gazette* but he or she must also consult and obtain the agreement of the ministers responsible for the administration of the Town Planning and Development Act and the Environmental Protection Act.

Mrs Roberts: It provides that that should happen after consultation with the ministers responsible for the Town Planning and Development Act and the Environmental Protection Act. The suggestion is not that the agreement of the other ministers is required but that some consultation has taken place.

Mr OMODEI: It is developed by the CEO in cooperation with the City of Perth and is published in the *Gazette* and so on after consultation with the two ministers. It is a thorough process. I do not know whether they will always agree, but the consultation is thorough.

Clause put and passed.

Clauses 6 to 8 put and passed.

Clause 9: Issue of parking bay licences -

Ms MacTIERNAN: This is the clause with which the Labor Party has the most difficulty. As I set out in my second reading contribution, the granting of exemptions or additional car parking bays to a developer can be a very important concession. The provision of additional car parking bays has the capacity to increase very substantially the lease fees that a multi-storey property owner can command for his property, particularly at the more prestigious end of the market. As we know, senior officers in the world of commerce, law or politics want car parking space at their place of work. The capacity to get tenant or short-term bays is of very substantial commercial significance. That has been one of the reasons local authorities such as the City of Perth have been put under intense pressure by developers to exercise their discretion to grant these extra bays.

As I pointed out, when the council regulated this area, to approve departing from the policy set out under the town planning policy, one had to convince a majority of people to agree. We are proposing to give the CEO - the exact nature of whom we have not identified, but presumably it means the Director General of Transport - absolute power to waive the requirements of the Perth parking policy and to exercise discretion to grant additional bays over and above those permitted by that policy.

These decisions are not in any way subject to appeal; there are no third-party appeals. If the CEO, for example, decides that an application does not meet the requirements of Perth parking policy or that he does not believe he should exercise his discretion and refuses to approve the requested number of parking bays, that decision could be referred to the minister for approval. However, if the CEO decides that he will allow a substantial augmentation of the Perth parking policy, no-one has the right to go to the minister to have that decision reviewed. The CEO is being given absolute power to act outside the requirements of the Perth parking policy, and that puts the whole point of this exercise in jeopardy. Frankly, we will waste our time setting up the Perth parking policy and the new agency with the right to oversee and determine policy if we accept that proposition. I await the minister's response. How can the problem be solved?

After hearing that explanation, I will move an amendment which will not remove the capacity for discretion to be exercised; however, it will ensure that it can be exercised only by the minister on the recommendation of the CEO. Therefore, two people will need to agree to any such decision - namely, the CEO recommending, and the minister approving. The minister is an accountable person, and the CEO is not accountable.

Mrs ROBERTS: I agree wholeheartedly with the argument of the member for Armadale. This is a matter of grave concern. The power will rest with one person in the Director General of the Department of Transport, or possibly another agency in years to come. It is far too great a power as it will enable the person to waive all the provisions of this legislation. Clause 9(1)(b) reads -

... if the CEO thinks, after taking into account the matters referred to in subsection (3), that issuing a licence is reasonable in the circumstances.

Proposed subsection (3) contains so many outs in varying the Perth parking policy that it hardly makes the policy document worth the paper it will be written on. Proposed subsection (3)(a) reads -

the impact that parking vehicles in accordance with the proposed licence would be likely to have on the following -

(i) the amenity of the environment in the Perth parking management area;

The definition of "amenity" is necessarily vague and gives enormous discretion in its interpretation. The proposed subsection continues -

(ii) pedestrian traffic in the vicinity of the land or building;

(iii) vehicle traffic flow and road network efficiency in the vicinity of the land or building;

(b) the availability of public transport in the vicinity of the land or building;

(c) any other relevant matters.

Presumably these are any matters which the CEO deems to be relevant at the time of making the decision. This provision gives this person carte blanche to tear up the policy and approve anything in any circumstances he wishes. One could drive a truck through this provision. Inevitably, pressure will be brought to bear on the CEO by developers and others, as has occurred in the past with pressure applied to the Perth City Council. This will particularly apply in years to come as we anticipate the city of Perth will grow and demand for tenant parking will increase. As the member for Armadale stated, the number of parking bays allocated to a development is an important commodity to a developer. It can make a huge difference to rental received from property and the value of a development. I cannot see justification for a clause giving the CEO such a wide scope to vary the Perth parking policy and approve parking bay numbers well beyond that provided for in the policy.

Mr OMODEI: Members are being overly cautious, although I concede that they have a point. Before any licence is issued, firstly it must pass the Perth City Council's planning committee and achieve town planning approval. Of course, as the member for Midland already mentioned, the CEO must make reference to proposed subsection (3)(a), (b) and (c). I am prepared on that basis to countenance an amendment foreshadowed by the member for Armadale.

Ms MacTIERNAN: I move -

Page 6, lines 19 to 23 - To delete the lines and substitute the following -

(2) If the CEO believes, after taking into account the matters referred to in subsection (3), that issuing a parking bay licence is reasonable in all the circumstances, even though such a licence would not be consistent with Perth Parking Policy, the CEO may recommend to the Minister the approval of the licence.

(3) On receipt of the recommendation by the CEO under section 9(2), the Minister may approve a parking bay licence in accordance with the terms of that recommendation.

This amendment will set up a two-step process by which the CEO may, if he believes the discretion to be appropriate, make a recommendation to the minister, who will then approve the recommendation. The two-step process recognises that from time to time special circumstances will arise in which some discretion will be required. However, the Opposition seeks to remove it from the hands of a single person within the bureaucracy and to ensure that someone with political responsibility and accountability ultimately makes the decision. Also, it is appropriate to put a fetter on the minister's power -

Mr Omodei: You could argue that it could be better the other way around.

Ms MacTIERNAN: No. I have recommended that we achieve the best of both worlds. We need the support of the bureaucrat, because it can only be activated by the minister on the recommendation of the CEO. The minister decides once he obtains that recommendation. A check will be in place. We will need both the bureaucrat and the minister to agree, and the minister will make the final decision. Hence the minister will be the politically accountable person who must stand by the decision. It will not be the case - I do not suggest it would happen with this Government - of hiding behind the bureaucrat and doing a Pontius Pilate; that is, the minister saying, "It had nothing to do with me." The amendment is not cumbersome or bureaucratic, as it will provide some flexibility in the system. It will provide a mechanism by which at least two people must reach agreement. The minister ultimately must make the decision and account for it.

Mr OMODEI: Before the amendment is put, could the member for Armadale look at the words I have added to her

amendment and inform the Chamber whether she agrees with them? If member for Armadale is happy to add those few words, her amendment may need to be reconsidered.

Ms MacTIERNAN: As I understand it, the alteration to the amendment states that when the minister makes his decision the CEO must give effect to that approval. I thought that was implied but I am happy with the suggestion. It does not alter the intention of what I am seeking and may strengthen it.

The DEPUTY CHAIRMAN: If the member for Armadale is accepting some suggestions from the minister, I ask her to withdraw her amendment and move another which is essentially the same with the words she wishes to add, to keep the process clean.

Ms MacTIERNAN: I seek leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ms MacTIERNAN: I move -

Page 6, lines 19 to 23 - To delete the words and insert -

- (2) If the Chief Executive Officer believes, after taking into account the matters referred to in subsection (1), that issuing a parking bay licence is reasonable in all the circumstances, even though such a licence would not be consistent with Perth Parking Policy, the Chief Executive Officer may recommend to the Minister the approval of the licence.
- (3) On receipt of a recommendation by the Chief Executive Officer under subsection 9(2), the Minister may approve a parking bay licence in accordance with the terms of that recommendation, and the Chief Executive Officer must give effect to that approval.

If the minister accepts the application, the chief executive officer must accept that approval and attend to the bureaucratic details to give effect to that decision.

I thank the minister and his advisers for being prepared to listen to rational argument and to engage in constructive debate.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 10 to 13 put and passed.

Clause 14: Change of ownership of licensed land or building -

Mr OMODEI: This amendment is not on the notice paper, but I move -

Page 10, line 6 - To delete "14" and insert "28".

Page 10, line 11 - To delete "14" and insert "28".

When the Bill was drafted the time allowed was changed to 28 days but the other two references were left at 14. This amendment is simply a correction.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 15 to 26 put and passed.

Postponed clause 4: Interpretation -

Ms MacTIERNAN: Is it possible for us to further postpone consideration of this clause to a later stage of this day's sitting? It can be quickly sorted out. I understand the minister must attend a function, but the best way to knock this off rapidly is to allow members to discuss the clause with the advisers.

Sitting suspended from 5.41 to 7.00 pm

Ms MacTIERNAN: During the dinner suspension we agreed on an amendment. I move -

Page 2, after line 23 - To insert the following -

"Minister" means the Minister to whom the administration of the Transport Co-ordination Act 1966 is for the time being committed;

Members will recall that we raised concerns about the incompleteness of the definition of "CEO" and the absence of a definition of "Minister". My concerns were that major parts of this legislation could be found to be void for uncertainty because there was no definition of those crucial terms. After working through this Bill and the Interpretation Act, we have reached the conclusion that both those concerns can be addressed simply by ensuring that the minister is properly defined. Once the minister is properly defined, that brings into play a provision within the Interpretation Act that will give us an adequate definition of CEO for the purposes of the legislation. Therefore, we will achieve certainty with regard to those two crucial terms by inserting a definition of minister. I do not believe it is fanciful, but if, for example, an application for a parking licence were rejected, a disgruntled applicant could have challenged the validity of certain key parts of this

legislation on the basis that there was no definition of those important decision makers and, therefore, those provisions were void for uncertainty. This is a good outcome that will improve the functioning of the legislation.

Mr OMODEI: I thank the member for Armadale for her willingness to cooperate with the Government on this legislation. I suppose the Parliament is all about debating legislation and making it workable, and tonight a number of amendments have been made to this Bill that will do just that. I thank members opposite for their spirit of cooperation in dealing with the bureaucrats who have been involved and for ensuring that the amendments are appropriate to the legislation. In the end, that means that we will have legislation that is more workable, and that is what we are here for.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported, with amendments.

PERTH PARKING MANAGEMENT (CONSEQUENTIAL PROVISIONS) BILL

Second Reading

Resumed from 26 November 1998.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and transmitted to the Council.

PERTH PARKING MANAGEMENT (TAXING) BILL

Second Reading

Resumed from 26 November 1998.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and transmitted to the Council.

PARLIAMENTARY COMMISSIONER RULES

Council's Resolution

Message from the Council requesting the Assembly's concurrence in the Parliamentary Commissioner Rules 1998, now considered.

Committee

The Deputy Chairman of Committees (Mr Osborne) in the Chair.

Message from the Council requesting concurrence in the following resolution now considered -

That -

Parliamentary Commissioner Act 1971 Parliamentary Commissioner Rules 1998

Agreed upon by resolutions of the Legislative Council [], 1998 and the Legislative Assembly on [], 1998 under section 12.

(1) Citation

1. These rules may be cited as the *Parliamentary Commissioner Rules 1998*.

Definitions

2. In these rules -

“**Assistant Commissioner**” means the officer of the Commissioner styled Assistant Parliamentary Commissioner;

“**special officer**” means an investigating officer, a legal officer or any other officer of the Commissioner occupying a position not lower in classification than an investigating officer or a legal officer.

Delegation to Deputy Commissioner, Assistant Commissioner and Special officers

3. For the purposes of section 11(1) of the Act, the Commissioner is authorized to delegate the performance of any of the functions of the Commissioner under the Act, other than the power to delegate under section 11 or to make any report or recommendation under the Act, to the Deputy Commissioner, the Assistant Commissioner or a special officer of the Commissioner.

Matters to be considered by Commissioner

4. The Commissioner, in delegating any function under these rules, is to have regard to the experience, qualifications and suitability of the person to whom the function is to be delegated and, where appropriate, the seniority and status of a person to whom a particular investigation relates.

Repeal

5. The Parliamentary Commissioner Rules 1994 are repealed.
- (2) The Legislative Assembly be acquainted with the resolution of the House and invited to concur in that resolution.

Mr COURT: I move -

That Legislative Council Message No 53 be agreed to.

There has been bipartisan support for the amendments to the Parliamentary Commissioner Rules. The Parliamentary Commissioner has asked for this change. It allows for delegation to a wider category of personnel. We appreciate the support of members opposite.

Mr RIPPER: I have looked at the Parliamentary Commissioner Rules proposed to be adopted which are on the Notice Paper. I was also able to obtain a copy of the rules which apply now and which will be replaced by the rules instituted by the motion moved by the Premier. The change relates to the ability of the Parliamentary Commissioner to delegate functions to the deputy commissioner, assistant commissioner and special officers. The current rules provide a list of powers that can be delegated to the deputy commissioner, a small list of powers that can be delegated to the assistant commissioner, and an even smaller list of powers that can be delegated to special officers. The proposed new rules will allow all of the functions of the commissioner to be delegated to the deputy commissioner, assistant commissioner or special officers; in other words, some of the requirements which have restricted the powers of delegation of the Parliamentary Commissioner will be removed. The Parliamentary Commissioner will not be able to delegate the power under section 11 to make any report or recommendation under the Act. That important power will not be subject to delegation.

I have read the powers which can be delegated under the existing rules and I cannot see any problem with what the Parliamentary Commissioner has recommended. Clearly, the new rules will make his management task easier because, presumably, it would have been convenient to delegate some matters to the assistant commissioner or to a special officer which, under the existing rules, he has not been able to delegate. The quality of the management in the Parliamentary Commissioner's organisation must be adequate to ensure the proper use of the delegated powers. The Parliamentary Commissioner must compensate for the extra flexibility allowed by these rules with management systems that ensure that the officers to whom functions are delegated are properly accountable to the Parliamentary Commissioner and that they exercise their powers appropriately. The Opposition believes the Parliamentary Commissioner will manage his organisation properly and expresses its confidence in the Parliamentary Commissioner's ability to manage his organisation in accordance with the new rules. Therefore, we support the motion.

Question put and passed.*Report*

Resolution reported, the report adopted, and a message accordingly returned to the Council.

House adjourned at 7.16 pm

For Legislation Committee proceedings on the Court Security and Custodial Services Bill, see page 7390.

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GRAYLANDS AND SIR CHARLES GAIRDNER HOSPITALS, BED OCCUPANCY

1935. Dr CONSTABLE to the Minister for Health:

- (1) (a) What was the average Graylands Hospital bed occupancy for each month from January 1998 to February 1999 inclusive; and
- (b) what was the average Graylands Hospital bed occupancy for each month for secure wards from January 1998 to February 1999 inclusive?
- (2) (a) What was the average bed occupancy for Sir Charles Gairdner Hospital Psychiatric Unit for each month from January 1998 to February 1999 inclusive?
- (b) What was the average bed occupancy for Sir Charles Gairdner Hospital Psychiatric Unit for secure wards for each month from January 1998 to February 1999 inclusive?

Mr DAY replied:

TOTAL NUMBER OF BEDS AVAILABLE AT GRAYLANDS HOSPITAL - 249

- (1) (a) Average bed occupancy for Graylands Hospital

1998	Jan	225.10
	Feb	216.39
	Mar	222.90
	Apr	214.17
	May	212.10
	Jun	222.70
	Jul	221.19
	Aug	216.26
	Sep	210.63
	Oct	229.23
	Nov	232.20
	Dec	223.03
1999	Jan	219.00
	Feb	224.25

Average bed occupancy figures are for the entire hospital, including the acute wards, long term rehabilitation and forensic wards.

TOTAL NUMBER OF SECURE BEDS AVAILABLE GRAYLANDS HOSPITAL - 86

- (1) (b) Average bed occupancy for secure wards at Graylands Hospital

1998	Jan	80.65
	Feb	84.96
	Mar	87.45
	Apr	80.57
	May	78.08
	Jun	85.52
	Jul	84.65
	Aug	86.39
	Sep	87.43
	Oct	87.68
	Nov	87.20
	Dec	87.71
1999	Jan	81.04
	Feb	89.29

Monthly secure bed figures for Murchison house (long term rehabilitation ward) are not available.

- (2) (a) Sir Charles Gairdner Hospital D20.

Beds available 36.
Beds occupied:

1998	Jan	32.32
	Feb	32.21
	Mar	27.74
	Apr	24.17
	May	34.68
	Jun	34.07
	Jul	32.87
	Aug	33.52
	Sep	34.40

	Oct	34.29
	Nov	34.87
	Dec	33.81
1999	Jan	33.87
	Feb	unavailable

- (2) (b) Not applicable.

LIVESTOCK, PROTEIN FEEDSTUFFS

1936. Dr CONSTABLE to the Minister for Primary Industry:

- (1) With reference to question on notice No. 2687 of 1997, has the SCARM/ARMCANZ resolution of 6 - 8 August, 1997 been ratified?
- (2) If yes to (1) above -
- what are the terms of that resolution;
 - what regulations have been instituted to enforce those regulations in Australia, and
 - where have the details been published?
- (3) If no to (1) above -
- what is the reason for the delay; and
 - when can ratification be expected?
- (4) Why is the inclusion of porcine and equine protein in feedstuff which can be consumed by ruminant animals deemed to be acceptable, given that ruminant protein is not?
- (5) What is Australia's current position with regard to the feeding of protein feedstuffs to ruminant livestock which contains -
- mammalian protein;
 - protein derived from any form of bird life;
 - protein derived from fish; and
 - protein derived from crustaceans?

Mr HOUSE replied:

- (1) Yes.
- (2) (a) SCARM/ ARMCANZ recommended the States amend the legislation to ban the feeding of mammalian material to ruminants.
 (b) Regulations in WA were amended on 28 April 1998. Other States have not yet amended their legislation.
 (c) The amendments were published in the Government Gazette of 28 April 1998.
- (3) Not applicable.
- (4) There are no Transmissible Spongiform Encephalopathies known to occur in horses or pigs, and there has been no evidence of disease being passed to ruminants by the consumption of rendered porcine or equine material. The consumption of insufficiently rendered ruminant material is implicated in the outbreak of Bovine Spongiform Encephalopathy in the UK.
- (5) The position with regard to the feeding to ruminants of the following materials is:
- mammalian protein - not permitted
 - protein from any form of bird life - permitted
 - protein derived from fish - permitted; and
 - protein derived from crustaceans - permitted.

LIVESTOCK, HORMONE GROWTH PROMOTANTS

1941. Dr CONSTABLE to the Minister for Primary Industry:

- (1) Is the Government aware that the Canadian Government has banned the use of the synthetic growth hormone known as *recombinant bovine somatotrophin*?
- (2) Is this drug permitted for use in Australia by the dairy or beef industry?
- (3) If the answer to (2) above is yes -
- has use of this drug been monitored and tested by the National Residues Survey (NRS) Section;
 - has the NRS consulted with Health Canada regarding this ban;
 - what scientific studies have been done in Australia to ascertain the effects of this drug on dairy and/or beef cattle;
 - what scientific studies have been done in Australia to ascertain both the direct and indirect effect on humans caused by the use of this drug in cattle;
 - does the Government intend to ban the use of *recombinant bovine somatotrophin* by the dairy or beef industry;

- (f) if the answer to (e) above is yes, when; and
- (g) if the answer to (e) above is no, why not?

Mr HOUSE replied:

- (1) Yes.
- (2) No.
- (3) Not applicable.

LYONS, MS SALLY

1942. Mrs ROBERTS to the Minister of Police:

- (1) Was Mrs Dell Lyons letter dated 15 November 1998 concerning the murder of her daughter referred to you?
- (2) If so, what action have you taken?
- (3) Are you aware of the circumstances of the murder of Ms Sally Lyons on 8 August 1997?
- (4) Are you aware of Mrs Lyons concerns about the lack of police resourcing and related matters?
- (5) What role do the police have to ensure the safety of the community against drug offenders and the mentally ill?

Mr PRINCE replied:

- (1) Yes, a letter addressed to the Premier was referred to my office from Mrs Dell Lyons.
- (2) The Premier and I met with Mr & Mrs Lyons on 25 January 1999 where a range of issues were discussed dealing with police and mental health issues.
- (3) I am aware of the tragic circumstances surrounding the death of Ms Sarah Lyons.
- (4) I am aware of Mrs Lyons concerns about a range of issues which are currently being addressed within the Western Australia Police Service and the Health Department.
- (5) The Western Australia Police Service will continue to pursue drug offenders in the manner that they currently operate and will treat the mentally ill with sensitivity and on the merits of the particular circumstances.

ELECTRONIC COMMERCE LEGISLATION

1956. Mr BROWN to the Minister for Commerce and Trade:

- (1) Does the Government intend to introduce a Bill in 1999 dealing with the private and secure conduct of electronic commerce?
- (2) If so, when?
- (3) If not, why not?

Mr COWAN replied:

- (1) The Office of Information and Communications is working in collaboration with many stake holders to ensure Western Australia has a sound legal, audit, security and management framework which are essential for agencies and instrumentalities to conduct business online. Electronic commerce issues regarding private and secure transactions, including contractual matters essential for trade, are governed by a mixture of Commonwealth and State laws which were drafted for paper based commerce. The Western Australian Government is currently working with the Commonwealth Government and the Governments of all States and Territories to advance a cooperative electronic commerce legislation program. In February 1999, the Commonwealth Government released the draft Electronic Transactions Bill. The Western Australian Government has provided input into this Bill and considers it an important step for electronic commerce. Provided the Commonwealth legislation is acceptable, a similar Bill will be introduced for Western Australia.
- (2) I anticipate the Western Australian Government will have its draft Electronic Transactions Bill by August 1999. The introduction of a Bill specifically for private and secure electronic commerce will be progressed through the cooperative electronic commerce legislative program. It is important to work within this cooperative legislative program to maintain cross border harmonisation of issues relating to electronic commerce. This would enable online businesses in Western Australia to continue to be able to trade using electronic commerce across Australian borders and internationally.
- (3) Not applicable.

WORKPLACE AGREEMENTS

1960. Mr BROWN to the Minister for Labour Relations:

- (1) Of the 26 911 workplace agreements registered between 1 June and 30 November 1998, how many employee parties were required to enter into a workplace agreement as a condition of obtaining a job with the employer party?

- (2) Is it true that a number of employers have adopted the policy of only engaging people who are prepared to enter into workplace agreements?
- (3) Is it true that at least 50 per cent of new workplace agreements registered between 1 June and 30 November 1998 were entered into by employee parties as a condition of them being offered employment?
- (4) If not, what percentage of employee parties over that six month period were required to enter into a workplace agreement in order to obtain employment?

Mrs EDWARDES replied:

- (1),(3)-(4) Information regarding the reasons for parties entering into a workplace agreement are not recorded in a statistical format by the Commissioner of Workplace Agreements.
- (2) Yes.

TOURISM, SCHOOL OF EXCELLENCE

1968. Mr BROWN to the Minister for Commerce and Trade:

- (1) Has the Government examined the concept of establishing a School of Excellence in Tourism?
- (2) Who has been involved in the examination?
- (3) What are the results of the examination?
- (4) Does the Government intend to establish such a school?

Mr COWAN replied:

- (1)-(4) The concept of establishing a School of Excellence in Tourism is discussed in the "WA Tourism Development Strategy" published by the Western Australian Tourism Commission. Further enquiries should be directed to the Minister for Tourism.

BUSINESS GROWTH, INFRASTRUCTURE REQUIREMENTS

1975. Mr BROWN to the Minister for Commerce and Trade:

- (1) Is business growth in Western Australia being constrained by the inadequate provision of infrastructure?
- (2) What additional infrastructure is required to meet the needs of the State at the present time?
- (3) Has the Government/Department of Commerce and Trade identified the need for additional infrastructure over the next two years?

Mr COWAN replied:

- (1) In an expanding economy such as Western Australia's there will be instances where major developments may strain the State's infrastructure in the short term.
- (2) The State Government is currently expanding the industrial land supply and associated infrastructure in advance of an anticipated upturn in resource processing investment. In addition, the Government is currently seeking an additional telecommunications carrier for regional Western Australia and the Regional Headworks Development Fund assists local Governments and industry to access infrastructure.
- (3) The Department of Commerce and Trade has released 10 industry sector strategic plans which identify the key infrastructure needs critical to the growth of business. These plans are tabled. [See papers Nos 839A to 839J inclusive.]

In 1998 Cabinet endorsed the Office of Information and Communications' Telecommunication Enhancement program which identified the State's telecommunications infrastructure requirements.

COMMERCE AND TRADE, EUROPE AND NORTH AMERICA

1977. Mr BROWN to the Minister for Commerce and Trade:

Since 1 January 1997, what European and North American companies wishing to service South East Asia has the Government been able to attract to Western Australia?

Mr COWAN replied:

Since 1 January 1997, the following European and North American companies wishing to service South East Asia have been attracted to Western Australia. These companies would all have been exposed to the Department's investment attraction promotional material. Departmental contact/support would have varied from minimal to extensive. They are:

IGL
B J Services
Brunel Energy
Tidewater Port Jackson Marine

Elmar Services Pty Ltd
 Hedley Purvis
 Lubrication Services (Aust)
 Pace Projects Services Limited
 ScotMal Engineering
 Score (Pacific) Pty Ltd
 Aker Oil & Gas
 Score (Europe)
 Eastern Oil Tools

PRIVACY LEGISLATION

1978. Mr BROWN to the Premier:

- (1) Does the Government have any plans to introduce privacy legislation in the 1999 calendar year?
- (2) If so, when?
- (3) If not, why not?

Mr COURT replied:

The Ministry of Justice has provided the following reply.

- (1)-(3) The timing of any legislation will be subject to discussions which are now taking place, and which involve all jurisdictions, following the recent Commonwealth decision to introduce privacy legislation to cover the private sector. The proposed Commonwealth regime, which is expected to apply a legislative framework where industry codes are not adopted, may be introduced into the Commonwealth Parliament late in 1999.

SMALL BUSINESS, REGULATIONS REVIEW

1981. Mr BROWN to the Minister for Small Business:

- (1) Has the Government continued to work on the objective of removing red tape in small business?
- (2) Since 1 January 1997, what regulations have been amended as a result of recommendations from the Regulation Review Panel?
- (3) What regulations are currently under review?
- (4) What is the nature of the concerns on the regulations currently under review?

Mr COWAN replied:

- (1) Yes.
- (2) Since 1 January 1997, the Regulation Review Panel has investigated or provided comments, submissions or recommendations on numerous red tape issues and policy proposals. Not all the Panel's efforts have translated into amendments to regulations, particularly where the submissions or recommendations relate to regulations under review or awaiting consideration by Parliament.
- (3) Currently the Regulation Review Panel is focusing its activities on investigating red tape issues affecting the tourism industry. These include:

The Travel Compensation Fund;
 Charter fishing boat licences and possible overlap between CALM and Fisheries WA;
 CALM licences; and
 Approvals for on-site waste water treatment plants in caravan parks.

- (4) The nature of the concerns on the issues under review are -

The cost to travel agents of providing a bond or guarantee under the requirements of the Travel Compensation Fund.
 Potential jurisdictional overlap between Fisheries WA and CALM when Fisheries WA introduces the new charter fishing boat licences.
 CALM Commercial Activity licences are valid for only 12 months and operators in CALM parks must reapply annually for a new licence.
 Installation of on-site waste water treatment plants in caravan parks.

BUILDING INDUSTRY, PAYMENT OF SUBCONTRACTORS

1982. Mr BROWN to the Minister for Services:

- (1) Is the Minister aware of problems being encountered by sub-contractors in the building industry insofar as such sub-contractors not being paid for work undertaken?
- (2) Has the Government investigated ways in which sub-contractors can be protected against builders who refuse to pay?
- (3) When was such an investigation undertaken?
- (4) Who undertook the investigation?

- (5) What recommendations have been made?
- (6) Has the Government accepted the recommendations?
- (7) Does the Government intend to introduce any legislation to implement the recommendations?
- (8) If so, when?

Mr BOARD replied:

I am advised that:

- (1)-(2) Yes.
- (3)-(4) The WA Government participated in the review conducted by the Australian Procurement Construction Council (APCC) which resulted in the "National Actions on Security of Payment in the Building and Construction Industry" agreed to by Construction Ministers on 18 October 1996 and which now forms part of the National Code of Practice for the Construction Industry.
- (5) The principles to be applied through the "National Actions" are:
 - Participants have the right to receive full payment as and when due;
 - All cash security and retention monies should be secured for the benefit of the party entitled to receive them;
 - Payment periods in the contractual chain should be compatible with those in the head contract;
 - Outstanding payments to participants, to the extent consistent with Commonwealth and State legislation, should receive priority over payments to other unsecured creditors;
 - All construction contracts should provide for non payment to be a substantial breach;
 - All construction contracts should make provision for alternative dispute mechanisms;
 - Only those parties who have the financial, technical capacity and business management skills to carry out and complete their obligations should participate in the industry;
 - All construction contracts in the contractual chain should be in writing.
- (6) Yes. The West Australian Cabinet endorsed the "National Actions" on 14 April 1997.
- (7) No.
- (8) Not applicable

MENTAL HEALTH PSYCHO GERIATRIC FACILITY, MANDURAH

1983. Mr McGOWAN to the Minister for Health:

I refer to the Health Department's Mental Health Psycho Geriatric Facility currently based in Mandurah and ask -

- (a) what is future of this unit;
- (b) when will this unit be moving to Rockingham;
- (c) is the Department currently spending money on renting premises in Goddard Street for this purpose;
- (d) and if not where is money being spent in renting premises for this unit;
- (e) how long has the Department being paying rent on this unit;
- (f) are the premises currently occupied by any other group, and
- (g) will the Psycho Geriatric Facility be moving to Rockingham?

Mr DAY replied:

I refer to the Mental Health Psycho Geriatric Facility currently based in Mandurah and reply -

- (a) A community based Mental Health Service for Older People commenced operation in November 1998. This service comprises a multi disciplinary team which includes a consultant psychiatrist, occupational therapist, social worker, psychologist, Community Mental Health Nurses and rehabilitation assistants. The elderly team will be based in Rockingham and they will provide services to the entire catchment area covered by Rockingham Kwinana and Peel Health Services on an equitable basis. They are well aware of the need to provide a quality service across the catchment area and therefore are very mobile. The specialist inpatient service for older people with mental health difficulties will continue to be provided by Fremantle Hospital and Health Service. Older persons with mental health difficulties can also be admitted to local hospitals, providing general nurses and their general practitioners can manage them. The service is presently operating from temporary office space in Mandurah. Plans for premises have been completed for office space in Goddard Street Rockingham. The Mental Health Division have approved the outfitting costs of Goddard Street in January 1999.

- (b) The staff will be moving to Rockingham by September 1999.
- (c) No. However a commitment has been made to enter into a lease arrangement effective from 1 February 1999. As of 17 March, 1999 the lease has not been signed.
- (d) The service is presently leasing temporary accommodation in Pinjarra Road Mandurah.
- (e) The service has been renting temporary office space in Mandurah since it began operation in November 1998. The longer term lease for Goddard Street is now being finalised. Rent will be paid from 1 February 1999 once the lease has been signed by the Metropolitan Health Service Board.
- (f) The premises in Pinjarra Road Mandurah and Goddard Street Rockingham are not occupied by any other group. The Goddard Street site in Rockingham is presently vacant.
- (g) The office space for the Mental Health Services for Older People in the Peel, Rockingham Kwinana areas will be in Rockingham. As outlined above this is anticipated to have been completed by September 1999.

SMALL BUSINESS, ROBBERY

1986. Mr BROWN to the Minister for Small Business:

- (1) Is the Minister aware of a radio interview on 6 January 1999 on the "Sattler File" concerning the plight of a small business losing \$12,000 from a robbery?
- (2) Is the Minister aware the small business proprietor who suffered the loss was unable to secure payment through his insurer?
- (3) Will the Minister have the Small Business Development Corporation contact the Sattler File to ascertain what support they may be able to provide to this small business proprietor?
- (4) If not, why not?
- (5) What steps has the Government taken to stop the ongoing armed hold ups of small business retailers?
- (6) What new initiatives has the Government taken in the last six months to combat the increase in robberies?

Mr COWAN replied:

- (1) Yes.
- (2)-(3) No.
- (4) The services provided by the Small Business Development Corporation are advertised widely to the small business community. The proprietor concerned may contact the Corporation directly to seek the relevant information and advice.
- (5) The Government has been working closely with the WA Council of Retail Associations on preventative measures to combat the number of armed robberies against small retailers. The Council and the WA Police Service have established a standing committee including members of Crime Stoppers and the Armed Robbery Squad to develop crime prevention measures for retailers. One initiative has been the development of a Retail Crime Prevention Kit which has been distributed free of charge to over 8000 WA retailers, including pharmacies, liquor stores, newsagents and jewellers. The kit will be supplemented by industry forums which will be delivered in Perth and the regional areas of Bunbury, Geraldton, Albany and Kalgoorlie during the course of this year.
- (6) The State Government has maintained a strong focus on crime prevention and reduction. Recent initiatives include -

The proposed introduction of an offender sentencing matrix, specifying appropriate penalties for specific types of crime;

The establishment of the Safer WA Councils of Government and community representatives in 21 localities to develop crime reduction and prevention strategies at the local level;

New surveillance devices legislation to assist police and other law enforcement agencies in the detection and prosecution of offences through the use of surveillance devices;

Legislation to provide police with powers to combat the increasing use of non-firearm weapons in crimes against the community;

Established the SAFER WA community security program for local government crime prevention activities which is worth \$4 million over four years.

Also, the State Government was the principal sponsor to the City of Gosnells hosted national conference on Safer Communities by Design which was held in March 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2043. Mr BROWN to the Minister for Local Government; Disability Services:

How many employees under the age of 21 years were recruited by each department and agency under the Minister's control in the -

- (a) 1997-98 financial year; and
- (b) 1998-99 financial year (to date)?

Mr OMODEI replied:

Disability Services Commission:

- (a) 20.
- (b) 8.

Fremantle Cemetery Board:

- (a) Nil.
- (b) One.

Keep Australia Beautiful Council:

- (a)-(b) Nil.

Department of Local Government:

- (a) 2.
- (b) 1.

Metropolitan Cemeteries Board:

- (a)-(b) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2044. Mr BROWN to the Minister for Health:

How many employees under the age of 21 years were recruited by each department and agency under the Minister's control in the -

- (a) 1997-98 financial year; and
- (b) 1998-99 financial year (to date)?

Mr DAY replied:

Office of Health Review

- (a)-(b) Nil.

Healthway

- (a) One.
- (b) Nil.

Health Department

- (a) 322
- (b) 300

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2045. Mr BROWN to the Minister representing the Minister for Finance:

How many employees under the age of 21 years were recruited by each department and agency under the Minister's control in the -

- (a) 1997-98 financial year; and
- (b) 1998-99 financial year (to date)?

Mr COURT replied:

The Minister for Finance has provided the following response:

State Revenue Department

- (a) One
- (b) Five

Valuer General's Office

- (a)-(b) One

Government Employees Superannuation Board

- (a) Nil
- (b) Two

Insurance Commission of Western Australia

- (a) Eight
- (b) Five

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2047. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

How many employees under the age of 21 years were recruited by each department and agency under the Minister's control in the -

- (a) 1997-98 financial year; and
- (b) 1998-99 financial year (to date)?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

Office of Racing, Gaming and Liquor

- (a) One
- (b) Nil

Burswood Park Board

- (a)-(b) Nil

Totalisator Agency Board

- (a) 12
- (b) 5

Western Australian Greyhound Racing Authority

- (a) 2 (full time) - plus approximately 75 casual employees
- (b) Nil

Lotteries Commission

- (a) Three
- (b) Five

GOVERNMENT CONTRACTS

2057. Mr BROWN to the Minister representing the Attorney General:

- (1) How many contracts (other than employment contracts and contracts for less than \$50,000) did each department under the Attorney General's control enter into in the months of -

- (a) November 1998; and
- (b) December 1998?

- (2) What was the amount of each contract?
- (3) What is the name of each person/entity with whom the contract is been awarded to?
- (4) What is the nature of the work or services required by the contract?
- (5) What is the completion date of the contract requirements?
- (6) Was each contract awarded to the lowest tender?
- (7) If not, why not?

Mr PRINCE replied:

The Minister for Justice has provided the following reply -

- (a) 6.
- (b) 7.

(2)-(7)

November (2) Amount of Contract	(3) Contractor	(4) Description of Service	(5) Completion Date	(6) Lowest Tenderer (Yes/No)	(7) If no, why
\$102 330	Drake Personnel	Reception Services to Westralia Square	30.4.99 + 2 x 12 mths	No	Higher level of experience, skills and expertise of staff & proposed method of operation
\$250 000	Rowland Co. RHK, Mackay Fewster	Public Relations Services	1.11.99 + 2 x 12 mths	No	Lowest offer provided little information against criteria
\$100 000	Applied Micro Systems	Personal Computers	2.10.99 + 2 x 3 mths	No	Met all technical requirements, highest ranked after testing of equipment
\$250 000	Zimbulis, Bryan PI Market Garden	Fruit & Vegetables	17.11.99 +2 x 12 mths	Yes	

(2) Amount of Contract	(3) Contractor	(4) Description of Service	(5) Completion Date	(6) Lowest Tenderer (Yes/No)	(7) If no, why
\$78 000	Database Technology	Year 2000 Project	31.3.99	Yes	
\$2 500 000	Curtin University	Frontline Management Development Training	24.11.99 +4 x 12 mths	No	Exceptional skills and expertise in assessment tools related to the requirement
December (2) Amount of Contract	(3) Contractor	(4) Description of Service	(5) Completion Date	(6) Lowest Tenderer (Yes/No)	(7) If no, why
\$60 000	Sage Computing	Detailed Design for New Registration System	6.4.99	No	Higher level of skills, experience and knowledge of thee requirement
\$450 000	Senteq Information systems	Laser Printers	8.3.99 + 2 x 3 mths	No	Lowest offer to meet all technical specifications
\$150 000	Alphawest	Development,Implement ation & Support of the Judicial Support Systems	15.12.99	Yes	
\$360 000	Anglicare, Joan McKie, Pilbara Community Legal	Victim Support Services for Karratha, Kununurra, Derby	20.12.99 +2 x 12 mths	No	Lowest offer provided no information against the selection criteria
\$50 00	Crime Research Centre, UWA	Mapping Crime, Offenders & Criminogenic Factors	21.6.99	Yes	
\$221 000	Ess Pty Ltd	Judicial Sentencing Information System	30.1.99 + Phase 2 & 3	Yes	
\$99 000	Western Power	Wooroloo Prison South Power Supply	30.12.99	Yes	

GOVERNMENT CONTRACTS

2059. Mr BROWN to the Minister for Primary Industry; Fisheries:

- (1) How many contracts (other than employment contracts and contracts for less than \$50,000) did each department under the Minister's control enter into in the months of -
 - (a) November 1998; and
 - (b) December 1998?
- (2) What was the amount of each contract?
- (3) What is the name of each person/entity with whom the contract is been awarded to?
- (4) What is the nature of the work or services required by the contract?
- (5) What is the completion date of the contract requirements?
- (6) Was each contract awarded to the lowest tender?
- (7) If not, why not?

Mr HOUSE replied:

Agriculture Western Australia:

- (1)
 - (a) One.
 - (b) Nil.
- (2) \$ 106,660
- (3) Alliance Consulting and Management.
- (4) Review the level of external funding for the Meat Program.
- (5) 30 June 2001.
- (6) No.

- (7) The unsuccessful tender was assessed by the tender selection panel as being not competitive in the areas of training, report writing and implementation of market plans.

Fisheries Western Australia:

- (1) (a)-(b) Nil.
(2)-(7) Not applicable.

GOVERNMENT CONTRACTS

2066. Mr BROWN to the Minister for Health:

- (1) How many contracts (other than employment contracts and contracts for less than \$50,000) did each department under the Minister's control enter into in the months of -
(a) November 1998; and
(b) December 1998?
- (2) What was the amount of each contract?
- (3) What is the name of each person/entity with whom the contract is been awarded to?
- (4) What is the nature of the work or services required by the contract?
- (5) What is the completion date of the contract requirements?
- (6) Was each contract awarded to the lowest tender?
- (7) If not, why not?

Mr DAY replied:

Office of Health Review

- (1) (a)-(b) Nil.
(2)-(7) Not applicable.

Healthway

- (1) (a) Three.
(b) Six.

- (2)-(5) As follows -

Amount	Entity	Nature of Contract	Completion Date
\$73,500	Baseball Development Foundation	Sponsorship of 1999 programs promoting the SunSmart message	31 December 1999
\$65,000	WA Gold Association	Sponsorship of the 1999 season promoting the Smarter Than Smoking message	31 December 1999
\$80,000	Sports Medicine Australia (WA)	Sponsorship of a Community Development Program incorporating the Sport Safe message	30 September 1999
\$95,000	WA Country Football League	Sponsorship of 1999 Season promoting the Smarter Than Smoking Message	31 October 1999
\$95,000	WA Football Development Trust	Sponsorship of 1999 Season promoting the Smarter Than Smoking Message	31 October 1999
\$77,000	Royal Life Saving Society Australia (WA Branch)	Funding of Drowning Prevention Program	30 June 2000
\$119,000	WA Drug Abuse Strategy Office	Funding of Phase 2 of Host Responsibility Program	31 December 1999

	Entity	Amount	Nature of Contract	Completion Date
\$130,000	WA Trotting Association		Sponsorship of 1999 and 2000 Country Trotting Seasons promoting the Be Active Every Day message	31 August 2000
\$85,000	WA Gymnastics Association		Sponsorship of a Gymnastics Development Program promoting the Fruit 'n' Veg - Eat It! Message	31 December 1999

(6) No.

(7) Healthway's grants and sponsorship allocations are based on the merits of applications received and the health promotion opportunities offered.

Health Department

(1) (a) 13 contracts.

(b) 27 contracts.

(2)-(7) See table below -

Month	(2) Estimated Amount	(3) Entity	(4) Nature of Work	(5) Estimated Completion Date	(6) Lowest Tender?	(7) If not, why not?
November 1998	\$56,000	Leman Nominees Pty Ltd	Consultancy services for HIS Project Information Systems and associated services included in the scope of the HIS Contract with Computer Sciences Corporation (Australia) Pty Ltd (CSC)	June 1999	No	Selection based on published criteria: value for money assessment, relevant experience / skills in relation to nominated requirement
November 1998	\$114,000	Centaur Group Pty Ltd	Development and management of a project infrastructure and team to facilitate the production of a tender for the Information Systems to be outsourced by the Health Department of Western Australia	June 1999	No	Selection based on published criteria: value for money assessment, relevant experience / skills in relation to nominated requirement
November 1998	\$1,496,304	Rental and Finance Ltd	Operational lease agreement for the provision of finance of ATM switching equipment for the Health Wide Area Network	October 2002	Yes	Not applicable
November 1998	\$128,925	Drager Australia	Supply and installation of training intensive care ventilators	February 1999	No	Selected based on published criteria: value for money assessment; ease of operation
November 1998	\$551,157	Spacelabs	Supply, install and provide training for Physiological Patient Monitoring System	February 1999	No	Selected based on published criteria: value for money assessment; level of clinical support
November 1998	\$108,423	Lanier Australia	Supply of digital dictating system	Complete	Yes	Not applicable
November 1998	\$385,638	Abbott Diagnostics	Purchase/Maintenance Consumables/Medical Equipment	November 2003	No	Selection based on published criteria: value for money assessment; clinical trials
November 1998	\$81,294	T O'Connor	Engineering equipment and installation	June 1999	Yes	Not applicable

	(2) Estimated Amount	(3) Entity	(4) Month Nature of Work	(5) Estimated Completion Date	(6) Lowest Tender?	(7) If not, why not?
November 1998	\$54,780	Kimberley Clark / Livingstone International	Supply of theatre masks	July 2000	No	Selection based on published criteria:value for money assessment; clinical acceptability
November 1998	\$231,000	Medtel	Supply of intra-aortic balloon catheters	October 2000	No	Selection based on published criteria:value for money assessment; clinical acceptability
November 1998	\$50,000	Anaesthetic Suppliers	Supply of intra-aortic balloon catheters	October 2000	Yes	Not applicable
November 1998	\$60,000	KDB Engineering	Supply of infant cots	December 2000	No	Selection based on published criteria:value for money assessment; clinical acceptability
November 1998	\$137,700	Gambro	Supply of dialysis bloodlines	April 2001	Yes	Not applicable
December 1998	\$162,000	A.M.D.	Supply of autoclave bags	December 2001	Yes	Not applicable
December 1998	\$980,910	Gambro / Fresenius	Supply of haemodialysis products	November 2000	Yes	Not applicable
December 1998	\$222,500	Draeger / Promedica	Supply of visual paper laminates	December 2001	No	Selection based on published criteria:value for money assessment; clinical acceptability
December 1998	\$850,000	Australian Howmedica / J& J Medical / Smith & Nephew Ebos	Supply of primary orthopaedic knee implants	December 1999	No	Selection based on published criteria:value for money assessment; clinical acceptability
December 1998	\$942,000	Terumo / Medtronic	Supply of sterile blood oxygenators	March 2002	Yes	Not applicable
December 1998	\$69,000	Freehills Project Solutions	Consultancy services to implement organisational reform at MHSB	December 1999	Yes	Not applicable
December 1998	\$84,184	General Practice Divisions of WA Ltd	Development of clinical practice guidelines and pathways, and service development coordinator	July 2000	Only tender	Not applicable
December 1998	\$151,289	Curtin University	Delivery of on-site Aboriginal Health Care Worker training	March 2000	No	Selection based on published criteria:value for money assessment; relevant experience / skills in relation to nominated requirement
December 1998	\$50,400	Marr Mooditj Foundation	Delivery of on-site Aboriginal Health Care Worker training	March 2000	Yes	Not applicable

	(2) Estimated Amount	(3) Entity	(4) Month Nature of Work	(5) Estimated Completion Date	(6) Lowest Tender?	(7) If not, why not?
December 1998	\$103,540	Kimberley Aboriginal Medical Services Council	Delivery of on-site Aboriginal Health Care Worker training	March 2000	No	Selection based on published criteria: value for money assessment; relevant experience / skills in relation to nominated requirement
December 1998	\$3,060,030	Abbott Diagnostic	Lease of equipment and consumables for pathology diagnostic equipment	February 2002	Yes	Not applicable
December 1998	\$120,000	Perkin Elmer	DNA polymerase consumables for diagnostic pathology equipment	December 1999	Sole supplier	Not applicable
December 1998	\$266,737	Chiron Diagnostics	Consumables for diagnostic pathology equipment	July 1999	Sole supplier	Not applicable
December 1998	\$99,650	West Country Office Machines	Supply of computer equipment	February 1999	Yes	Not applicable
December 1998	\$298,700	Alpha West	Supply of data network hardware and software	February 1999	No	Selection based on published criteria: value for money assessment
December 1998	\$52,600	Stubber Medical Equipment	Supply of medical instrument steriliser	January 1999	No	Selection based on published criteria: value for money assessment
December 1998	\$64,968	IBM Credit	Lease of computer servers	January 2002	Yes	Not applicable
December 1998	\$63,853	Western Biomedical / Hobart Food Equipment	Supply of theatre table and instrument washing machine	January 1999	No (T/Table) Yes (W / Machine)	Theatre table - Selection based on published criteria: value for money assessment; compatibility with existing equipment and orthopaedic attachments; range of operations it can perform. Washing machine - N/A
December 1998	\$52,000	Mathy's Australia	Maxillo - facial / neurosurgical plates, screws & instrument sets	December 2000	Yes	Not applicable
December 1998	\$73,545	Medtel	Medical Recording Paper	December 2000	Yes	Not applicable
December 1998	\$60,400	Western Biomedical	Oxygen Masks	December 2000	Yes	Not applicable
December 1998	\$80,000	CMS Worldwide Corporation	Software Agreement	Ongoing	Sole supplier	Not applicable
December 1998	\$59,280	Programmed Maintenance Services Pty Ltd	Painting	June 1999	Yes	Not applicable
December 1998	\$83,300	Medical Laser	Supply and installation of medical equipment	February 1999	No	Selection based on specific clinical criteria

	(2) Estimated Amount	(3) Entity	(4) Month Nature of Work	(5) Estimated Completion Date	(6) Lowest Tender?	(7) If not, why not?
December 1998	\$240,000	Blake Dawson Waldron	Legal Services - Information Systems Contract	December 1999	No - time & materials contracts	Selection based on published criteria: value for money assessment, relevant experience / skills in relation to nominated requirement
December 1998	\$560,952	Toshiba Australia Pty Ltd	Purchase of Goods - 3 Diagnostic Ultrasonic Scanners with accessories on behalf of the Medical Imaging Council	Completed	No	Selection based on published criteria: value for money assessment, technically and clinically acceptable product
December 1998	\$695,893	Datex Ohmeda	Purchases of goods - 38 Anaesthetic Machines with accessories, for Statewide Anaesthetic Equipment Upgrade Program	April 1999	No	Selection based on published criteria: value for money assessment, technically and clinically acceptable product

GOVERNMENT CONTRACTS

2067. Mr BROWN to the Minister representing the Minister for Finance:

- (1) How many contracts (other than employment contracts and contracts for less than \$50,000) did each department under the Minister's control enter into in the months of -
 - (a) November 1998; and
 - (b) December 1998?
- (2) What was the amount of each contract?
- (3) What is the name of each person/entity with whom the contract is been awarded to?
- (4) What is the nature of the work or services required by the contract?
- (5) What is the completion date of the contract requirements?
- (6) Was each contract awarded to the lowest tender?
- (7) If not, why not?

Mr COURT replied:

State Revenue Department
Valuer General's Office

- (1) (a)-(b) Nil.

- (2)-(7) Not applicable.

Insurance Commission of Western Australia

- (1) (a) Nil.
(b) One.

- (2) \$291,208

- (3) Landers and Staefa.

- (4) Supply and install a security system.

- (5) Approximately June 1999.

- (6) Yes. The contract was awarded to the lowest tender.

- (7) Not applicable.

Government Employees Superannuation Board

- (1) (a) One.
(b) Two.

- (2) (a) \$144,000
(b) (i) minimum of \$132,204 over life of contract.
(ii) minimum of \$61,012 over life of contract.

- (3) (a) Tuscan Hotel Investment Management.
(b) (i) PressPower.
(ii) Envelope Specialists.
- (4) (a) Property investment advice.
(b) (i) General stationery printing services.
(ii) Envelope printing services.
- (5) (a) 30 June 1999.
(b) (i)-(ii) 22 December 2000 with an option to extend for a further two years.
- (6) Not applicable - requirement to call for public tender in relation to this contract waived by State Supply Commission, as it was a logical extension of a previous contract.
- (7) Not applicable.

GOVERNMENT CONTRACTS

2069. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

- (1) How many contracts (other than employment contracts and contracts for less than \$50,000) did each department under the Minister's control enter into in the months of -
(a) November 1998; and
(b) December 1998?
- (2) What was the amount of each contract?
- (3) What is the name of each person/entity with whom the contract is been awarded to?
- (4) What is the nature of the work or services required by the contract?
- (5) What is the completion date of the contract requirements?
- (6) Was each contract awarded to the lowest tender?
- (7) If not, why not?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

Lotteries Commission

- (1) (a) Four.
(b) One.
- (2)

Award date	01/11/98	\$ 232,375
Award date	01/11/98	\$ 684,574
Award date	23/11/98	\$ 119,700
Award date	30/11/98	\$ 160,800
Award date	07/12/98	\$7,271,100
- (3)

Award date	01/11/98	-	TVW Channel 7.
Award date	01/11/98	-	Golden West Network (GWN).
Award date	23/11/98	-	Jaylon Industries Pty Ltd.
Award date	30/11/98	-	Sedgwick Ltd.
Award date	07/12/98	-	Pacific Secure Systems.
- (4)

Award date 01/11/98 - TVW Channel 7.
TV advertising, promotion and broadcasting official draw for the Lotteries Commission's Cash 3 product within the Perth metropolitan area of Western Australia.

Award date 01/11/98 - Golden West Network (GWN).
TV advertising, promotion, and broadcasting official draw for the Lotteries Commission's Cash 3 product for the area of Western Australia.

Award date 23/11/98 - Jaylon Industries Pty Ltd.
Manufacture and supply of Lotteries products players wallets.

Award date 30/11/98 - Sedgwick Ltd.
Indemnity insurance for the Lotteries Commission's retail network.

Award date 07/12/98 - Pacific Secure Systems.
Manufacture and supply of instant lottery tickets.
- (5)

Award date	01/11/98	-	Expires 31/10/2001
Award date	01/11/98	-	Expires 31/10/2001
Award date	23/11/98	-	Expires 22/11/2001
Award date	30/11/98	-	Expires 30/11/2001
Award date	07/12/98	-	Expires 06/12/2002
- (6)

Award date	01/11/98	-	Yes.
Award date	01/11/98	-	Yes.

Award date 23/11/98 - No.
 Award date 30/11/98 - Yes.
 Award date 07/12/98 - No.

- (7) Award date 23/11/98 (second lowest tender).

The lowest price tender: -

- (a) Product offered was considered inferior in quality
- (b) Were unable to meet the contractual conditions required (this was also stated in tender document).
- (c) Could not maintain the price offered for the contracts first twelve months as required.

Award date 07/12/98 (third lowest tender).

The lowest price tender -

- (a) ticket product was not considered secure.
- (b) limited to four colour printing and two colour latex overprint.
- (c) limited flexibility in game design.

The second lowest price tender:-

- (a) provided only basic product security.
- (b) excessive product delivery times.
- (c) limited flexibility in game design.
- (d) latex overprints lack colour.
- (e) highest price on foil tickets.

Office of Racing, Gaming and Liquor
 W A Greyhound Racing Authority

- (1) (a)-(b) Nil.

- (2)-(7) Not applicable.

Burswood Park Board

- (1) (a) Nil.
 (b) One.

- (2) \$94,000

- (3) Smith Sculptors.

- (4) Design, sculpt, mould, cast in bronze a Swan sculpture supported by a single pile.

- (5) March 31 1999.

- (6) Contract work is an extension to the original Swan Fountain works.

- (7) Not applicable.

Totalisator Agency Board

- (1) (a) Nil.
 (b) One.

- (2) \$198,000

- (3) Computer Practitioners.

- (4) IT Strategic Review

- (5) March 31 1999 (expected).

- (6) No.

- (7) Lowest tendered price was unrealistically low; apparently underestimated scope; insufficient experience demonstrated.

GOVERNMENT CONTRACTS

2075. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

- (1) How many contracts (other than employment contracts and contracts for less than \$50,000) did each department under the Minister's control enter into in the months of -

- (a) November 1998; and
- (b) December 1998?

- (2) What was the amount of each contract?

- (3) What is the name of each person/entity with whom the contract is been awarded to?

- (4) What is the nature of the work or services required by the contract?

- (5) What is the completion date of the contract requirements?

- (6) Was each contract awarded to the lowest tender?

(7) If not, why not?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1)-(7) I refer the member to my answer to Question on Notice 2057.

NATIVE TITLE, CHANGES TO NATIONAL LEGISLATION

2077. Mr BROWN to the Premier:

(1) Is the Premier aware of an interview by Senator Ross Lightfoot on Broome 6B radio news on 19 January 1999 in which the Senator claimed changes to the National Native Title Legislation have significantly reduced overlapping native title claims?

(2) If not, have changes to the National Native Title Legislation significantly reduced overlapping native title claims?

Mr COURT replied:

(1) I am not aware of the comments attributed to Senator Ross Lightfoot on Broome 6B radio news of 19 January 1999.

(2) In October 1998, 77% of native title claims in Western Australia were subjected to overlapping native title applications. As at 11 March 1999, 74% of native title claims in Western Australia were still subjected to one or more overlapping native title applications.

STATE DEBT

2088. Mr BROWN to the Treasurer:

(1) What was the net State debt at -

- (a) 30 June 1997; and
- (b) 30 June 1998?

(2) What amount was raised by the State Government through the sale of the Dampier to Bunbury natural gas pipeline?

(3) Does this figure include stamp duties and other income received from the sale of the pipeline?

(4) What other income was received from the sale of the pipeline?

(5) How much of the income received from the sale of the natural gas pipeline was used to retire debt?

(6) When was that amount used to pay off State debt?

Mr COURT replied:

(1)-(5) See response to Question 1810.

(6) AlintaGas debt was repaid in March 1998 and the Consolidated Fund debt was repaid in June 1998.

GOVERNMENT DEPARTMENTS AND AGENCIES, REVIEW OF CONSULTANTS

2095. Mr BROWN to the Minister for Public Sector Management:

(1) Does the Government intend to review the process under which Government departments and agencies recruit independent consultants to ascertain the degree to which the independent consultants advice is compromised by their need to obtain further Government work?

(2) Is it true that some "independent" consultants who have produced reports/recommendations that are politically difficult for the Government have not been engaged again by the departments and agencies following such a report?

(3) Is it true there is now an unofficial understanding between a number of consultants that future work will depend on the consultants delivering a report that is acceptable or politically acceptable to the Government?

Mr COURT replied:

(1)-(3) The Government is not aware of any issues of the kind referred to by the member and accordingly sees no need to review the current processes. However, if the member has any evidence which suggests there are issues which need to be addressed by Government he should make that information available.

PERSONAL DEBT, INCREASE

2104. Mr BROWN to the Premier:

(1) Is the Minister aware that personal debt has increased by 15 per cent?

(2) Is the Minister also aware the level of personal bankruptcies has increased dramatically?

(3) What implications does the rise in personal debt have for the State economy?

Mr COURT replied:

- (1) I am aware that the level of personal debt has increased.
- (2) Information released by the Insolvency and Trustee Service Australia (a division of the Attorney General's Department) suggests that, while the number of bankruptcies in Western Australia has increased, the extent of the increase gives no cause for alarm. The information indicates that the number of bankruptcies in Western Australia rose by 6.8% in 1998, following an increase of 5.8% in 1997. This compares with increases nationally of 9.6% in 1998 and 18.2% in 1997.
- (3) The main effect of an increase in personal debt for the State economy would be through its possible impact on consumption and confidence in the economy. High levels of personal debt are only problematic when they become unsustainable. As the level of personal bankruptcies has not increased significantly, there appears to be no reason to believe that this is the case. Household confidence in Western Australia remains high, which suggests that the impact on the economy from the increase in personal debt has been minimal and is unlikely to affect household demand in the near term. However, the increased debt servicing costs may result in household spending being more responsive to increases in interest rates.

PERSONAL DEBT, INCREASE

2108. Mr BROWN to the Minister for Commerce and Trade:

- (1) Is the Minister aware that personal debt has increased by 15 per cent?
- (2) Is the Minister also aware the level of personal bankruptcies has increased dramatically?
- (3) What implications does the rise in personal debt have for industry and small business?

Mr COWAN replied:

- (1) I am aware that there has been an increase in personal debt levels but I have been unable to verify the increase as 15 per cent.
- (2) Yes. According to the latest data provided by the Insolvency and Trustee Service of Western Australia, the number of bankruptcies administered under the Bankruptcy Act (1966) for the 1998 December quarter was 584, a 4.7 per cent increase on the same period in 1997. Quarterly bankruptcy data does not separate business and personal bankruptcies. This is the lowest level of all states in Australia except Tasmania, which recorded an actual decrease. Australia-wide the level of increase was 9.8 per cent.
- (3) There are no major implications from the rise in personal debt for industry and small business. Debt is only a problem if it cannot be sustained. With the outlook for interest rates remaining positive and the growth prospects for the Western Australian economy looking positive, current levels of debt are not a major concern.

COMMERCIAL TRIBUNAL, APPOINTMENTS

2111. Mr BROWN to the Minister For Fair Trading:

- (1) What appointments has the Government made to the Commercial Tribunal this year?
- (2) When were the appointments made?
- (3) Were any of the offices the appointees were appointed to vacant for any period?
- (4) If so, what period?
- (5) What was the reason for the offices being left vacant for that period?

Mrs van de KLASHORST replied:

The Attorney General has provided the following reply.

- (1) The following appointments have been made to the Commercial Tribunal this year:

Chairman	Ian Geoffrey MARTIN
Deputy Chairpersons	Denyse PHILLIPS Steven PYNT
Landlords Panel	Peter George COOK Phillip Joseph OLDERSHAW Alexander McNAGHTEN Kevin LANGDON Caroline FORSTER
Tenants Panel	Peter GOODE Chris ELIEFF Ronald ANDERSON Bradley DUNKIN

Experts Panel	Jennifer Elizabeth LOW Kingsley VINCENT
Credit Providers Panel	Maurice Charles FOSTER Robert SMITH Kerry DAVEY Brian CARTHEW
Consumers Panel	Colleen Marjorie BURGESS Robyn Joan BAKER Kristen Carol McPHAIL Rod LANE Francis Carson HOUGH Pauline LOGAN
Travel Agents Panel	Roland Blaise ZAR Noel DANIEL

- (2) The instrument of appointment for the Chairman and Deputy Chairpersons was signed 9 February 1999. The instruments of appointment for panel members were signed on 5 March 1999.
- (3) The Chairman's previous appointment was to expire in May 2000 however due to Mr Martin's resignation as a Stipendiary Magistrate, this new appointment was substituted. (The chairman's office was therefore not vacant during this process). The previous appointments to the remaining offices mentioned expired 31 December 1998.
- (4) The Chairman's office was not vacant at any time. The remaining offices were vacant from 1 January 1999 to 4 March 1999. (2 months and 5 days).
- (5) All Positions A shortlist for all positions was prepared on 25 November 1998. The process of selection and appointment requires:

Endorsement of persons shortlisted by the Attorney General.
Approval by Cabinet.
Preparation and execution of instruments of appointment.

There is no particular reason for the delay other than the completion of the process and the Christmas/New Year period occurring during that time.

PRISONS, CORRECTIONS CORPORATION OF AUSTRALIA'S PROPOSAL

2112. Mr BROWN to the Minister representing the Minister for Justice:

- (1) Did the Minister issue a media statement on 5 February 1999 concerning Corrections Corporation of Australia (CCA) being chosen as the preferred respondent to a request for proposals to design, build, finance and operate a 750 bed medium security prison near Wooroloo?
- (2) In the media statement did the Minister say the CCA proposal includes well researched approaches to rehabilitation?
- (3) If so, will the Minister advise what those well researched approaches to rehabilitation are?
- (4) Will custodial staff employed in the new prison undergo a training program accredited by the Ministry of Justice?
- (5) Will the training program be of the same -
 - (a) duration;
 - (b) intensity; and
 - (c) breadth,

as the program provided to prison officers employed by the State Government?

- (6) If not why not?
- (7) In what way will the training program differ?
- (8) Is it true that custodial staff to be employed by CCA will be paid less than the prison officers employed by the Ministry of Justice?
- (9) If so, why?

Mrs van de KLASHORST replied:

The Attorney General has provided the following reply.

- (1)-(2) Yes.
- (3) CCA's proposed programming strategy would place the new prison at the cutting edge internationally in the corrections field and incorporate all that has been emerging as consensus in the "what works" literature in the last number of years. In this regard, CCA will be partnering with T3 Associates Training and Consulting, a Canadian criminal justice consulting firm that specialises in program development and staff training in corrections. The work of Elizabeth A Fabiano and Dr Frank J Porporino is published extensively and is internationally recognised.

- (4) No. The Training Accreditation Council Western Australia will be the accreditation authority.
- (5) The entry-level training courses proposed by CCA have the equivalent accreditation status as Ministry of Justice entry-level courses and are also accredited by the Training Accreditation Council of Western Australia.
- (6) Not applicable.

ABORTION COUNSELLING, FUNDING

2117. Ms WARNOCK to the Minister for Health:

- (1) Has funding been provided for the abortion counselling required by the new abortion legislation passed in 1998?
- (2) If so, how much funding has been provided and to which organisations?
- (3) If not, when will funding be provided?
- (4) How many abortions took place in this State after the passing of the new legislation?
- (5) How does this figure compare with a similar period in the previous year?

Mr DAY replied:

- (1) Funding has been approved and will be allocated as indicated in the answer to Question (2).
- (2) The following organisations will receive funding for additional counselling services as soon as appropriate criteria have been agreed with the organisations being funded:

	Funding for 1998-99 (March - June)	Forward Estimate
Centrecare Marriage & Family Service	\$13,500	\$40,000
Family Planning Western Australia	\$50,000 (full year)	\$50,000
Goldfields Women's Health Care Centre	\$5,000	\$15,000
Relationships Australia	\$13,500	\$40,000
South West Women's Health and Information Centre Inc, Bunbury	\$10,000	\$30,000
Womens Health Resource Centre Inc, Geraldton	\$5,000	\$11,000
Women Hurt by Abortion	\$5,000	\$20,000
TOTALS	\$102,000	\$206,000

- (3) Not applicable.
- (4) The database of the notifications of induced abortions received to date in relation to the Acts Amendment (Abortion) Act 1998 indicates that, for 1998, 4618 induced abortions were notified. For the six-month period from 1 July 1998 to 31 December 1998 the figure is 4114. This suggests an annual total in the vicinity of 8228.
- (5) There has not previously been a database of induced abortions and estimates of the numbers carried out have been derived from various sources. The number for the six-month period 1 July 1998 to 31 December 1998 is consistent with estimates derived previously from these various sources.

PRISONS, NEW PRISON FOR WOMEN

2121. Ms WARNOCK to the Parliamentary Secretary to the Minister for Justice:

- (1) What decision has been made about a minimum security prison for women?
- (2) How many women are presently accommodated in Bandyup and Nyandi?
- (3) Is the Nyandi accommodation permanent or temporary?
- (4) Will the new prison be private or Government run?
- (5) What form of rehabilitation or training is available to women in Bandyup and Nyandi?
- (6) How many women in Bandyup in 1997-98 were recidivists?

Mrs van de KLASHORST replied:

The Hon Minister for Justice has provided the following answer:

- (1) The Ministry of Justice has recommended that part of the "Pyrton" site at Eden Hill should be converted into a minimum-security prison for women. The Ministry's submission is currently with the State Planning Commission.
- (2) 172 as at 15 March 1999.
- (3) Temporary.
- (4) If the Ministry of Justice submission for part of the "Pyrton" site is successful, it is proposed that it will be publicly operated as part of Bandyup Women's Prison.

- (5) Bandyup Programmes - Anger Management, Substance Abuse, "Getting Out Staying Out", Education (including numeracy and literacy), and the Skills Development programme. The Pre-Release Programme (9 modules) covers Relationships, Health, Employment, Parole, ChildCare Resources, Legal Matters, Living and Budget, Transitions and Computers.

Nyandi Programmes - Substance Abuse and the Pre-release Programme (9 modules). Other programmes due to commence shortly include Blood Borne Diseases, "Keeping Safe", Stress Reduction and First Aid.

- (6) The 1997/98 figure is not readily available. However on 28 February 1999, 58.3% of the sentenced prisoners in Bandyup had previously been in prison.

PRISONS, ESCAPES

2128. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

- (1) Is the Minister aware of a Productivity Commission report which found that Western Australia had the nation's highest level of prisoners who escape from custody?
- (2) What initiatives does the Government intend to implement to reduce the number of escapes?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

- (1) Yes. Although the overall prisoner escape rate in Western Australia is the highest in the country, the escape rate for 'secure' prisoners in Western Australia is in the mid range when compared to other jurisdictions. The difference in minimum security escapes is most likely explained by the fact that in other jurisdictions the equivalent of minimum security institutions have some sort of perimeter security, often on par with WA's medium security prisons. eg. Adelaide Pre-release Centre, Port Augusta Minimum Security Prison, Loddon Prison in Victoria and Silverwater Minimum Security Prison in New South Wales.
- (2) Security audits have been undertaken to identify deficiencies in security.
Training for staff to increase security awareness.
Joint Police and Ministry operations to gather intelligence.
Improved security barriers in minimum security facilities.
Review of the prisoner classification system.

GREENOUGH REGIONAL PRISON, SECURITY FENCE

2129. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

- (1) Has a security fence been erected around the Greenough Regional Prison minimum security area?
- (2) What is the nature of the security fence that has been erected?
- (3) Why has it been erected?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

- (1) Yes.
- (2) The fence erected consists of a 3.0m high cyclone mesh fence, with four rolls of razor wire attached horizontally above each other to the inside of the structure and three rows of barbed wire above the cyclone mesh.
- (3) Following a security assessment.

SMALL BUSINESS, ROBBERIES

2132. Mr BROWN to the Minister for Small Business:

- (1) Is the Minister aware that on 20 January 1999 Radio 6PR and 6IX broadcast a news item concerning a Fish and Chip Shop owner being forced to abandon his business after a recent spate of burglaries, and following him being charged for owning a pepper spray?
- (2) What steps does the Government intend to take to protect small business retailers from this sort of criminal attack?

Mr COWAN replied:

- (1) Yes.
- (2) The Government has been working closely with the WA Council of Retail Associations on preventative measures to combat the number of armed hold-ups against small retailers. The Council and the WA Police Service have established a standing committee including members of Crimestoppers and the Armed Robbery Squad to develop crime prevention measures for retailers. One initiative of the Council has been the development of a Retail Crime Prevention Kit which has been distributed free of charge to over 8000 WA retailers. The kit includes information on crime prevention strategies such as store layout, appropriate security measures, offender identification and what to do in the event of an armed hold-up. The kit will also be supplemented by industry forums which will be

delivered in Perth and the regional areas of Bunbury, Geraldton, Albany and Kalgoorlie during the course of this year. Further queries should be addressed to the Minister for Police.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2134. Mr BROWN to the Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

- (1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?
- (2) Will the Premier provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Premier's control?
- (3) If not, why not?

Mr COURT replied:

- (1) Yes, in 1997-98.
- (2) The guidelines for cash profiling and exception reporting, which were forwarded to all budget sector agencies, are tabled. [See paper No 869.]
- (3) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2138. Mr BROWN to the Minister for Primary Industry; Fisheries:

- (1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?
- (2) Will the Minister provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Minister's control?
- (3) If not, why not?

Mr HOUSE replied:

- (1)-(3) Please refer to Answer to Question on Notice - 2134 - 9 March 99

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2142. Mr BROWN to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

- (1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?
- (2) Will the Minister provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Minister's control?
- (3) If not, why not?

Mr SHAVE replied:

Please refer to the response to question on notice 2134 of 9 March 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2144. Mr BROWN to the Minister for Local Government; Disability Services:

- (1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?
- (2) Will the Minister provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Minister's control?
- (3) If not, why not?

Mr OMODEI replied:

- (1)-(3) Please refer to the response to question on notice 2134 of 9 March 1999.

WORKERS COMPENSATION STATISTICS

2158. Mr KOBELKE to the Minister for Labour Relations:

- (1) For each of the financial years from 1988-89 through to 1997-98, what was the total number of employees for whom there was a claim under the Worker's Compensation and Rehabilitation Act 1981?

- (2) For each of these years, what was the number of workers insured under the Worker's Compensation and Rehabilitation Act 1981?
- (3) For each of the years from 1988-89 through to 1997-98, what was the number of lost time injury claims under the Worker's Compensation and Rehabilitation Act 1981?

Mrs EDWARDES replied:

- (1) Number of employees for whom there was a claim is not available - the figures supplied below relate to the number of claims made. These exclude disallowed claims and details of some claims for which less than one day or shift was lost from work, as these were not collected prior to the 1996-97 financial year due to reporting arrangements with insurers. Figures differ from those supplied in the past due to late returns and the identification (and elimination) of duplicate claim records.

Year	No of Claims
1988-89	43,956
1989-90	48,634
1990-91	49,272
1991-92	51,773
1992-93	56,935
1993-94	55,737
1994-95	53,489
1995-96	58,278
1996-97	61,741
1997-98	60,244

- (2) The number of workers insured is not collected by WorkCover WA. However, the Australian Bureau of Statistics' Labour Force Survey records the following estimated number of workers projected to be covered by the workers' compensation scheme:

Year	Est No of Workers
1988-89	544,857
1989-90	557,425
1990-91	551,851
1991-92	549,221
1992-93	555,133
1993-94	581,952
1994-95	667,386
1995-96	681,251
1996-97	703,838
1997-98	725,244

- (3) Numbers of lost time claims, excluding disallowed claims, adjusted for insurer data error:

Year	No of Lost Time Claims
1988-89	32,295
1989-90	32,522
1990-91	32,650
1991-92	29,100
1992-93	29,419
1993-94	27,938
1994-95	28,792
1995-96	28,115
1996-97	27,939
1997-98	27,471

WORKSAFE WA INSPECTORS

2160. Mr KOBELKE to the Minister for Labour Relations:

- (1) What are the names of all the WorkSafe inspectors and for each inspector during the 1997-98 financial year -
- (a) how many prohibition notices has that inspector issued;
 - (b) how many improvement notices has that inspector issued; and
 - (c) how many prosecutions have been initiated by that inspector?
- (2) As of what date do the above numbers apply?

Mrs EDWARDES replied:

- (1)-(2) At 30 June 1998 WorkSafe Western Australia had 78 inspectors authorised under the *Occupational Safety and Health Act 1984*. I do not believe it appropriate to provide each of their names. During 1997/98, between 1 July 1997 and 30 June 1998, inspectors:

- (a) issued 7794 improvement notices;
- (b) issued 992 prohibition notices;
- (c) initiated 109 prosecution actions.

WORKPLACE AGREEMENTS

2169. Mr KOBELKE to the Minister for Labour Relations:

- (1) Prior to the Labour Relations Legislation Amendment Act 1997, how many employees moved from a Federal award to a Western Australian workplace agreement?
- (2) Were these Western Australian workplace agreements checked to see if they were in breach of section 152 of the Commonwealth Act?

Mrs EDWARDES replied:

- (1) No figures are available on the number of employees who may have moved from a Federal award to a West Australian workplace agreement. Prior to the Labour Relations Amendment Act 1997, employees could not be covered by a Western Australian workplace agreement, which removed the application of a Federal award. Accordingly, if any movement occurred it would have been minimal. Workplace agreements which are not covered by Part 2A of the Workplace Agreements Act can apply in conjunction with a Federal award, although it is not common because where there is any inconsistency between the two agreements the Federal award prevails.
- (2) No.

WORKERS COMPENSATION, MAXIMUM BENEFITS

2170. Mr KOBELKE to the Minister for Labour Relations:

What is the maximum amount that can be paid by way of statutory benefits to injured workers either in dollar terms or alternatively in time where a maximum period is set for which an injured worker can remain on benefits -

- (a) under the Workers Compensation and Rehabilitation Act 1981 in Western Australia; and
- (b) every other Workers Compensation jurisdiction across Australia?

Mrs EDWARDES replied:

- (a)-(b) I refer the member to the document Comparison of Workers' Compensation Arrangements in Australian Jurisdictions, July 1998 and in particular the section relating to Benefits, at pages 19 - 30. A copy is tabled. This document is currently being updated and I shall provide the member with a copy when it becomes available. [See paper No 868.]

EDUCATION DEPARTMENT, ENGLISH AS A SECOND LANGUAGE POSITIONS

2185. Mr RIPPER to the Minister for Education:

- (1) How many English as a Second Language (ESL) advisory/consultancy support positions existed in the Education Department of Western Australia's Central Office in -
 - (a) 1990;
 - (b) 1994;
 - (c) 1997; and
 - (d) 1998?
- (2) Will the current weighting for ESL in the staffing formula used by the Education Department continue after 1999?
- (3) Will a review of that staffing formula be undertaken in 1999?
- (4) If yes, will ESL interests be represented in that review and in what way?
- (5) What representation has there been for ESL issues in the Education Department's central office since two ESL consultant positions were abolished at the end of 1997?
- (6) What provision is made for Aboriginal students who need to learn English as a second language in all the State's education systems and sectors?
- (7) Will the Minister advise what the impact of the broadbanding of literacy funds will be on students who have English as a Second Language?

Mr BARNETT replied:

- (1) The number of English as a Second Language (ESL) advisory/consultancy support positions in central office have been:

(a)	1990	-	9
(b)	1994	-	7
(c)	1997	-	7
(d)	1998	-	7
- (2) There are no plans at present to change the current weightings for ESL in the Staffing Formula after 1999, however, the Staffing Formula weightings are subject to ongoing review.
- (3) Yes. The review of the Staffing Formula is ongoing.

- (4) Individuals and organisations interested in ESL such as Principals, professional associations, parents and parent groups are all free to make representations to the Staffing Formula Review Committee in regard to changing the staffing weighting for ESL.
- (5) There are seven officers to address ESL issues.
- (6) There are three Curriculum Improvement Officers for ESL/ESD education located in the Goldfields, Pilbara and Kimberley District Education Offices. Two ESL Visiting Teachers are located in the Ngaanyatjarra Lands to provide ESL support for Indigenous language speakers. The ESL for Indigenous Language Speaking Students (ESL-ILSS) Program provides a one-off per capita grant to provide intensive English language support for Indigenous language speakers living in remote areas and who are entering their first year of formal schooling. The District Service Centre provides consultancy, advocacy and professional development support to District Office and school personnel in the area of ESL for Indigenous language speakers, English as a Second dialect (ESD) speakers, Kriol speakers and Aboriginal English speakers. These services are linked with the ABC project for two-way bicultural education "Deadly Ways to Learn", a joint research project between the Education Department, Edith Cowan University and Aboriginal communities across the State. The "Deadly Ways to Learn" project is currently developing and trialing materials for use in schools with Indigenous students whose first language may be Aboriginal English, Kriol or an Indigenous language and who are learning Standard Australian English as a second language or a second dialect at school.
- (7) Commonwealth Literacy funding is inclusive of the former ESL General Element Funding. 85 per cent of the ESL component of the Commonwealth Literacy Program (CLP) funds specialist ESL teacher salaries across the ESL Programs located in the mainstream context. This includes 51 FTE teacher salaries across 20 primary, 21 secondary ESL programs and a visiting teacher service in the metropolitan area and the Ngaanyatjarra Lands. The remaining 15 per cent of the ESL component of the CLP is devolved to schools to provide appropriate language and literacy programs at local level for second language or second dialect speakers.

AGED CARE FACILITIES, LICENSING

2188. Mr PENDAL to the Minister for Health:

I refer to the consultant's report on the review of private sector licensing services which recommends that the Health Department retain the licensing of residential aged care facilities in Western Australia and ask -

- (a) does the State Government agree that a State system of licensing should be retained for facilities approved, accredited and certified under the Federal Aged Care Act 1997;
- (b) if so, why does the State wish to entrench duplication of Federal controls;
- (c) does the Minister acknowledge that any proposed duplication will mean an extra payment of \$100 a year (to the State Health Department) for aged care facilities;
- (d) what purpose is served by leaving in place the State system;
- (e) has the Cabinet endorsed the notion of maintaining a separate State licensing system when a Federal system is already in place;
- (f) will the Minister review the decision to leave this duplication in place;
- (g) if the answer to (f) above is yes, will the Minister arrange for the appropriate amendment to the Hospital and Health Services Act 1927 to abolish the licensing requirements; and
- (h) if not, why not?

Mr DAY replied:

The consultant's Report on the *Review of Private Sector Licensing Services* was circulated widely to all sections of, and participants in the Aged Care and Health Sectors of Western Australia. A period of public consultation and discussion is now under way. Following the public consultation phase, the Health Department of Western Australia will consider the Report in the light of the comments received. At that time, the Government will consider the various recommendations made. No decisions have yet been made by the Government on the Report or its recommendations. Once decisions have been taken, I will be in a position to advise the Honourable member further. However, I can assure the Honourable member that there will be no duplication of the licensing for nursing homes and hostels approved, certified and accredited by the Commonwealth.

CENTRES OF EXCELLENCE PROGRAM

2192. Mr BROWN to the Minister for Commerce and Trade:

- (1) Since 1 July 1998, how much has been allocated under the Centres of Excellence Program?
- (2) How much has been allocated to each recipient?

Mr COWAN replied:

- (1) \$8 292 000.

(2)

Centre Name	Amount	Recipient Institution
Centre for Teaching and Research in Strategic Mineral Deposits	200 000	The University of Western Australia
Centre for Exploration and Production Geophysics	750 000	Curtin University of Technology
Western Australian Petroleum Research Centre	2 900 000	The University of Western Australia and Curtin University of Technology
Environmental Technology Centre	370 000	Murdoch University
Centre of Excellence in Mass Spectrometry	2 174 000	The University of Western Australia and Curtin University of Technology

Subject to the acceptability of further information to be provided, it is anticipated that the following funding will be allocated -

Western Australian Biomedical Research Institute	998 000	Curtin University of Technology and Murdoch University
The Centre for Management of Arid Environments	900 000	Curtin University of Technology

UNFAIR DISMISSAL LAWS

2193. Mr BROWN to the Minister for Small Business:

- (1) Is the Minister aware of concerns small business has about the operation of the unfair dismissal laws?
- (2) Have any concerns been raised by small business about the operation of the Western Australian unfair dismissal laws?
- (3) If so, what concerns have been raised?
- (4) Has the Minister/Small Business Development Corporation examined the degree to which changes made to the Industrial Relations Act 1979 by the Court Government have contributed to the number of unfair dismissal claims?
- (5) Has the Minister/Small Business Development Corporation examined the degree to which the number of unfair dismissal claims has been influenced by 'registered industrial agents' created by the Court Government's amendments to the Industrial Relations Act 1979?
- (6) If not, will the Minister/Small Business Development Corporation investigate this matter?
- (7) If not, why not?

Mr COWAN replied:

- (1) Yes.
- (2) I have received no formal expressions of concern relating to the operation of the Western Australian unfair dismissal laws. However, I am aware anecdotally of disquiet amongst some small business operators regarding unfair dismissal claims. Whilst most small business operators accept the principles behind unfair dismissal legislation, there is still concern that on some occasions the process which must be followed to protect firms from spurious claims can be an imposition.
- (3) Not applicable.
- (4)-(6) No.
- (7) This matter falls within the jurisdiction of the Hon Minister for Labour Relations.

EMPLOYMENT, TEMPORARY AND CONTRACT STAFF

2202. Mr BROWN to the Minister for Labour Relations:

- (1) Is the Minister aware of an article that appeared in the 1 January to 3 February edition of *WA Business News* concerning the huge growth in temporary and contract staff?
- (2) Was it the Government's intention to facilitate the massive growth in temporary and contract staff when it introduced the Workplace Agreements Act in 1993?
- (3) Does the Government intend to examine what measures can be taken to create more full time jobs rather than temporary and contract ones?
- (4) If so, what is planned?
- (5) If not, why not?

Mrs EDWARDES replied:

- (1) Yes.

- (2) Over the 6 years since the introduction of the Workplace Agreements Act 1993, 149,800 jobs have been created in Western Australia. Of these, 88,600 (or over 60%) were full-time positions and 61,200 were part-time. Over the 6 years to February 1999, full-time employment has grown by 15.9%. In 1993, casual employment represented 19.6% of the total workforce. By 1998, this had grown, but by only 2.4 percentage points to 22%.
- (3)-(5) The Government believes that the best way to create jobs, including full-time jobs, is to create sustainable economic growth. Western Australia's recent economic performance has been impressive by world standards with record growth of around 8% last financial year, despite downturns in Asia and other world economies.

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES WEB SITE, CONTRACT DETAILS

2206. Mr BROWN to the Minister for Works:

- (1) Is it true that the Department of Contract and Management Services Web Site displays details of contracts allocated by the Government through the Department?
- (2) Is it also true that the Web Site provides information on the names of companies who have submitted a tender and tender prices?
- (3) Will the Minister explain why, in relation to some contracts, prices submitted by tenderers are not provided?
- (4) Will the Minister take steps to ensure all prices submitted for tenders are provided on the Web Site together with information on the successful tenderer and tender price?
- (5) If not, why not?

Mr BOARD replied:

I am advised that:

- (1) Yes, CAMS contract award information is published on the Western Australian Government Contracting Information Bulletin Board (GCIBB).
- (2) No, not usually, but the information is provided for Building Construction Works. This is in accordance with long standing practice as agreed with the industry.
- (3) It has never been the practice for goods and services contracting and it is not a requirement of the 'Open and Effective Competition' policy of the State Supply Commission.
- (4)-(5) No, not applicable.

EMPLOYMENT, FULL-TIME

2207. Mr BROWN to the Premier:

- (1) Is the Premier aware of the *BankWest Review* of January 1999, volume 5, number 1?
- (2) Is the Premier aware that in discussing the unemployment rate for this State the bank observes "full-time jobs growth has all but evaporated, but part-time employment grew by around nine percent in the year to November 1998"?
- (3) Is the Bank accurate in making this statement?
- (4) If not, why not?
- (5) If so, what initiatives has the State Government developed to create full time jobs?

Mr COURT replied:

- (1)-(3) The Bank's statement is made on the basis of Australian Bureau of Statistics data. The Bureau has recently revised its historical series to take into account benchmarks derived from the 1996 Census. The data reported in the Bank's publication does not reflect this change made by the Australian Bureau of Statistics.
- (4) Based on revised Australian Bureau of Statistics data for Western Australia, in the three months to January 1999 annual full-time employment growth was 1.1% and annual part-time employment growth was 7.5%. Revised data for a comparable period to that reported in the Bank's publication points to full-time employment growth of 1.0% and part-time employment growth of 8.8%.
- (5) The State Government is committed to fostering an environment in Western Australia that will facilitate investment by the private sector which in turn will create jobs. I have been advised the Department of Training has a range of strategies under the Access All Areas banner that are focussed on generating additional jobs.

POPULATION GROWTH

2209. Mr BROWN to the Treasurer:

- (1) Is the Treasurer aware of the *BankWest Review* of January 1999 volume 5 number 1?

- (2) Is the Treasurer aware that in terms of resident population the bank reports that resident population is officially estimated to have grown 1.8 percent in 1997 - 1998, up from 1.2 percent in 1993, but well short of the mid and late 1980's peaks of almost 3 percent?
- (3) Is the bank correct in its analysis of population growth?

Mr COURT replied:

- (1)-(3) Yes. The most recent data published by the Australian Bureau of Statistics indicates that Western Australia's resident population grew by 1.8% over the year to the September quarter 1998.

CAPITAL PUNISHMENT REFERENDUM

2210. Mr BROWN to the Premier:

- (1) Is the Premier aware of an article that appeared in *The West Australian* on Saturday 23 January 1999 under the heading of "Capital Punishment Call Ridiculed"?
- (2) Is the Premier aware the article referred to comments made by leading criminologist Paul Wilson who had described the call by One Nation for a referendum on capital punishment as "stupid and irresponsible"?
- (3) Has the Premier given any further consideration to holding a referendum on capital punishment as he previously indicated the Coalition may do?
- (4) Will the Government hold a referendum on capital punishment?

Mr COURT replied:

The Attorney General; Minister for Justice; The Arts has provided the following reply:

- (1)-(2) Yes.
- (3)-(4) No, not until there is a groundswell of public support following a full and informed public debate. The timing of a referendum would have to be carefully considered in relation to events such as a brutal murder or finding a wrongful conviction which could influence the result.

GRANT THORNTON, CONTRACTS

2213. Ms MacTIERNAN to the Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

- (1) How many contracts have been awarded to Grant Thornton since 1 January 1997?
- (2) For each contract, will the Premier state -
 - (a) the project the contract was awarded for;
 - (b) the original contract cost;
 - (c) the actual final cost of the contract;
 - (d) the date the contract was awarded and the date it was completed; and
 - (e) whether the contract went out to tender, and if not, why not?

Mr COURT replied:

I am advised that :

- (1) Two.
- (2) Office of the Auditor General
 - (a) Disability Services Commission
 - (a) Audit Services.
 - (b) \$88,000 over three years.
 - (c) \$58,000 to date.
 - (d) Awarded on April 10, 1997 for financial years ending June 30, 1997; 1998; 1999 (still ongoing).
 - (e) Yes.
- Gold Corporation
 - (a) Audit Services.
 - (b) \$234,950 over four years.
 - (c) \$57,000 to date.
 - (d) Awarded on April 15, 1998 for financial years ending June 30, 1998; 1999; 2000 & 2001.
 - (e) Yes.

Records reveal no other contracts awarded to Grant Thornton since 1 January 1997.

GRANT THORNTON, CONTRACTS

2214. Ms MacTIERNAN to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

- (1) How many contracts have been awarded to Grant Thornton since 1 January 1997?
- (2) For each contract, will the Deputy Premier state -

- (a) the project the contract was awarded for;
- (b) the original contract cost;
- (c) the actual final cost of the contract;
- (d) the date the contract was awarded and the date it was completed; and
- (e) whether the contract went out to tender, and if not, why not?

Mr COWAN replied:

- (1) No formal contract has been awarded to Grant Thornton since 1 January 1997. However, as the company had previously had an audit contract with the Department of Commerce and Trade, it was asked to undertake some minor preparatory work on the Department of Commerce and Trade's strategic audit plan in 1998. It was paid \$800.00 for this input in May 1998.
- (2) Not applicable.

GRANT THORNTON, CONTRACTS

2215. Ms MacTIERNAN to the Minister representing the Attorney General:

- (1) How many contracts have been awarded to Grant Thornton since 1 January 1997?
- (2) For each contract, will the Attorney General state -
 - (a) the project the contract was awarded for;
 - (b) the original contract cost;
 - (c) the actual final cost of the contract;
 - (d) the date the contract was awarded and the date it was completed; and
 - (e) whether the contract went out to tender, and if not, why not?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) Two.
- (2)
 - (a) The preparation of a report by nominated experts for the purposes of litigation (Crown Solicitor's Office).
 - (b) Expressed in hourly rates for nominated experts; final cost of \$9,615.00.
 - (c) Expressed in hourly rates for nominated experts; final cost of \$9,615.00.
 - (d) Awarded 30 January 1997. Completed 27 March 1997.
 - (e) The contract did not go out to tender, pursuant to an exemption granted by the State Supply Commission.
 - (a) Development of a Performance Based Pricing Model for Warrant Execution (Court Services).
 - (b) \$20,000.
 - (c) \$30,000.
 - (d) Awarded 14 January 1998. Completed 31 December 1998.
 - (e) Yes.

GRANT THORNTON, CONTRACTS

2217. Ms MacTIERNAN to the Minister for Primary Industry; Fisheries:

- (1) How many contracts have been awarded to Grant Thornton since 1 January 1997?
- (2) For each contract, will the Minister state -
 - (a) the project the contract was awarded for;
 - (b) the original contract cost;
 - (c) the actual final cost of the contract;
 - (d) the date the contract was awarded and the date it was completed; and
 - (e) whether the contract went out to tender, and if not, why not?

Mr HOUSE replied:

Fisheries Western Australia:

- (1) None.
- (2) (a)-(e) Not applicable.

Agriculture Western Australia:

- (1) Nil.
- (2) Not applicable.

GRANT THORNTON, CONTRACTS

2223. Ms MacTIERNAN to the Minister for Local Government; Disability Services:

- (1) How many contracts have been awarded to Grant Thornton since 1 January 1997?
- (2) For each contract, will the Minister state -
 - (a) the project the contract was awarded for;
 - (b) the original contract cost;
 - (c) the actual final cost of the contract;

- (d) the date the contract was awarded and the date it was completed; and
- (e) whether the contract went out to tender, and if not, why not?

Mr OMODEI replied:

Disability Services Commission:

- (1) Nil.
- (2) Not applicable.

Fremantle Cemetery Board:

- (1) Nil.
- (2) Not applicable.

Department of Local Government:

- (1) 1.
- (2) (a) Review of system relating to the financial audit of local governments in Western Australia.
- (b) \$26,500.
- (c) \$26,500.
- (d) 15/6/98 to 30/9/98.
- (e) No - under \$50,000. Quotes were sought.

Metropolitan Cemeteries Board:

- (1) 4.
- (2) 2.1 (a) Internal Audit services for the year ended 30 June 1997.
- (b) \$2,287.00
- (c) \$2,329.45
- (d) Awarded in June 1997 and completed in July 1997.
- (e) No. Less than \$50,000.
- 2.2 (a) Assistance with preparation of an Accounting Manual.
- (b) \$650.
- (c) \$650.
- (d) Awarded and completed in June 1997.
- (e) No. Less than \$50,000.
- 2.3 (a) Calculation of Long Service Leave liability for Metropolitan Cemeteries Board for year ended 30 June 1997.
- (b) \$1,250.
- (c) \$1,250.
- (d) Awarded in September 1997 and completed in October 1997.
- (e) No. Less than \$50,000.
- 2.4 (a) Completion of financial statements for year ended 30 June 1998 including charges requested by the Office of the Auditor General.
- (b) \$5,420
- (c) \$8,331.50
- (d) Awarded on 12 June 1998 and completed on 19 November 1998.
- (e) No. Less than \$50,000.

GRANT THORNTON, CONTRACTS

2224. Ms MacTIERNAN to the Minister for Health:

- (1) How many contracts have been awarded to Grant Thornton since 1 January 1997?
- (2) For each contract, will the Minister state -
 - (a) the project the contract was awarded for;
 - (b) the original contract cost;
 - (c) the actual final cost of the contract;
 - (d) the date the contract was awarded and the date it was completed; and
 - (e) whether the contract went out to tender, and if not, why not?

Mr DAY replied:

Healthway

- (1) Nil.
- (2) Not applicable.

Office of Health Review

- (1) Nil.
- (2) Not applicable.

Health Department

- (1) Nil.
- (2) Not applicable.

GRANT THORNTON, CONTRACTS

2225. Ms MacTIERNAN to the Minister representing the Minister for Finance:

- (1) How many contracts have been awarded to Grant Thornton since 1 January 1997?
- (2) For each contract, will the Minister state -

- (a) the project the contract was awarded for;
- (b) the original contract cost;
- (c) the actual final cost of the contract;
- (d) the date the contract was awarded and the date it was completed; and
- (e) whether the contract went out to tender, and if not, why not?

Mr COURT replied:

The Minister for Finance has provided the following response:

State Revenue Department
Valuer General's Office
Government Employees Superannuation Board

- (1) None.
- (2) Not applicable.

Insurance Commission of Western Australia

- (1) Two
 - Review of the Finance & Administration Division, Insurance Commission of WA
 - Organisation Review of Insurance Commission

- (2)

<ul style="list-style-type: none"> (a) Review of functions and structures of Finance & Administration Division, Insurance Commission of WA (b) \$27,100 (c) \$27,100 (d) Awarded November 1997 Completed February 1998 (e) Yes 	<ul style="list-style-type: none"> Review of functions and structures for all Divisions of the Insurance Commission of WA \$121,420 \$131,334 Awarded March 1998 Completed October 1998 No. Based upon the earlier tender process whereby Grant Thornton were appointed to review the Finance & Administration Division and the quality of their service, approval from the State Supply Commission to waive the requirement for a public tender to be called for the next phase of the review was sought and granted in March 1998.
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GRANT THORNTON, CONTRACTS

2227. Ms MacTIERNAN to the Minister representing the Minister for Racing and Gaming:

- (1) How many contracts have been awarded to Grant Thornton since 1 January 1997?
- (2) For each contract, will the Minister state -
 - (a) the project the contract was awarded for;
 - (b) the original contract cost;
 - (c) the actual final cost of the contract;
 - (d) the date the contract was awarded and the date it was completed; and
 - (e) whether the contract went out to tender, and if not, why not?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

Office of Racing, Gaming and Liquor
Burswood Park Board
Totalisator Agency Board
W A Greyhound Racing Authority
Lotteries Commission

- (1) Nil.
- (2) Not applicable.

GRANT THORNTON, CONTRACTS

2233. Ms MacTIERNAN to the Parliamentary Secretary to the Minister for Justice:

- (1) How many contracts have been awarded to Grant Thornton since 1 January 1997?
- (2) For each contract, will the Minister state -
 - (a) the project the contract was awarded for;
 - (b) the original contract cost;
 - (c) the actual final cost of the contract;
 - (d) the date the contract was awarded and the date it was completed; and
 - (e) whether the contract went out to tender, and if not, why not?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

- (1) Two.
- (2)
 - (a) The preparation of a report by nominated experts for the purposes of litigation (Crown Solicitor's Office).
 - (b) Expressed in hourly rates for nominated experts; final cost of \$9,615.00.
 - (c) Expressed in hourly rates for nominated experts; final cost of \$9,615.00.
 - (d) Awarded 30 January 1997. Completed 27 March 1997.
 - (e) The contract did not go out to tender, pursuant to an exemption granted by the State Supply Commission
- (a) Development of a Performance Based Pricing Model for Warrant Execution (Court Services)
 - (b) \$20,000.
 - (c) \$30,000.
 - (d) Awarded 14 January 1998. Completed 31 December 1998.
 - (e) Yes.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2280. Mr RIEBELING to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

In relation to the employment status of Level One employees of the agencies falling within the Deputy Premier's responsibility -

- (a) what is the total number of Level One employees at each agency as at 9 March 1999; and
- (b) of these employees, how many were -
 - (i) permanent full time; and
 - (ii) on short term contract?

Mr COWAN replied:

Department of Commerce and Trade

(a) Eighteen.

(b)

- (i) Eleven.
- (ii) Five.

The department also has one permanent part-time Level One employee and one short-term Level One seconded.

Small Business Development Corporation

(a) Six.

(b)

- (i) Nil.
- (ii) Nil. Five employees are on three year contracts (one part-time) and one is employed on a one year contract (part-time). These employees are not regarded as being employed on short-term contracts.

International Centre for Application of Solar Energy (CASE)

(a) One.

(b) One on 12 month contract.

Gascoyne Development Commission

(a) Two (one permanent part-time, .5 position).

(b)

- (i) One.
- (ii) Nil.

Goldfields-Esperance Development Commission

(a) Two.

(b) (i)-(ii) One.

Great Southern Development Commission

(a) Two.

(b) (i)-(ii) One.

Kimberley Development Commission

(a) One.

(b)

- (i) One (the employee is currently on twelve months leave without pay).
- (ii) One (10 month contract acting in the above position).

Mid West Development Commission

(a) Two.

(b) (i)-(ii) One.

Peel Development Commission

(a) Two.

(b) (i)-(ii) One.

Pilbara Development Commission

(a) Two.

(b)

- (i) Nil.
- (ii) Two.

South West Development Commission

- (a) Three.
 (b) (i) Two. One is a permanent part-time employee.
 (ii) Nil.

Wheatbelt Development Commission

- (a) Three.
 (b) (i)-(ii) Two of the employees are permanent half-time. One is on contract, half-time for 12 months, replacing the permanent half-time staff member who is on maternity leave.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2281. Mr RIEBELING to the Minister representing the Attorney General:

In relation to the employment status of Level One employees of the agencies falling within the Attorney General's responsibility -

- (a) what is the total number of Level One employees at each agency as at 9 March 1999; and
 (b) of these employees, how many were -
 (i) permanent full time; and
 (ii) on short term contract?

Mr PRINCE replied:

The Minister for Justice has provided the following reply.

- (a) 755
 (b) (i) 387
 (ii) 75 (Contracts under 3 months).

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2283. Mr RIEBELING to the Minister for Primary Industry; Fisheries:

In relation to the employment status of Level One employees of the agencies falling within the Minister's responsibility -

- (a) what is the total number of Level One employees at each agency as at 9 March 1999; and
 (b) of these employees, how many were -
 (i) permanent full time; and
 (ii) on short term contract?

Mr HOUSE replied:

Agriculture Western Australia replies:

- (a) 220.
 (b) (i) Permanent - full time 62
 Permanent - part time 19
 (ii) Contract 113
 Casual 26

Fisheries Western Australia replies:

- (a) 93
 (b) (i) Permanent - full time 31 (an additional 4 are part time permanent)
 (ii) Short term contract 58 (14 of which are casual employees)

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2289. Mr RIEBELING to the Minister for Local Government; Disability Services:

In relation to the employment status of Level One employees of the agencies falling within the Minister's responsibility -

- (a) what is the total number of Level One employees at each agency as at 9 March 1999; and
 (b) of these employees, how many were -
 (i) permanent full time; and
 (ii) on short term contract?

Mr OMODEI replied:

Fremantle Cemetery Board:

- (a) 4.
 (b) (i)-(ii) 1.

Disability Services Commission:

- (a) 815.
 (b) (i) permanent full time - 659.
 permanent part time - 84.

- (ii) short term contract full time - 18.
- (iii) short term contract part time - 9.
- casual - 45.

Department of Local Government:

- (a) 6.
- (b) (i) 4.
- (ii) 2.

Metropolitan Cemeteries Board:

- (a) 10.
- (b) (i) 9.
- (ii) 1.

Keep Australia Beautiful Council:

- (a) Nil.
- (b) (i)-(ii) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2290. Mr RIEBELING to the Minister for Health:

In relation to the employment status of Level One employees of the agencies falling within the Minister's responsibility -

- (a) what is the total number of Level One employees at each agency as at 9 March 1999; and
- (b) of these employees, how many were -
 - (i) permanent full time; and
 - (ii) on short term contract?

Mr DAY replied:

Healthway

- (a) One.
- (b) (i) One.
- (ii) Nil.

Office of Health Review

- (a) One.
- (b) Permanent full time.

Health Department

- (a) 7804
- (b) (i) 3016
- (ii) 1277

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2291. Mr RIEBELING to the Minister representing the Minister for Finance:

In relation to the employment status of Level One employees of the agencies falling within the Minister's responsibility -

- (a) what is the total number of Level One employees at each agency as at 9 March 1999; and
- (b) of these employees, how many were -
 - (i) permanent full time; and
 - (ii) on short term contract?

Mr COURT replied:

The Minister for Finance has provided the following response:

State Revenue Department

- (a) 39
- (b) (i) 26
- (ii) 13

Valuer General's Office

- (a) 55
- (b) (i) 30
- (ii) 16

NB The difference between (a) and (b) is that 9 officers were employed in a part-time capacity.

Government Employees Superannuation Board

- (a) 60 *
- (b) (i) 18
- (ii) 33

* Includes four part-time permanent employees and five redeployees from other agencies working on placement with the GESB

Insurance Commission of Western Australia

- (a) 71
 (b) (i) 41 (plus 3 employees permanent part time)
 (ii) 27 (26 full time and 1 part time).

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2293. Mr RIEBELING to the Minister representing the Minister for Racing and Gaming:

In relation to the employment status of Level One employees of the agencies falling within the Minister's responsibility -

- (a) what is the total number of Level One employees at each agency as at 9 March 1999; and
 (b) of these employees, how many were -
 (i) permanent full time; and
 (ii) on short term contract?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

Office of Racing, Gaming and Liquor

- (a) 23
 (b) (i) 15 (plus 6 permanent part-time).
 (ii) 2

Burswood Park

- (a) Nil.
 (b) Not applicable.

Totalisator Agency Board

- (a) 13
 (b) (i) 10 (plus 2 permanent part-time).
 (ii) 1

Western Australian Greyhound Racing Authority

- (a) 7
 (b) (i) 5 (plus 2 permanent part-time).
 (ii) Nil.

Lotteries Commission

- (a) 18
 (b) (i)-(ii) 7

MINISTERIAL OFFICES, REFURBISHMENT

2301. Mr RIEBELING to the Premier:

With regard to the office refurbishment of the Ministerial Office of the Attorney General and Minister for Transport -

- (a) what is the total number of Level One employees at each agency as at 9 March 1999; and
 (b) of these employees, how many were -
 (i) permanent full time; and
 (ii) on short term contract?

Mr COURT replied:

I am advised that it is not possible to separate the costs for the two offices which were refurbished under the one contract.

- (a) The breakdown of the initial tender cost of the contract is:

preliminaries	2,500.00
demolition	2,585.00
partitioning	14,368.00
cabinetwork	12,538.00
electrical	18,260.00
mechanical	6,037.00
ceiling works	7,364.00
fire	820.00
security	12,468.00
blinds	1,103.00
floor treatment	650.00
glazing	6,030.00
painting	8,133.00
Total:	92,856.00

Subsequent to the tender being awarded, the scope of works was altered. This resulted in variation credits of \$12,808 and variation additions of \$9,284 resulting in a net variation credit on the initial contract of \$3,524. The final contract value was \$89,332.

(b) Not applicable.

HOMESWEST, CREATING COMMUNITIES

2304. Mr RIEBELING to the Minister for Housing:

- (1) Has Homeswest employed a consultancy company by the name of "Creating Communities"?
- (2) If yes, what were the consultancies awarded to Creating Communities?
- (3) When were they awarded?
- (4) What was the total cost of each consultancy?

Dr HAMES replied:

(1) Yes.

	(2)	(3)	(4)
Ellenbrook	1998	\$3,750.00	
Karawara New Living Program	October 1998	\$48,000.00 professional services \$18,000.00 production and publication of four newsletters	
Quinns (Norfolk Estate Subdivision)	June 1998	\$5,000.00	
Quinns (Norfolk Estate Subdivision)	September 1998	\$5,000.00	
Quinns (Norfolk Estate Subdivision)	January 1999	\$5,000.00	
Neerabup (Greenhaven Estate)	June 1998	\$5,000.00	
Wungong (Chiltern Subdivision)	June 1998	\$5,000.00	
Bunbury (Glen Iris Subdivision)	November 1998	\$5,000.00	

POLICE/JUSTICE CORE FUNCTIONS PROJECT, OVERSEAS TRAVEL

2306. Mr RIEBELING to the Premier:

- (1) Did any members of the Police/Justice Core Functions Project travel overseas as part of their duties in relation to the Project?
- (2) If yes, what were the names of the members, when did they travel and what countries did they visit?

Mr COURT replied:

- (1) No members of the Police/Justice Core Functions Project travelled overseas as part of their duties in relation to the Project. I would add that the Chairman of the Project Steering Committee, Hon Peter Jones, made enquiries relating to the Project whilst travelling to the United Kingdom on other business.
- (2) Not applicable.

NALTREXONE PROGRAM

2311. Ms WARNOCK to the Premier:

- (1) Will the Government agree to provide extra funding needed for the Naltrexone Program which assists people who wish to stop using heroin, given that the private clinic assisting these patients estimates that it will need to treat an extra 1 000 patients this year?
- (2) If not, why not?

Mr COURT replied:

- (1) The Government has provided \$60,000 to support the data collection component of Dr O'Neil's Naltrexone program. Further research is to be undertaken by the University of Western Australia, Department of Psychiatry in conjunction with Dr O'Neil to analyse the data gathered in this program. This analysis will be funded by the Department of Health. In addition, with the redevelopment of the WA Alcohol and Drug Authority, and its realignment of services as a Centre for Excellence in Drug treatment known as "Next Step", resources have been allocated to ensure that the centre's Medical Officers are trained in Naltrexone treatment and client management. "Next Step" is therefore able to provide Naltrexone as a treatment option for heroin using patients. The General Practice Education Program will also extend training to community GPs in Naltrexone use and provide a 24 hour clinical consultancy.

- (2) Not applicable.

MINISTERS OF THE CROWN, FREE TICKETS TO SPORTING EVENTS

2313. Mr GRAHAM to the Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

- (1) Has any sporting club or organisation provided the Premier with free tickets to any major sporting events in Western Australia?
- (2) If so -
- (a) to which events were the tickets provided; and
- (b) on how many occasions have tickets been provided?

Mr COURT replied:

- (1) All members of Parliament, and the Premier in particular, receive hundreds of invitations to attend sporting, arts and social events every year. Whilst the Premier tries to attend as many events as possible, regrettably this is not always possible.
- (2) (a)-(b) This information is not readily available. Provision of this information would require considerable research which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide a response. If the member has a specific enquiry I will endeavour to provide a reply.

MINISTERS OF THE CROWN, FREE TICKETS TO SPORTING EVENTS

2317. Mr GRAHAM to the Minister for Primary Industry; Fisheries:

- (1) Has any sporting club or organisation provided the Minister with free tickets to any major sporting events in Western Australia?
- (2) If so -
- (a) to which events were the tickets provided; and
- (b) on how many occasions have tickets been provided?

Mr HOUSE replied:

- (1) All members of Parliament, and the Minister in particular, receive hundreds of invitations to attend sporting, arts and social events every year. Whilst the Minister tries to attend as many events as possible, regrettably this is not always possible.
- (2) (a)-(b) This information is not readily available. Provision of this information would require considerable research which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide a response. If the member has a specific enquiry I will endeavour to provide a reply.

MINISTERS OF THE CROWN, FREE TICKETS TO SPORTING EVENTS

2321. Mr GRAHAM to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

- (1) Has any sporting club or organisation provided the Minister with free tickets to any major sporting events in Western Australia?
- (2) If so -
- (a) to which events were the tickets provided; and
- (b) on how many occasions have tickets been provided?

Mr SHAVE replied:

- (1) All members of Parliament, and the Minister in particular, receive hundreds of invitations to attend sporting, arts and social events every year. Whilst the Minister tries to attend as many events as possible, regrettably this is not always possible.
- (2) (a)-(b) This information is not readily available. Provision of this information would require considerable research which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide a response. If the member has a specific enquiry I will endeavour to provide a reply.

MINISTERS OF THE CROWN, FREE TICKETS TO SPORTING EVENTS

2323. Mr GRAHAM to the Minister for Local Government; Disability Services:

- (1) Has any sporting club or organisation provided the Minister with free tickets to any major sporting events in Western Australia?
- (2) If so -

- (a) to which events were the tickets provided; and
- (b) on how many occasions have tickets been provided?

Mr OMODEI replied:

- (1) All members of Parliament, and the Minister in particular, receive hundreds of invitations to attend sporting, arts and social events every year. Whilst the Minister tries to attend as many events as possible, regrettably this is not always possible.
- (2) (a)-(b) This information is not readily available. Provision of this information would require considerable research which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide a response. If the member has a specific enquiry I will endeavour to provide a reply.

MANDURAH CULTURAL PROJECT, CONSULTANT

2337. Mr RIEBELING to the Premier:

In relation to the consultancy work carried out on the Mandurah Cultural Project by consultant Bob Shields:

- (a) who appointed Mr Shields to carry out this consultancy;
- (b) what was the period of employment; and
- (c) what was the total cost of this consultancy?

Mr COURT replied:

- (a) The contractual arrangements were between Mr Shields and the Chief Executive of the Government Property Office as principal to the contract.
- (b) Mr Shields was engaged on a series of contracts for 3 years and 4 months on the project.
- (c) Fees paid to Mr Shields totalled \$92,213.00. In addition, reimbursement of out of pocket expenses incurred totalled \$3,179.00.

MR BRUNO CAMARRI

2340. Mr RIEBELING to the Premier:

- (1) Does Mr Bruno Camarri provide advice to the Government on native title issues?
- (2) If yes, does Mr Bruno Camarri have any association with companies which are involved in native title claims?

Mr COURT replied:

- (1) Freehill Hollingdale and Page, of which Mr Camarri is a partner, is not currently providing advice to Government on native title issues, however, his firm has provided advice to the Government in the past.
- (2) I am not aware whether Mr Camarri has any association with companies which are involved in native title claims.

INTOXICATED PERSON'S BILL

2341. Ms WARNOCK to the Minister for Police:

- (1) When will the Government introduce the Intoxicated Person's Bill?
- (2) Will the proposed Bill give police the power to take intoxicated people to sobering-up shelters?
- (3) Will a police charge be involved?
- (4) Will the Government provide funding for any such sobering-up shelter?
- (5) What happens at present to people who are obviously intoxicated?

Mr PRINCE replied:

- (1) It is hoped to introduce this Bill in 1999.
- (2) Yes.
- (3) No.
- (4) All sobering-up shelters in this State have been State funded.
- (5) Part (V)A of the Police Act provides for the apprehension and detention of persons intoxicated by alcohol. Section 138B of the Child Welfare Act provides an ability for police to detain a child who is intoxicated by alcohol or other substance and return them to the care of a parent or responsible person.

EDUCATION DEPARTMENT, STAFF SALARY DATA

2342. Mr RIPPER to the Minister for Education:

- (1) Are Education Department salaries being reported accurately for the purpose of calculating and recording superannuation fund members benefits?
- (2) Is the form of data being forwarded by the Education Department able to be interpreted accurately by the Government Employees Superannuation Board?

Mr BARNETT replied:

- (1) While there have been some problems with the data being reported to the Government Employees Superannuation Board (GESB), this data is now accurate. The problems were related primarily to the way in which each employee's time was reported to the GESB in terms of Full Time Equivalence (FTE), particularly in terms of leave reporting (eg ensuring the correct FTE is reported when an employee goes on Leave Without Pay, Long Service Leave etc). The Education Department has been working closely with the GESB to resolve these issues.
- (2) Yes. It is the understanding of the Department that the GESB are now able to interpret the data provided by the Education Department.

LANGUAGE DEVELOPMENT CENTRES

2344. Mr RIPPER to the Minister for Education:

How many children who are currently assessed as needing to attend language development centres cannot obtain a place at one of these centres?

Mr BARNETT replied:

In 1999 an additional 107 places were offered at the four Language Development Centres, bringing the total to 393 places. The Centres have combined waiting lists of 104 students. To reduce waiting lists and to provide support closer to where children reside, the Language Development Centres (LDC) have expanded their provision of satellite classes in neighbouring primary schools. These classes come under the control of the Centre involved, and offer a similar service to students. Students with less severe impairment, or who are on waiting lists, remain at their local primary school and are supported by school based programs and the services of district teams. Teacher resources have been developed to support this process through initiatives such as the *Shean - Learning Difficulties Project*, *First Steps*, *Commonwealth Literacy Strategy* and more recently *Students at Educational Risk*. The Department has commenced work on a review of speech and language services, and the development of a comprehensive plan to ensure statewide provision of quality programs and services in response to identified student needs. The review will include the identification of national and international models of successful practice and should be completed by the end of 1999.

TEACHERS, COUNTRY INCENTIVE PACKAGE

2345. Mr RIPPER to the Minister for Education:

- (1) Has the Minister reached agreement with the State School Teachers Union on the country incentive package for teachers?
- (2) If no, what issues still remain to be resolved?

Mr BARNETT replied:

- (1) I am informed that the State School Teachers Union of WA (SSTUWA) Executive has agreed 'in principle' to the revised country incentives package. It is the Department's understanding that the Union commenced canvassing its membership with regard to the package in mid March 1999.
- (2) An 'in principle' agreement exists with the SSTUWA Executive. Subject to the Union finalising its consultation process with members, there are no outstanding issues to be resolved with the Union.

SCHOOLS, SUSPENSIONS OF STUDENTS

2346. Mr RIPPER to the Minister for Education:

- (1) How many children were excluded from Government schools in -
 - (a) 1997; and
 - (b) 1998?
- (2) On how many occasions were students suspended from Government schools in -
 - (a) 1997; and
 - (b) 1998?

Mr BARNETT replied:

- (1)
 - (a) 72 exclusions in 1997.
 - (b) 80 exclusions in 1998.

- (2) (a) 12 886 suspensions were recorded in 1997.
- (b) 16 064 suspensions were recorded in 1998.

DOMESTIC VIOLENCE, COUNSELLING

2361. Ms WARNOCK to the Parliamentary Secretary to the Minister for Justice:

- (1) How many men involved with domestic violence assaults have been asked to undergo counselling?
- (2) Is counselling mandatory when someone has been convicted of a domestic violence offence?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

- (1) No specific information is available. In the metropolitan area The Ministry of Justice has made 40 referrals since July 1998 and the Domestic Violence Prevention Unit knows of 36 referrals to counselling in country Western Australia.
- (2) No. Courts have access to a range of sentencing options.

JERVOISE BAY DEVELOPMENT

2366. Ms MacTIERNAN to the Deputy Premier:

- (1) Will the Deputy Premier advise whether any of the monies promised by the Federal Government for the Jervoise Bay development are in any way contingent on the development of the new Point James Port?
- (2) If so, what is the nature of this contingency and what are the level of sums affected?

Mr COWAN replied:

- (1) No moneys received from the Federal Government for the Jervoise Bay development will be contingent on any other project.
- (2) Not applicable.

ROCKINGHAM-KWINANA DISTRICT HOSPITAL

2371. Mr McGOWAN to the Minister for Health:

I refer to the Rockingham-Kwinana District Hospital and ask the Minister -

- (a) does the Government have any intention of closing this Hospital;
- (b) if so why;
- (c) does the Government have any intention of expanding this Hospital;
- (d) if so how;
- (e) what are the Government's future intentions in relation to this Hospital; and
- (f) will the Hospital be losing any further surgical services?

Mr DAY replied:

- (a)-(b) There is no intention to close Rockingham/Kwinana District Hospital.
- (c) At this point no expansion plans have been developed. The Health 2020 Discussion Paper 1998 (HDWA) does identify Rockingham as an area of need for additional/upgraded facilities:
 Page 47 – Reconfiguring Health Services.
 Page 63 – Obstetrics and gynaecology.
 Page 68 – Emergency Services.
- (d)-(e) Expansion will depend on a thorough examination of current building stock, population growth, patient access issues and capital funding requirements.
- (f) No.

FRINGE BENEFITS TAX RULES

2375. Mr BROWN to the Minister for Small Business:

- (1) Is the Minister aware of an article that appeared in *The West Australian* on Wednesday 10 March 1999 concerning new fringe benefit tax rules giving business a jolt?
- (2) Is the Minister aware that the proposed rules will require specified benefits, such as cars and expense payments for electricity, gas and school fees to be crossed up and identified as a separate entry on employees group certificates?
- (3) Will this new requirement add to the administration costs of business?
- (4) What representations have been made by the State Government to the Federal Government to modify the rule so that it does not have a significant impact on business administrative costs?

(5) What was the nature of the representations made?

(6) When were the representations made?

Mr COWAN replied:

(1)-(3) Yes.

(4) Recent amendments to the Fringe Benefits Tax have been targeted at tax avoidance. No major representations were made to the Commonwealth Department of Treasury on recent amendments to Fringe Benefits Tax. Recent changes to Fringe Benefit Tax are relatively minor compared to possible changes being examined in the Review of Business Taxation (the 'Ralph Review') which is examining options for major changes to business taxation, including Fringe Benefits Tax. The Commonwealth Department of Treasury is currently calling for submissions on the Ralph Review by 16 April. The Western Australian Government will be making a submission, coordinated by the Western Australian Treasury, before that date. As part of its submission to the Ralph Review, the Small Business Development Corporation will take the opportunity to stress that Fringe Benefits Tax legislation must be kept as simple as possible, particularly where it imposes administrative and cost burdens on small business.

(5)-(6) Not applicable.

VACATION SWIMMING CLASSES

2429. Mr RIPPER to the Minister for Education:

(1) What was the total cost to Government to commission Arthur Andersen to produce the "Report on the Results of a Survey Undertaken into Venue Hire Associated with the Vacation Swimming Program"?

(2) What was the total cost to Government to commission Bird Cameron to undertake a cost analysis of the Education Department providing vacation swimming classes?

(3) What was the total cost to Government to commission Coopers Lybrand to undertake the risk analysis of outsourcing the Education Department's vacation swimming classes?

Mr BARNETT replied:

I am advised:

(1) \$10 000.

(2) \$14 500.

(3) \$23 125.

EDUCATION DEPARTMENT, RECORDS MANAGEMENT SERVICES BRANCH

2431. Mr RIEBELING to the Minister for Education:

In relation to the proposal to privatise the Records Management Services branch of the Education Department -

(a) do the records held by this branch contain confidential material relating to employees of the Education Department; and

(b) if yes, what safeguards will be put in place to ensure this confidential material remains confidential if the branch is privatised?

Mr BARNETT replied:

(a) Yes. The Records Management Section manages all the Education Department personnel records which are confidential.

(b) In the event of the activities of the section being contracted out, the contractor would be required to sign a contract which prohibits the disclosure of confidential information. The contractor and his/her employees would be required to give an undertaking in writing not to access, use, disclose or retain personal information except in performing their duties. Failure to comply with this undertaking may be both a breach of the contract and a criminal offence.

EDUCATION DEPARTMENT, RECORDS MANAGEMENT SERVICES BRANCH

2432. Mr RIEBELING to the Minister for Education:

In relation to the proposal to privatise the Records Management Services branch of the Education Department -

(a) how many people are currently employed in this branch; and

(b) what assurances on future employment will the Minister give these workers if the activities of this branch are privatised?

Mr BARNETT replied:

(a) Currently the Records Management section employs 30 staff members.

- (b) In the event of the activities of the section being contracted out, the permanent staff would have the following options:

Staff would have the option of working for the contractor. This would be the Department's preferred option.

Staff who did not wish to be employed with the contractor would be assisted to find a suitable placement at their substantive level in the Education Department or with another government agency.

Staff would be offered a voluntary severance payment only if an alternative placement could not be made within the Education Department or with another government agency.

The five temporary staff currently employed by the Records Management section would cease employment at the cessation of their current contracts.

ELECTORATE OFFICERS CONFERENCE, COST

2434. Dr CONSTABLE to the Premier:

In relation to the Electorate Officers' Conference held at the Mecure Hotel on Thursday, 25 February and Friday, 26 February 1999 -

- (a) what was the total cost of the conference;
- (b) how much was paid to the Mecure Hotel; and
- (c) how much was paid to the Australian Learning Academy?

Mr COURT replied:

- (a)-(c) The total cost of the conference has not been determined with some matters still to be addressed with service providers. However, when all costs have been determined I would be prepared to make this information available.

EDUCATION DEPARTMENT, DISABILITY SERVICE PLAN

2435. Dr CONSTABLE to the Minister for Education:

I refer to the Department of Education's Disability Service Plan 1995 and ask -

- (a) what progress has been made with the Education Department of Western Australia's (EDWA) consultation with the Deans of Education of Western Australian Universities on Taskforce Recommendation 12 - "that all pre-service teacher education programs contain ... general information about disabilities";
- (b) does the Minister intend to make instruction in the education of children with disabilities compulsory for pre-service teacher education programs; and
- (c) if the answer to (2) above is yes, does the Minister intend to make this requirement compulsory?

Mr BARNETT replied:

- (a)-(c) Following discussions with the Deans of Education of Western Australian universities, I advise that all pre-service teacher education programs contain at least one compulsory unit in teaching children with Special Needs. The unit covers the education of students with disabilities and learning difficulties.

HARVEY DAM

2436. Dr CONSTABLE to the Minister for Water Resources:

- (1) What was the estimated yield of the proposed Harvey Dam at the time of planning in 1994?
- (2) In 1994, what was the quoted estimated cost of building the dam?
- (3) What is the current estimation of yield for the Harvey Dam as it is now proposed?
- (4) What is the current estimated cost of building that dam?

Dr HAMES replied:

- (1) 40 million kilolitres.
- (2) \$61.5 million.
- (3) 40 million kilolitres.
- (4) \$38.5 million.

HOMESWEST COMPLEXES, FRETTING MORTAR PROBLEMS

2440. Dr EDWARDS to the Minister for Housing:

- (1) How many -

- (a) Homeswest complexes; and
- (b) Homeswest properties have been affected by fretting mortar?
- (2) For each complex, when was the problem -
 - (a) diagnosed; and
 - (b) remedied?
- (3) What was the cost of remediation for each complex?
- (4) How many -
 - (a) complexes; and
 - (b) properties developed then sold by Homeswest are known to have fretting mortar problems?
- (5) How many affected complexes have had the problem resolved?
- (6) On the basis of dates when constructed and other relevant variables, what is the total number of complexes developed by Homeswest then sold to private owners that may be affected?

Dr HAMES replied:

- (1)-(6) The member is referred to the response to previous Parliamentary Questions Nos 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618 and 2619 on this matter. Homeswest rectifies fretting mortar issues on all its rental properties as they are identified to Homeswest. I have been informed of a Wisechoice complex at Lot 250 Coode Street (corner Haddrill Street) Bayswater which Homeswest no longer owns that has developed fretting mortar problems. Whilst Homeswest has no obligations in this case, it is assisting the Corporate Body of the complex to find a suitable resolution for the problem.

CONTRACTORS, RETAIL GENERIC SAFETY TRAINING INDUCTION COURSE

2442. Mr BROWN to the Minister for Small Business:

- (1) Is the Minister aware that some larger retail outlets have advised their contractors they will be required to have their (the contractors) employees undergo the retail generic safety training induction course conducted by the Chamber of Commerce and Industry from 1 March 1999?
- (2) Is the Minister aware the short course costs \$125 which is beyond the capacity to pay of some small contractors who are engaged for one off events?
- (3) What action does the Government intend to take to protect the interests of contractors so they will not be required to comply with such demands?

Mr COWAN replied:

- (1) Yes. I am aware that a number of large retail outlets have advised their contractors of a requirement for contractors' employees to undergo a retail generic safety training induction course by 1 July this year. Information received from industry sources indicates that the safety training induction course is currently available through the Chamber of Commerce and Industry of Western Australia and one other private sector provider and that two or three other private sector training providers are being considered for accreditation by the large retail outlets concerned.
- (2) The Chamber of Commerce and Industry of Western Australia has advised that the cost of its safety training induction course varies between \$70 to \$90 per employee, depending upon the number attending each course. The majority of contractors' employees will be involved in supplying regular food broking, cleaning and supermarket trolley collection services to large retailers. Food demonstrators who may not provide regular services to large retailers currently pay a booking fee to the retailer to operate in the store. This booking fee will be waived by some large retailers to assist small contractors meet the cost of the safety training induction course. The safety training induction certificate awarded to course participants will be valid for at least three years and will be transferable to any large retailer participating in the scheme.
- (3) The safety training induction scheme is essentially a private commercial arrangement to facilitate safer working conditions for employees and customers in large retail stores. It is not appropriate for the Government to intervene in this arrangement.

JUDGES AND INDEPENDENT OFFICERS, ACCOUNTABILITY

2443. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

- (1) Is the Minister aware of an article that appeared in the 9 March 1999 edition of *The West Australian*, in which the Minister was reported as accusing judges and independent officers such as the State Ombudsman of not being accountable for their actions?
- (2) Did the Minister make that accusation?
- (3) If not, what accusation or comment did the Minister make?
- (4) Does the Minister plan to make such officers and judges accountable?

(5) If so in what way?

Mrs van de KLASHORST replied:

(1) Yes.

(2) He did not make any accusations, but did say independent officers are not accountable in the way Ministers are.

(3)-(4) I suggest the member read the Minister's speech in the Legislative Council on 9 March 1999, *Hansard* page 5925.

(5) Not applicable.

REGIONAL DEVELOPMENT COUNCIL, REPORT ON TAXATION IN REGIONAL WA

2445. Mr BROWN to the Minister for Regional Development:

(1) Is the Minister aware of the Regional Development Council report on taxation in regional Western Australia?

(2) Is the Minister aware of the report summary - February 1999 produced by the Regional Development Council?

(3) As a matter of policy does the Government support conclusion number -

- (a) one;
- (b) two;
- (c) three; or
- (d) four?

(4) If not, why not?

(5) As a matter of policy, does the Government support any or all of the options identified by the report?

(6) Which options does the Government support?

(7) What action does the Government intend to take to implement those options?

Mr COWAN replied:

(1)-(2) Yes.

(3) (a)-(d) The conclusions of the report, based on the Institute for Research into International Competitiveness study, are reasonable and I support action to reduce or remove any impediments and inequities faced by regional households and businesses due to the structure of the tax system.

(4) Not applicable.

(5) The options contained within the report are under consideration.

(6) The Government will consider the recommendations of the report and whether it is practicable at this time to include them in its discussions with the Commonwealth Government on the new tax system arrangements.

(7) The report has been the basis of a submission by the Regional Development Council to the Senate Committee on the GST and a new tax system.

WESTRAIL, LEIGHTON MARSHALLING YARDS DEVELOPMENT PROPOSALS

2460. Dr EDWARDS to the Premier:

With reference to the proposals to develop Leighton Marshalling Yards, how many letters of objection have been received by the Premier?

Mr COURT replied:

There have been 1888 (1825 pre-printed form letters and 63 personal letters) as at 12.00 noon, Friday 19 March 1999) received in regards to the proposal concerning Leighton Marshalling Yards.

VACATION SWIMMING CLASSES, TENDER

2462. Mr RIPPER to the Minister Services:

(1) Has the Minister or the Supply Commission investigated whether the Education Department has complied with Supply Commission guidelines in proposing to award the tender for vacation swimming classes to the Royal Life Saving Society despite the fact that its tender was \$114 000 or 40 per cent higher than the lowest tender price?

(2) If not, why not?

(3) If yes, what was the outcome of the investigation?

Mr BOARD replied:

I am advised that:

(1) No.

- (2) The State Supply Commission is an observer on the Education Department's internal Tenders Committee and is aware of the tender for vacation swimming classes. The Commission has no evidence to warrant an investigation.
- (3) The Commission encourages agencies to use value for money as the basis for making contracting decisions, rather than basing decisions on the lowest price.
- (4) Not applicable.

MINISTER FOR PRIMARY INDUSTRY, DISCIPLINARY ACTION AGAINST STAFF

2463. Mr RIPPER to the Minister for Public Sector Management:

When does the Minister expect the investigation of the need for disciplinary action against members of the Ministerial staff of the Minister for Primary Industry to be completed?

Mr COURT replied:

As the matter is under consideration, I do not believe it is appropriate to discuss any aspect of this matter at this time.

POLICE SERVICE, SALE OF PROPERTIES

2467. Mrs ROBERTS to the Minister for Police:

- (1) What Government owned properties controlled by the Western Australian Police Service were sold in each of the following years-
 - (a) 1996;
 - (b) 1997; and
 - (c) 1998?
- (2) How much was each property sold for?
- (3) Are any properties currently for sale?
- (4) If so, what are the addresses of each property?
- (5) Is consideration being given to selling any Police Service controlled properties during 1999?
- (6) If so, what are the addresses of each such property?
- (7) Are any Police stations being considered for sale?
- (8) If so, which ones?

Mr PRINCE replied:

- (1)
 - (a) None.
 - (b) Nollamara Police Station, 73 Nollamara Avenue, Nollamara.
 - (c)
 - (i) Old Belmont Police Station, 210 Great Eastern Highway, Belmont.
 - (ii) Old Cannington Police Station, 1469 Albany Highway, Cannington.
 - (iii) Fremantle Traffic and Licensing Centre, 148 Forrest Street, Fremantle.
 - (iv) Swan Location 12225, Marangaroo Drive & Wanneroo Road, Marangaroo.
 - (v) Old Morley Police Station, Corner Lovegrove Way & Russell Street, Morley.
 - (vi) Swan Location 12736, Valentine Street, Dianella.
 - (vii) Swan Location 12825, Cnr Foss Street & Canning Highway, Palmyra.
 - (viii) Swan Location 12827, Cnr Harris road & Canning Highway, Palmyra.
 - (ix) Old Victoria Police Station, 450 Albany Highway, Victoria Park.
- (2)
 - (a) Not applicable.
 - (b) \$160,000.
 - (c)
 - (i) \$1,625,000.
 - (ii) \$800,000.
 - (iii) \$1,360,000.
 - (iv) \$102,000.
 - (v) \$244,000.
 - (vi) \$250,000.
 - (vii) \$459,000.
 - (viii) \$225,000.
 - (ix) \$295,000.
- (3) Yes. There are 7 properties listed for disposal.
- (4)
 - (i) Lots 35D, 36 & 37 Wilcox Street, Chidlow.
 - (ii) Lot 10764, Brockway & John XXIII Avenue, Mt Claremont.
 - (iii) 60 Attfield Street, Maddington.
 - (iv) Portions of Reserve 42033, Murdoch Drive, Murdoch.
 - (v) Lot 200, Cnr Welwyn Avenue & Yanchep Beach Road, Yanchep.
 - (vi) 57 Lincoln Street, Highgate.
 - (vii) Cnr Viveash Road, Victoria Street & Great Eastern Highway, Midland.

- (5) The Police Service is constantly reviewing its property land holdings in line with the Government's Strategic Asset Management policy. The properties identified in item 4 are surplus to operational requirements and are listed for disposal during 1999.
- (6)-(8) Not applicable.

POLICE, CURTIN HOUSE

2468. Mrs ROBERTS to the Minister for Police:

- (1) How many Police Officers are stationed at Curtin House currently?
- (2) How many Police Officers were stationed at Curtin House in each of the following years-
- (a) 1997; and
- (b) 1998?
- (3) How many police personnel in total are currently located at Curtin House?
- (4) How many police personnel in total were located at Curtin House in each of the following years-
- (a) 1997; and
- (b) 1998?

Mr PRINCE replied:

- (1) As at March 1999 the approved staffing level for Police Officers stationed at Curtin House is 417 FTE, comprising:
- | | |
|---------------------|---------|
| Crime Support | 284 FTE |
| Metropolitan Region | 133 FTE |
- (2) (a) As at May 1997 the approved staffing level for Police Officers stationed at Curtin House was 480 FTE, comprising:
- | | |
|---------------------|---------|
| Crime Support | 366 FTE |
| Metropolitan Region | 144 FTE |
- (b) As at January 1998 the approved staffing level for Police Officers stationed at Curtin House was 487 FTE, comprising:
- | | |
|---------------------|---------|
| Crime Support | 370 FTE |
| Metropolitan Region | 117 FTE |
- (3) As at March 1999 the approved staffing level for Police personnel in total located at Curtin House is 522 FTE; comprising:
- | | |
|---------------------|---------|
| Crime Support | 381 FTE |
| Metropolitan Region | 141 FTE |
- (4) (a) As at May 1997 the approved staffing level for Police personnel in total located at Curtin House was 581 FTE, comprising:
- | | |
|---------------------|---------|
| Crime Support | 458 FTE |
| Metropolitan Region | 123 FTE |
- (b) As at January 1998 the approved staffing level for Police personnel in total located at Curtin House was 591 FTE, comprising:
- | | |
|---------------------|---------|
| Crime Support | 465 FTE |
| Metropolitan Region | 126 FTE |

Additional Information: Comparable approved staffing levels by buildings are not readily available necessitating data being provided at different dates.

POLICE HEADQUARTERS, NUMBER OF OFFICERS

2469. Mrs ROBERTS to the Minister for Police:

- (1) How many Police Officers are stationed at Police Headquarters currently?
- (2) How many Police Officers were stationed at Police Headquarters in each of the following years-
- (a) 1997; and
- (b) 1998?
- (3) How many police personnel in total are currently located at Police Headquarters?
- (4) How many police personnel in total were located at Police Headquarters in each of the following years-
- (a) 1997; and
- (b) 1998?

Mr PRINCE replied:

- (1) As at March 1999 the approved staffing level for Police Officers stationed at Police Headquarters is 308 FTE.
- (2) (a) As at May 1997 the approved staffing level for Police Officers stationed at Police Headquarters was 210 FTE.
(b) As at January 1998 the approved staffing level for Police Officers stationed at Police Headquarters was 258 FTE.
- (3) As at March 1999 the approved staffing level for Police Personnel in total located at Police Headquarters is 562 FTE.
- (4) (a) As at May 1997 the approved staffing level for Police Personnel in total located at Police Headquarters was 489 FTE.
(b) As at January 1998 the approved staffing level for Police personnel in total located at Police Headquarters was 529 FTE.

Additional Information: The staffing levels at Police Headquarters comprise Traffic and Operations Support, Crime Support, Metropolitan Region, the Executive and Administration personnel. Comparable approved staffing levels by buildings are not readily available necessitating data being provided at different dates.

POLICE, OLD PERTH GIRLS SCHOOL

2470. Mrs ROBERTS to the Minister for Police:

- (1) How many Police Officers are stationed at the Old Perth Girls School facility currently?
- (2) How many Police Officers were stationed at the Old Perth Girls School facility in each of the following years-
(a) 1997; and
(b) 1998?
- (3) How many police personnel in total are currently located at the Old Perth Girls School facility?
- (4) How many police personnel in total were located at the Old Perth Girls School facility in each of the following years-
(a) 1997; and
(b) 1998?

Mr PRINCE replied:

- (1) As at March 1999 the approved staffing level for Police Officers stationed at Old Perth Girls School facility is 260 FTE, comprising:

Crime Support	219 FTE
Metropolitan Region	41 FTE
- (2) (a) As at May 1997 the approved staffing level for Police Officers stationed at Old Perth Girls School facility was 281 FTE, comprising:

Crime Support	205 FTE
Metropolitan Region	76 FTE

 (b) As at January 1998 the approved staffing level for Police Officers stationed at Old Perth Girls School facility was 279 FTE, comprising:

Crime Support	205 FTE
Metropolitan Region	74 FTE
- (3) As at March 1999 the approved staffing level for Police personnel in total located at Old Perth Girls School facility is 394 FTE; comprising:

Crime Support	353 FTE
Metropolitan Region	41 FTE
- (4) (a) As at May 1997 the approved staffing level for Police personnel in total located at Old Perth girls School facility was 404 FTE, comprising:

Crime Support	328 FTE
Metropolitan Region	76 FTE

 (b) As at January 1998 the approved staffing level for Police personnel in total located at Old Perth Girls School facility was 410 FTE, comprising:

Crime Support	336 FTE
Metropolitan Region	74 FTE

Additional Information: Comparable approved staffing levels by buildings are not readily available necessitating data being provided at different dates.

CRIME CONFERENCE, NUMBER OF DELEGATES

2471. Mrs ROBERTS to the Minister for Police:

- (1) How many delegates attended the Crime Conference held in November 1996 at the Langley Plaza Hotel?
- (2) How many interstate delegates attended?
- (3) How many interstate delegates were accompanied by their spouses?
- (4) How many Western Australian Police Officers had seating at this Conference?
- (5) How many Western Australia Police Officers were accommodated at the Langley Plaza Hotel and at what cost?
- (6) Were any Western Australia Police Officers accommodated at other hotels at the expense of the Police Service and if so, how many and at what cost?
- (7) What was the cost to the Western Australia Police Service for meals at the Langley Plaza Hotel?
- (8) Were any other charges made by the Langley Plaza Hotel apart from accommodation and meals?
- (9) If so, will you itemise those charges?
- (10) What were the number of police officers and their spouses attending sessions or dinners?
- (11) What was the total cost to the Police Service of this Conference?
- (12) Were any of the above costs offset and if so how and in what quantum?
- (13) What was the cost of any airfares paid by the Western Australia Police Service for any guests to attend the conference and who were those guests?
- (14) Were there any accounts for the Conference paid for by credit card?
- (15) If so, in whose name were the credit cards and what were the amounts involved?
- (16) What form of payment was used to pay for amounts not paid by credit card and what were the amounts?
- (17) Were there any costs for spouses attending dinners or associated events?
- (18) If so, which spouses and will the Minister itemise the costs?

Mr PRINCE replied:

- (1) A total of 15 delegates from Australia and New Zealand attended the conference.
- (2) 14 delegates.
- (3) 9 delegates.
- (4) 1 delegate and 1 senior police officer full time, with occasional attendance by Commissioner Falconer and Deputy Commissioner Brennan.
- (5) The (then) Assistant Commissioner of Crime Operations, Mr Bill Mott, as host and chairman of the conference, was accommodated at the Langley Plaza Hotel. The total cost of his accommodation and conferences expenses was (approximately) \$1,317.15.
- (6) No.
- (7) The total cost of meals and functions at the Langley Plaza Hotel totalled (approximately) \$6,600.00.
- (8) Yes. Additional expenses relating to venue hire and security were met by the Western Australia Police Service.
- (9) * Venue hire (five days) = \$2,750.00; and
* Hire of a security officer = \$840.00.
- (10) Sessions: As stated in question 2 and 4, a total of 15 delegates and 1 senior officer from the Western Australia Police Service attended the conference sessions with occasional attendance by Commissioner Falconer and Deputy Commissioner Brennan.

Dinners/functions: A total of four functions were run throughout the conference.

- 1 Welcoming cocktail party: A total of 58 guests attended the cocktail party which took place on the evening before the commencement of the conference. Aside from the conference delegates, guests included the Premier Hon Richard Court and Mrs Court, the Director of Public Prosecutions Mr John McKechnie and Mrs McKechnie, the Commissioner Mr Falconer and Mrs Falconer, Deputy Commissioner Brennan and Mrs Brennan and senior members from the Western Australia Police Service and their partners.
- 2 Informal Dinner: A total of 44 guests attended the informal conference dinner, 15 of which were the conference delegates.

- 3 Formal Conference Dinner: A total of 54 guests attended the formal conference dinner.
- 4 Conference farewell luncheon: A total of 30 guests attended the farewell luncheon, which included the conference delegates, attending spouses and conference support staff.
- (11) The total cost of the conference is \$26,236.35.
- (12) No. The total cost of the conference, which did not include visiting delegates travel or accommodation expenses, was met by the Western Australia Police Service.
- (13) Nil.
- (14) Yes. Accommodation and conference costs/expenses incurred by the (then) Assistant Commissioner Crime Operations Portfolio, who was the host and chairman of the conference, were paid by Credit Card.
- (15) The credit card was in the name of A. W. Mott, Assistant Commissioner (Crime Operations Portfolio). The total cost incurred by Mr Mott for accommodation and expenses throughout the conference was \$1,317.15.
- (16) All other conference expenses were received by invoice and paid via the Government accounting system, in line with "F.A.A.A." principles.
- (17) Yes.
- (18) As is the protocol when hosting Australasian conference, the hosting State provided a "partners programme" for the spouses of visiting delegates. The programme comprised of visits to Rottnest Island, a "Sunset Coast" tour, a historical tour to Toodyay and York, and a tram tour of Fremantle. All 9 of the visiting spouses took part in the partners programme, with attendance by on duty officers from the Western Australia Police Service Public Affairs Branch and Protective Services Unit. The total cost of the partners programme was (approximately) \$1,235.00.

POLICE SERVICE, PROPERTIES LEASED

2472. Mrs ROBERTS to the Minister for Police:

- (1) Does the Police Service lease any properties?
- (2) If so -
- (a) what are the addresses; and
- (b) costs involved?
- (3) What business is conducted at any leased premise?
- (4) Who are any such properties leased from?

Mr PRINCE replied:

- (1) Yes.
- (2)-(4) See below.

	Question 2(a)	Question 2(b)	Question 3	Question 4
	Address	Gross Rents (Costs involved)	Business conducted at premise	Lessor
GPO Premises				
1	Boyd House, Albany	\$54,362	District Administration	Robert Bruce Boyd
2	Lot 11 & part Lot 12, Stirling Tce, Albany	\$30,067	Albany Traffic Operations	G & E DeGiambattista
3	Ballajura Shopping Centre, Ballajura	\$20,326	Ballajura Police Post - localised administration	Capital Management Group Australia P/L
4	11th Floor 26 St George's Terrace, Perth	\$70,043	Internal Affairs	AWAP SGT 26 Investment Ltd
5	256 Great Eastern Highway, Belmont	\$4,000	Racing & Gaming administration	Shire of Belmont
6	Broome Shire Office Building, Broome	\$95,765	District Administration	Pearls Pty Ltd

	Question 2(a)	Question 2(b)	Question 3	Question 4
7	Covert operation	\$67,000	Witness Protection	Not for publication
8	8 Burton Street, Cannington	\$131,000	Community Policing Administration	Queron Nominees Pty Ltd
9	210 Adelaide Tce, East Perth	\$117,000	Firearms Branch	Newburgh Company Ltd
10	297 Hay Street, East Perth	\$50,000	Commercial Agents Branch	East Bay Holdings Pty Ltd
11	Westrade Centre 105 Lord St, East Perth	\$34,000	Traffic Investigations office	Kevin Edward Barlett
12	46 Hill Street, East Perth	\$60,000	Aboriginal Affairs	Ulidia Investments P/L & Salmic P/L
13	207 Adelaide Terrace, Sheraton Court, East Perth	\$99,300	Human Resources	Success Venture Pty Ltd
14	250 Adelaide Tce, East Perth	\$130,000	Child Abuse Unit	Pine Growth Pty Ltd
15	23/29 Quarry St, Fremantle	\$102,610	District Administration	25 Nominees Pty Ltd
16	SGIO Building, 45 Cathedral Ave, Geraldton	\$50,000	Geraldton District Office	State Government Insurance Commission
17	Lot 103 & 104 Stock Road, Herne Hill	\$10,400	Mounted Agistment	Homeswest
18	61 McPherson Street, Hyden	\$2,080	Local Police Office	Shire of Hyden
19	Hanger No. 149, Jandakot	\$9,731	Air Support	Federal Airport Corporation
20	Old Council Premises, Canning Rd, Kalamunda	\$46,000	Police Station	Shire of Kalamunda
21	Vespor House 31-33 Dugan St, Kalgoorlie	\$46,980	Central Regional Police Office	Straits Holdings Pty Ltd
22	Hanger Facility, Karratha	\$2,657	Air Support	Federal Airport Corporation
23	22 Valentine Street, Kewdale	\$171,000	Warehouse/storage /contract administration	Baranski Nominees Pty Ltd
24	TNT (vehicle storage), 450 Belmont Ave, Kewdale	\$17,000	Proceeds of Crime storage	TNT Pty Ltd
25	24 Sutton Street, Mandurah	\$50,000	Southern Regional Police Office	Equity Developments Pty Ltd
26	DOLA Building, Morrison Rd, Midland	\$66,032	District Administration	Allco Midland Pty Ltd
27	New Norcia Police Station, New Norcia	\$312	Local Police Office	The Benedictine Community of New Norcia
28	Law Chambers Building, 573 Hay Street, Perth	\$55,268	Administration function	The Perth Diocesan Trustees
29	Law Chambers Building, 573 Hay Street, Perth	\$718,081	Human Resources & administration	The Perth Diocesan Trustees
30	Levels 3, 4, 5, Public Trust, 565 Hay Street, Perth	\$267,540	Administration	Public Trustee

	Question 2(a)	Question 2(b)	Question 3	Question 4
31	Ground Floor Public Trust, 565 Hay St, Perth	\$42,867	Recruiting Shop Front	Public Trustee
32	6th Floor Public Trust, Perth	\$24,472	Administration	Public Trustee
33	81 St George's Centre, Perth	\$61,000	Official Corruption Office	Woh Hup (Australia) Pty Ltd
34	Eastpoint Plaza, Level 7, 233 Adelaide Tce, Perth	\$174,000	Fraud Investigations	Eastpoint Pty Ltd
35	Lot 18 Tokin St, Unit 2, South Hedland	\$62,000	Northern Command Office Administration	Bridget Jane & Bruce James Cheffins
36	Shire Council Office, Donnan St, Tammin	\$208	Local Police Office	Shire of Tammin
37	52 Kings Park Road, West Perth	\$53,112	Coronial Inquiries	Trustees of the Christian Brothers WA Inc.
38	BCI (covert location)	\$47,000	Covert Operation	Not for publication
39	BCI (covert location)	\$42,000	Covert Operation	Not for publication
40	Level 2, 197 St Georges Terrace, Perth	\$166,000	Administration - Finance & Asset Management	Ministry of the Premier & Cabinet

POLICE SERVICE, PROPERTIES LEASED

2473. Mrs ROBERTS to the Minister for Police:

- (1) Does the Police Service lease out any of its properties or parts thereof?
- (2) If so, exactly what is leased out, at what cost, to whom and for what purpose?

Mr PRINCE replied:

- (1) Yes.
- (2) The Old Kalamunda Police Station located on reserve 13134 Mead Street, Kalamunda. The Department of Land Administration has, on our behalf, leased the station on a peppercorn rent for a term of 5 years with a 6 month break clause to the Kalamunda Community Radio Incorporated as a community based radio station. The Lessee is also responsible for the maintenance and running costs while they remain in occupation.

POLICE STATIONS, LEASING

2474. Mrs ROBERTS to the Minister for Police:

- (1) Is the Police Service considering the leasing of any Police Stations?
- (2) If so, what are the details?

Mr PRINCE replied:

- (1) Treasury require agencies to follow the Project Initiation Process (PIP) and the Strategic Asset Management (SAM) guidelines. Under these guidelines, the options include an evaluation of leasing, as well as other forms of facilities delivery. In the past, the WA Police Service has leased temporary accommodation while constructing new or renovating existing stations.
- (2) Temporary leased accommodation will be utilised during the construction of the proposed new Bunbury District Office/Police Station.

POLICE OFFICERS, DRIVING OFFENCES INVOLVING LIQUOR

2475. Mrs ROBERTS to the Minister for Police:

- (1) What has been the Police Service policy over the last 5 years with respect to officers who have been convicted of driving offences involving liquor whilst on duty?
- (2) What has been the Police Service policy over the last 5 years with respect to officers who have been convicted on driving offences involving liquor whilst off duty?

- (3) How many on duty Police Officers have been convicted of driving offences involving liquor in each of the following years-
- (a) 1994;
 - (b) 1995;
 - (c) 1996;
 - (d) 1997; and
 - (e) 1998?
- (4) How many of the above officers are still employed in the Police Service?
- (5) How many resigned?
- (6) How many were dismissed?
- (7) How many off duty Police Officers have been convicted of driving offences involving liquor in each of the following years-
- (a) 1994;
 - (b) 1995;
 - (c) 1996;
 - (d) 1997; and
 - (e) 1998?
- (8) How many of the above officers are still employed in the Police Service?
- (9) How many resigned?
- (10) How many were dismissed?

Mr PRINCE replied:

- (1) There was no policy in place until 1996. Police officers prior to this time subject to the same penalties as members of the community. A policy relative to *Driving Western Australia Police Service Vehicles with a Blood Alcohol Content Exceeding Prescribed Limits and Ancillary Offences* was developed and promulgated on 1 January 1997 - Reference Commissioner's Orders and Procedures Manual PAP-104 which states in part:

It is the policy of the Western Australia Police Service (WAPS) that on or off duty personnel (sworn and unsworn):

who are convicted of driving a WAPS vehicle with a blood alcohol content in excess of the current statutory limit, or
 who are convicted of driving a WAPS vehicle under the influence of illicit drugs, or
 who while driving a WAPS vehicle and when required to, refuse or fail to submit to a preliminary breath test, or a breath or blood test, for evidentiary purposes, or
 who while driving a WAPS vehicle and when involved in a traffic crash, fail to remain at the scene of such crash in accordance with instructions promulgated for members of the Police Service (refer COPS manual)

will be subject to disciplinary action and may be subject to dismissal.

- (2) Whilst off duty, police officers convicted of driving offences are subject to the same sanctions as members of the community. Officers may also be subject to disciplinary action under the Police Regulations 1979.
- (3) (a)-(e) No on duty officers have been convicted of alcohol related offences.
- (4)-(6) Not applicable.
- (7) (a)-(b) No figures available.
 (c) Two.
 (d) Three.
 (e) Two.
- (8) Three.
- (9)-(10) Two.

POLICE, SUBSTANCE ABUSE BY JUVENILES

2477. Mrs ROBERTS to the Minister for Police:

- (1) What is the Police Service's policy and procedure for juveniles either observed or reported to be sniffing glue or other substances in public places?
- (2) What number of juveniles were reported to the Police engaged in glue sniffing or similar in 1998?
- (3) Were any of these juveniles repeat offenders and if so, how many?
- (4) What is the Police Service actively doing to reduce the number of juveniles involved in substance abuse?

- (5) What costs were incurred in 1998 in providing protection to juveniles involved in substance abuse?

Mr PRINCE replied:

- (1) Juveniles who are located by police officers glue sniffing or abusing any other solvents are taken into protective custody using the provisions of Section 138 of the *Child Welfare Act*. Once in custody, the parents of the juvenile/s are contacted, advised of the situation and the juvenile is placed in the care of the parent. In situations where it is not possible to place the juvenile in the custody of the parent, the juvenile is taken to and placed in the care of the Killara (Crisis Care) Perth or another similar organisation (ie, Noongar Alcohol and Substance Abuse Services).
- (2) The Western Australia Police Service statistical database does not identify or record "glue sniffing" as an offence, however, I am advised during 1998 (calendar year), the Juvenile Aid Group located in Perth, dealt with 149 incidents where juveniles were involved with glue sniffing and other solvent abuse. These incidents involved 78 juveniles in total.
- (3) Yes. The Juvenile Aid Group reports of the 78 juveniles dealt with during 1998, 31 had been dealt with on more than one occasion previously.
- (4) The Juvenile Aid Group (JAG) who operate within the Perth police district only, deal with juvenile issues, including solvent abuse, and use pro-active patrolling methods to police problem areas. Education on the ramifications of glue sniffing and solvent abuse is carried out by JAG officers on a "one to one" basis, usually as the result of the juvenile being detected abusing solvents. In July 1999, the Police Service trained 85 police officers throughout the State in solvent abuse issues and the implementation of harm reduction strategies for same. The Police Service also has representation on a working party currently formulating the proposed *Intoxicated Persons Bill*. This legislation, once enacted, will afford police officers the power to apprehend juveniles intoxicated on solvents and other substances, dispose of the substance and detain them until they can be placed in the care of an approved person.
- (5) As juveniles detected abusing solvents are generally dealt with by police officers as part of their normal policing duties, it is impossible for the Police Service to estimate the overall costs of "protecting" juveniles (from solvent abuse) as requested by the member. Notwithstanding, I can advise the Juvenile Aid Group expended approximately \$231,000.00 in salaries during 1998. It is to be noted the Juvenile Aid Group is specifically tasked to deal with juvenile issue and operates within the Perth police district only.

POLICE, CURTIN HOUSE COSTS

2478. Mrs ROBERTS to the Minister for Police:

- (1) What are the costs involved in maintaining Curtin House?
- (2) Will the Minister itemise these costs?
- (3) How many officers have been transferred from the City Station to Police Headquarters during the last 12 months?
- (4) Why were these officers transferred?
- (5) Are the facilities at Police Headquarters appropriate for the additional officers located there?
- (6) Is the Minister aware of concerns about showers and amenities at Police Headquarters?
- (7) If so, what has been done to address these concerns?
- (8) What are the future plans for Curtin House?

Mr PRINCE replied:

- (1) A total of \$456,150 has been spent to date on maintaining Curtin House for this financial year. A total of \$755,821 was spent on maintaining Curtin House for the 1997/1998 financial year.
- (2) 1998/99 (1 June 1998 until 19 March 1999)

Electricity/Gas	\$193,998
Water Rates/Usage	\$3,506
Routine Maintenance	\$83,993
General Restoration	\$72,929
Minor works	\$27,590
Building Faults	\$52,337
General Maintenance	\$21,797

1997/98

Electricity/Gas	\$165,531
Water Rates/Usage	\$18,318
Routine Maintenance	\$49,738
General Restoration	\$361,811*
Minor works	\$47,794
Building Faults	\$80,097
General Maintenance	\$32,532

* This figure includes the total cost of \$200,000 for the recarpeting of the Curtin House building.

- (3) In responding to this question I assume the Member for Midland is incorrectly referring to Police Headquarters instead of the Central Police Station Complex, Hay Street, East Perth. If this is the case then nil permanent transfers from 1 March 1998 to 18 March 1999. From 11 January 1999 to current date, 28 have been seconded.
- (4) Refer to (3). To improve efficiency of policing services in the City of Perth and Northbridge environs, City Station and Perth Central Station have been amalgamated to avoid duplication of administration.
- (5) Yes.
- (6) No, but I am advised a complaint was made to the Police Union and a Union representative (Mr Smith), viewed showers and amenities which I am advised he considered to be satisfactory.
- (7) Not applicable.
- (8) At this stage there are no plans to change the current use of the Curtin House building.

POLICE OFFICERS, COMPLAINTS REPORTED TO ANTI-CORRUPTION COMMISSION

2479. Mrs ROBERTS to the Minister for Police:

- (1) Are all complaints against Police Officers regardless of the circumstance or the final outcome reported by the Police Service to the Anti-Corruption Commission?
- (2) If so, why?
- (3) If not, what are the circumstances in which the Police Service reports a complaint against a Police Officer to the Anti-Corruption Commission?

Mr PRINCE replied:

- (1) No.
- (2)-(3) Where issues of corrupt conduct, criminal conduct, criminal involvement or serious improper conduct are involved.

Additional Information: The provisions contained within Section 14 of the Anti-Corruption Commission Act, 1988 requires the Police Service to report matters that are within the four abovementioned categories. Each of the categories is specifically defined within the said Act.

POLICE PROMOTIONS, REFERRAL TO ANTI-CORRUPTION COMMISSION

2480. Mrs ROBERTS to the Minister for Police:

- (1) When promotions are being considered within the Western Australian Police Service is advice sought from the Anti-Corruption Commission?
- (2) If so, does this apply in all cases?
- (3) If not, have there been any circumstances in which potential promotions have been referred to the Anti-Corruption Commission and what were those circumstances?

Mr PRINCE replied:

- (1) Officers considered for senior appointments in the Western Australia Police Service are the subject of integrity checks through the Professional Standards Portfolio, the Parliamentary Commissioner and the Anti-Corruption Commission. Officers shortlisted for interview for promotion to non commissioned officer rank are usually the subject of integrity checks through the Professional Standards Portfolio and the Anti-Corruption Commission.
- (2) Yes.
- (3) Not applicable.

ROYAL FLYING DOCTOR SERVICE, EASTERN GOLDFIELDS

2481. Mr GRILL to the Minister for Health:

- (1) Are you aware of concerns being expressed by the Eastern Goldfields Medical Association because insufficient funding of the Royal Flying Doctor Service in the Eastern Goldfields region has caused serious delays in treatment, resulting in great risk to patients lives?
- (2) What steps will you take to alleviate the problems and improve the situation?

Mr DAY replied:

- (1) No.
- (2) Not applicable.

GRANT, MR RICHARD JOHN

2484. Ms MacTIERNAN to the Parliamentary Secretary to the Minister for Justice:

With regards to the fraud charges laid against Richard John Grant over a contract to supply public relations services to Main Roads Western Australia, what stage is this case currently at?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

Richard John Grant appeared before the District Court on 3 March 1999, having been remanded to the Court on 12 charges of fraud and one charge of attempted fraud. The case was adjourned to the sittings of that court commencing 3 May 1999 to enable the Crown to present an indictment.

CONSTITUTIONAL CENTRE, BUDGET

2490. Ms McHALE to the Premier:

In respect to the Constitution Centre and an answer to a question without notice on 10 March 1999, I ask -

- (a) how much of the Constitutional Centre's budget was allocated to the exhibition on Women's Suffrage;
- (b) how much was spent on -
 - (i) remedial work to improve safety;
 - (ii) a garden fence; and
 - (iii) bollards to prevent vehicular traffic;
- (c) on what date was Ms Felicity Morel Ednie Brown transferred to another position;
- (d) when did Ms Felicity Morel Ednie Brown proceed on leave;
- (e) what sort of leave is she on; and
- (f) is she on paid leave?

Mr COURT replied:

- (a) \$79,000 was allocated in 1997/98 and \$166,000 in 1998/99
- (b) Remedial work to improve safety and a garden fence: The Centre paid \$15,339 for the following works:

- Removal of asphalt in a 600mm strip along the edge of the car park
- Supply and laying of new concrete footing
- Supply and installation of top soil
- Supply and installation of 48 fencing posts
- Supply and installation of hedge plants and irrigation

To prevent vehicular traffic: \$5,364.78 has been paid for the supply and installation of 10 bollards with connecting chain.

- (c) 14th January 1999.
- (d) 15th January 1999.
- (e) Accrued Time.
- (f) Yes.

ABORIGINAL STREET PATROLS, FUNDING

2491. Ms ANWYL to the Minister for Aboriginal Affairs:

- (1) Will the Minister list all allocations of funding for Aboriginal street patrols made by your Department for the financial years ending -

- (a) 30 June 1994;
- (b) 30 June 1995;
- (c) 30 June 1996;
- (d) 30 June 1997;
- (e) 30 June 1998; and
- (f) 30 June 1999?

- (2) Will the Minister -
- (a) list all notional allocations of funding to Aboriginal street patrols made for the current financial year and state the total amount;
 - (b) advise which of these payments have been made to the various street patrols;
 - (c) specify when payments were actually made; and
 - (d) advise if notional allocations have not been paid, advise why not?
- (3) Will the Minister advise how many street patrols are currently operating in Western Australia and what days and hours do they operate each week?
- (4) Will the Minister advise how many people are assisted by each such patrol each week on average?
- (5) What steps has the Minister or his Department taken to seek additional funding to assist individual street patrols, ie. funding from outside sources?
- (6) What long term commitment does the Department have to funding Aboriginal street patrols?
- (7) What amount of funding was allocated to Wunngaguty Patrol and how much has actually been paid to EGACRA on behalf of the said patrol for the years -
- (a) 1997-98; and
 - (b) 1998-99?
- (8) Has the Minister received presentations from other regions wishing to start patrols in their towns or cities?
- (9) If the answer to (8) above is yes, will the Minister advise details?
- (10) Does Katanning have a patrol, and if so, when did it commence?
- (11) When did the Minister seek advice from his Department as to what supplementary funding was required for 1998-99?
- (12) What advice did the Minister receive?
- (13) I refer to the Minister's letter to me dated 14 November 1997, wherein the Minister stated that the Department would conduct a review of the operations of community patrols and ask if this review has been completed?
- (14) If the answer to (13) above is yes, what were the findings of the review?
- (15) If the answer to (13) above is yes, will the Minister table a copy of that review?
- (16) If the answer to (13) above is no, why not?

Dr HAMES replied:

- (1)
 - (a) Nil.
 - (b) \$1,042,000.00.
 - (c) \$1,042,000.00.
 - (d) \$540,000.00.
 - (e) \$500,000.00.
 - (f) \$500,000.00.
- (2)
 - (a) \$30,000.00 has been notionally allocated to each patrol with an option for a further \$12,500.00. The total allocation for 1998/99 is \$500,000.00 however, it is intended to review this amount towards the end of the financial year.
 - (b) Payments have been made to Wiluna (Ganah Ganah), Broome (Kullari), Halls Creek (Kija Jaru), Fitzroy Crossing (Marrala Patrol), Roebourne (Minnga), Kununurra (Miriwoong), NASAS (Northbridge), Derby (Numbud), Midland (Swan), Wyndham (Warriu) and Geraldton (Yamatji).
 - (c) Payments were made on 3 December 1998, 12 October 1998, 15 October 1998, 1 October 1998, 27 November 1998, 18 November 1998, 29 October 1998, 4 February 1999, 29 August 1998 and 29 October 1998, 7 December 1998 and 23 December 1998.
 - (d) Payments have not been made to Mullewa (Mayu), Narrogin (Ngnarogin), Kalgoorlie (Wunngagutu) and Carnarvon because grant applications have not been submitted. The grant proposal form for Port Hedland (Pakala) has been received but is pending the acquittal of outstanding funds from previous grants.

- (3) 17 patrols, however, the answering of the remainder of this question will require significant staff resources which I am not prepared to allocate at this time. Should the Member have a specific question about a particular street patrol I would be prepared to provide an answer.
- (4) To provide an answer to this part of the question will require significant staff resources which I am not prepared to allocate at this time. Should the Member have a specific question about a particular street patrol I would be prepared to provide an answer.
- (5) The Aboriginal Affairs Department's regional offices identify and link patrols to other funding sources in the region.
- (6) Patrols are included in the Aboriginal Affairs Department's Five Year Business Plan.
- (7) (a) \$30,000.00 allocated and \$36,000.00 paid.
(b) \$30,000.00 initially with an option for a further \$12,500.00 and nil paid.
- (8) No.
- (9) Not applicable.
- (10) No.
- (11) No supplementary funding has been requested.
- (12) Not applicable.
- (13) No.
- (14)-(15) Not applicable.
- (16) The Aboriginal Affairs Department established an interagency working party to develop a whole of government approach for the coordination and the future financial arrangements for the patrols.

KEMERTON INDUSTRIAL PARK, ADJACENT LAND PURCHASES

2493. Dr GALLOP to the Minister for Resources Development:

- (1) Is any Government agency purchasing land in the area adjacent to the current Kemerton Industrial Park boundaries?
- (2) If the answer to (1) above is yes, which agency and in which location are they purchasing land?

Mr BARNETT replied:

- (1) Neither LandCorp nor the Department of Resources Development are purchasing land in the area adjacent to the current Kemerton Industrial Park boundaries. Questions relevant to the activities of other government agencies should be referred to their respective Ministers.
- (2) Not applicable.

PRISON ESCAPES

2494. Mr RIEBELING to the Parliamentary Secretary representing the Minister for Justice:

- (1) How many escapes or 'walk outs' were there in Western Australian Prisons for the months of -
(a) January 1999; and
(b) February 1999?
- (2) What is the total number of escapes for this financial year up until the end of February 1999?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

- (1) (a) 13, made up of 1 escape and 12 walkouts.
(b) 12, made up of 8 escapes and 4 walkouts.
- (2) 79, made up of 10 escapes and 69 walkouts.

CRIME, CAUSES

2497. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

- (1) Is the Minister aware of an article that appeared in *The West Australian* on Wednesday, 17 March 1999, which claims poverty and social disadvantage are more likely to turn children into criminals than television or video violence?
- (2) Does research carried out by the State Government show that poverty and social disadvantage are major causes of crime?
- (3) If not, what does the research reveal as major causes of crime?

Mrs van de KLASHORST replied:

The Minister of Justice has provided the following reply:

- (1) Yes.
- (2) The Select Committee on Crime Prevention's Report "Making Western Australia Safer - Have your say" describes factors affecting criminal behaviour (pps 3-26). They include socioeconomic factors such as poverty and social disadvantage.
- (3) Not applicable.

FIRE AND RESCUE SERVICES, LEVY

2525. Ms ANWYL to the Minister for Emergency Services:

- (1) What is the total levy payable to the Fire and Rescue Services for 1998-99?
- (2) What is the cost of operating the Kalgoorlie-Boulder Fire Rescue Service for 1998-99?
- (3) What was the cost of operating the Kalgoorlie-Boulder Fire Rescue Service for the years -
 - (i) 1993-94;
 - (ii) 1994-95;
 - (iii) 1995-96;
 - (iv) 1996-97; and
 - (v) 1997-98?
- (4) What amounts are levied with respect to each other local authority in Western Australia?

Mr PRINCE replied:

- (1) Total Fire & Rescue Services budget for 1998/99 is \$71,563,703.96.
- (2) \$1,499,237.94
- (3)
 - (i) \$1,178,811
 - (ii) \$1,307,290
 - (iii) \$1,324,776
 - (iv) \$1,314,992
 - (v) \$1,398,871
- (4) 12½% of approved estimate in accordance with Section 37 of the Fire Brigades Act 1942 (as amended).

POLICE RESOURCES, FOREST PROTESTS

2526. Dr EDWARDS to the Minister for Police:

- (1) Will the Minister provide a breakdown of the police resources allocated to forest protests in 1997-98?
- (2) If not, why not?
- (3) What was the total cost of the police resources allocated to forest protests in 1997-98?
- (4) What police resources were allocated to the Wattle forest protest with respect to -
 - (a) personnel;
 - (b) police vehicles; and
 - (c) equipment for removing protesters from 'lock-ons'?
- (5) What were the costs involved with the provision of each of the categories of resources referred to in (4) (a), (b) and (c) above?
- (6) How much overtime was paid to police officers attending the Wattle forest protest?
- (7) What were the police costs involved with arresting and prosecuting protesters from Wattle forest block?
- (8) Were any extra police resources allocated to those country police stations which were undermanned during the Wattle forest protest and consequently behind in their regular work duties?
- (9) If not, why not?
- (10) What police resources were allocated to the Gardiner 8 forest protest with respect to -
 - (a) personnel;
 - (b) police vehicles; and
 - (c) equipment for removing protesters from 'lock-ons'?
- (11) What were the costs involved with the provision of each of the categories of resources referred to in (10)(a), (b) and (c) above?
- (12) How much overtime was paid to police officers attending the Gardiner 8 forest protest?

- (13) Were any extra police resources allocated to those country police stations which were undermanned during the Gardiner 8 forest protest and consequently behind in their regular duties?
- (14) If not, why not?

Mr PRINCE replied:

- (1) Yes.
- (2) Not applicable.
- (3) Until recently, upon it becoming apparent that logging disputes were going to be a regular or protracted police operation, specific costings concerning these operations were not maintained. Policing activities concerning logging were consumed under normal operating costs, not itemised, nor separated;
- Costings Sheets have since been introduced and over the past six months, accurate costs have been obtained in policing logging operations, including Wattle and Hillinger Blocks. Hillinger Block cost approximately \$16,000 for a five day operation, Wattle costs are outlined hereunder; (see (5)).
- (4) (a) Staff from Pemberton, Manjimup, Nannup and Bunbury as required.
- (b) Police vehicles from Bunbury, Pemberton, Manjimup, Nannup and the District Mobile Policing Facility;
- (c) All equipment was supplied at no cost from CALM and Bunnings.
- (5) Costs are provided for period November-December 1998 - Wattle & Lane Blocks:
- (a) \$38,088.
- (b) \$7,015.
- (c) Nil.
- (6) \$7,995.
- (7) Over 40 arrests were made during the Wattle Operation. Costing brief preparation and associated administration is not separated from operational costs. Suffice to say that each interview, arrest and brief would take approximately two hours to complete. On this basis, an approximate cost for processing these people would be \$2,000. Costs for subsequent prosecution, witnesses, travel and time have not been included.
- (8) Police resources were deployed at the District Officer's operational discretion to assist in the logging disputes, utilising staff from Pemberton, Manjimup, Bunbury and Nannup.
- (9) Not applicable.
- (10) Gardiner 8 logging operations were only commenced in 1999 and see answer (4).
- (11)-(12) Costings not yet obtained as operations on-going.
- (13) Police resources were deployed at the District Officer's operational discretion to assist in the logging disputes, utilising staff from Pemberton, Manjimup, Bunbury and Nannup.
- (14) Not applicable.

PUBLIC SERVICE, APPOINTMENTS PURSUANT TO SECTION 64(1)(a) OF PUBLIC SECTOR MANAGEMENT ACT

2532. Mr RIPPER to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

- (1) At any time since 1994, has the Deputy Premier, or the Deputy Premier's office, requested the appointment of a person to the public service pursuant to section 64(1)(a) of the Public Sector Management Act 1994?
- (2) Were any of the people the subject of such a request actually appointed pursuant to the Act?
- (3) If so, for each such appointment, will the Deputy Premier specify -
- (a) the officer's name;
- (b) their classification and position at appointment;
- (c) the date their appointment took effect; and
- (d) their relevant employing authority?
- (4) Were any of these officers subsequently seconded to work in the Deputy Premier's office?
- (5) If so, for each secondment, will the Premier specify -
- (a) the officer's name;
- (b) the classification and position to which the officer was seconded;
- (c) the date this secondment was requested;
- (d) the date this secondment took effect; and
- (e) the Deputy Premier's office to which the officer was seconded to?

Mr COWAN replied:

- (1) No.
- (2)-(5) Not applicable.

PUBLIC SERVICE, APPOINTMENTS PURSUANT TO SECTION 64(1)(a) OF PUBLIC SECTOR MANAGEMENT ACT

2533. Mr RIPPER to the Minister representing the Attorney General:

- (1) At any time since 1994, has the Attorney General, or the Attorney General's office, requested the appointment of a person to the public service pursuant to section 64 (1) (a) of the Public Sector Management Act 1994?
- (2) Were any of the people the subject of such a request actually appointed pursuant to the Act?
- (3) If so, for each such appointment, will the Attorney General specify -
 - (a) the officer's name;
 - (b) their classification and position at appointment;
 - (c) the date their appointment took effect; and
 - (d) their relevant employing authority?
- (4) Were any of these officers subsequently seconded to work in the Attorney General's office?
- (5) If so, for each secondment, will the Attorney General specify -
 - (a) the officer's name;
 - (b) the classification and position to which the officer was seconded;
 - (c) the date this secondment was requested;
 - (d) the date this secondment took effect; and
 - (e) the Attorney General's office to which the officer was seconded to?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) No, to the best of my knowledge this has not occurred.
- (2)-(5) Not applicable.

PUBLIC SERVICE, APPOINTMENTS PURSUANT TO SECTION 64(1)(a) OF PUBLIC SECTOR MANAGEMENT ACT

2540. Mr RIPPER to the Minister for Housing; Aboriginal Affairs; Water Resources:

- (1) At any time since 1994, has the Minister, or the Minister's office, requested the appointment of a person to the public service pursuant to section 64(1)(a) of the Public Sector Management Act 1994?
- (2) Were any of the people the subject of such a request actually appointed pursuant to the Act?
- (3) If so, for each such appointment, will the Minister specify -
 - (a) the officer's name;
 - (b) their classification and position at appointment;
 - (c) the date their appointment took effect; and
 - (d) their relevant employing authority?
- (4) Were any of these officers subsequently seconded to work in a Ministerial office?
- (5) If so, for each secondment, will the Minister specify -
 - (a) the officer's name;
 - (b) the classification and position to which the officer was seconded;
 - (c) the date this secondment was requested;
 - (d) the date this secondment took effect; and
 - (e) the Ministerial office to which the officer was seconded to?

Dr HAMES replied:

- (1) No.
- (2)-(5) Not applicable.

PUBLIC SERVICE, APPOINTMENTS PURSUANT TO SECTION 64(1)(a) OF PUBLIC SECTOR MANAGEMENT ACT

2541. Mr RIPPER to the Minister for Local Government; Disability Services:

- (1) At any time since 1994, has the Minister, or the Minister's office, requested the appointment of a person to the public service pursuant to section 64(1)(a) of the Public Sector Management Act 1994?
- (2) Were any of the people the subject of such a request actually appointed pursuant to the Act?

- (3) If so, for each such appointment, will the Minister specify -
- (a) the officer's name;
 - (b) their classification and position at appointment;
 - (c) the date their appointment took effect; and
 - (d) their relevant employing authority?
- (4) Were any of these officers subsequently seconded to work in a Ministerial office?
- (5) If so, for each secondment, will the Minister specify -
- (a) the officer's name;
 - (b) the classification and position to which the officer was seconded;
 - (c) the date this secondment was requested;
 - (d) the date this secondment took effect; and
 - (e) the Ministerial office to which the officer was seconded to?

Mr OMODEI replied:

- (1) No.
- (2)-(5) Not applicable.

PUBLIC SERVICE, APPOINTMENTS PURSUANT TO SECTION 64(1)(a) OF PUBLIC SECTOR MANAGEMENT ACT

2543. Mr RIPPER to the Minister representing the Minister for Finance:

- (1) At any time since 1994, has the Minister, or the Minister's office, requested the appointment of a person to the public service pursuant to section 64(1)(a) of the Public Sector Management Act 1994?
- (2) Were any of the people the subject of such a request actually appointed pursuant to the Act?
- (3) If so, for each such appointment, will the Minister specify -
- (a) the officer's name;
 - (b) their classification and position at appointment;
 - (c) the date their appointment took effect; and
 - (d) their relevant employing authority?
- (4) Were any of these officers subsequently seconded to work in a Ministerial office?
- (5) If so, for each secondment, will the Minister specify -
- (a) the officer's name;
 - (b) the classification and position to which the officer was seconded;
 - (c) the date this secondment was requested;
 - (d) the date this secondment took effect; and
 - (e) the Ministerial office to which the officer was seconded to?

Mr COURT replied:

The Minister for Finance has provided the following response:

- (1) No.
- (2)-(5) Not applicable.

PUBLIC SERVICE, APPOINTMENTS PURSUANT TO SECTION 64(1)(a) OF PUBLIC SECTOR MANAGEMENT ACT

2544. Mr RIPPER to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

- (1) At any time since 1994, has the Minister, or the Minister's office, requested the appointment of a person to the public service pursuant to section 64(1)(a) of the Public Sector Management Act 1994?
- (2) Were any of the people the subject of such a request actually appointed pursuant to the Act?
- (3) If so, for each such appointment, will the Minister specify -
- (a) the officer's name;
 - (b) their classification and position at appointment;
 - (c) the date their appointment took effect; and
 - (d) their relevant employing authority?
- (4) Were any of these officers subsequently seconded to work in a Ministerial office?
- (5) If so, for each secondment, will the Minister specify -
- (a) the officer's name;
 - (b) the classification and position to which the officer was seconded;
 - (c) the date this secondment was requested;
 - (d) the date this secondment took effect; and
 - (e) the Ministerial office to which the officer was seconded to?

Mr BOARD replied:

I am advised that:

- (1) No.
- (2)-(5) Not applicable.

PUBLIC SERVICE, APPOINTMENTS PURSUANT TO SECTION 64(1)(a) OF PUBLIC SECTOR MANAGEMENT ACT

2545. Mr RIPPER to the Minister representing the Minister for Racing and Gaming:

- (1) At any time since 1994, has the Minister, or the Minister's office, requested the appointment of a person to the public service pursuant to section 64(1)(a) of the Public Sector Management Act 1994?
- (2) Were any of the people the subject of such a request actually appointed pursuant to the Act?
- (3) If so, for each such appointment, will the Minister specify -
 - (a) the officer's name;
 - (b) their classification and position at appointment;
 - (c) the date their appointment took effect; and
 - (d) their relevant employing authority?
- (4) Were any of these officers subsequently seconded to work in a Ministerial office?
- (5) If so, for each secondment, will the Minister specify -
 - (a) the officer's name;
 - (b) the classification and position to which the officer was seconded;
 - (c) the date this secondment was requested;
 - (d) the date this secondment took effect; and
 - (e) the Ministerial office to which the officer was seconded to?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

- (1) No.
- (2)-(5) Not applicable.

PUBLIC SERVICE, APPOINTMENTS PURSUANT TO SECTION 64(1)(a) OF PUBLIC SECTOR MANAGEMENT ACT

2547. Mr RIPPER to the Minister for Police; Emergency Services:

- (1) At any time since 1994, has the Minister, or the Minister's office, requested the appointment of a person to the public service pursuant to section 64(1)(a) of the Public Sector Management Act 1994?
- (2) Were any of the people the subject of such a request actually appointed pursuant to the Act?
- (3) If so, for each such appointment, will the Minister specify -
 - (a) the officer's name;
 - (b) their classification and position at appointment;
 - (c) the date their appointment took effect; and
 - (d) their relevant employing authority?
- (4) Were any of these officers subsequently seconded to work in a Ministerial office?
- (5) If so, for each secondment, will the Minister specify -
 - (a) the officer's name;
 - (b) the classification and position to which the officer was seconded;
 - (c) the date this secondment was requested;
 - (d) the date this secondment took effect; and
 - (e) the Ministerial office to which the officer was seconded to?

Mr PRINCE replied:

- (1) No.
- (2)-(5) Not applicable.

PUBLIC SERVICE, APPOINTMENTS PURSUANT TO SECTION 64(1)(a) OF PUBLIC SECTOR MANAGEMENT ACT

2548. Mr RIPPER to the Minister representing the Minister for the Arts:

- (1) At any time since 1994, has the Minister, or the Minister's office, requested the appointment of a person to the public service pursuant to section 64(1)(a) of the Public Sector Management Act 1994?

- (2) Were any of the people the subject of such a request actually appointed pursuant to the Act?
- (3) If so, for each such appointment, will the Minister specify -
 - (a) the officer's name;
 - (b) their classification and position at appointment;
 - (c) the date their appointment took effect; and
 - (d) their relevant employing authority?
- (4) Were any of these officers subsequently seconded to work in a Ministerial office?
- (5) If so, for each secondment, will the Minister specify -
 - (a) the officer's name;
 - (b) the classification and position to which the officer was seconded;
 - (c) the date this secondment was requested;
 - (d) the date this secondment took effect; and
 - (e) the Ministerial office to which the officer was seconded to?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following response:

- (1) No such requests have been made of the Ministry for Culture & the Arts or its predecessor.
- (2)-(5) Not applicable.

PUBLIC SERVICE, APPOINTMENTS PURSUANT TO SECTION 64(1)(a) OF PUBLIC SECTOR MANAGEMENT ACT

2551. Mr RIPPER to the Parliamentary Secretary to the Minister for Justice:

- (1) At any time since 1994, has the Minister, or the Minister's office, requested the appointment of a person to the public service pursuant to section 64(1)(a) of the Public Sector Management Act 1994?
- (2) Were any of the people the subject of such a request actually appointed pursuant to the Act?
- (3) If so, for each such appointment, will the Minister specify -
 - (a) the officer's name;
 - (b) their classification and position at appointment;
 - (c) the date their appointment took effect; and
 - (d) their relevant employing authority?
- (4) Were any of these officers subsequently seconded to work in a Ministerial office?
- (5) If so, for each secondment, will the Minister specify -
 - (a) the officer's name;
 - (b) the classification and position to which the officer was seconded;
 - (c) the date this secondment was requested;
 - (d) the date this secondment took effect; and
 - (e) the Ministerial office to which the officer was seconded to?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

- (1) No, to the best of my knowledge this has not occurred.
- (2)-(5) Not applicable.

MINISTRY OF JUSTICE, STAFF APPOINTMENTS

2557. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

In relation to the recent appointments of Robert Harvey and Terry Simpson to senior positions with the Ministry of Justice -

- (a) when were these positions advertised; and
- (b) how many applicants were there for these positions?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

- (a) 27 November 1998.
- (b) 13 applicants for Executive Director Offender Management.
15 applicants for General Manager Prison Services.

MAYLANDS RESERVE NO 28185

2560. Dr EDWARDS to the Minister for Lands:

With respect to Maylands reserve 28185 when did it become a C class reserve and what was its previous designation?

Mr SHAVE replied:

Reserve 28185 became a C Class Reserve on 15 July 1966. Prior to reservation the land was owned in freehold title by the Commonwealth of Australia.

PRINCESS MARGARET HOSPITAL FOR CHILDREN, FREQUENT FLYERS PROGRAM

2561. Dr EDWARDS to the minister for Health:

- (1) With respect to the 1997-98 Annual Report of the Metropolitan Health Services Board and the "frequent flyers program" instituted by Princess Margaret Hospital -
 - (a) how does this scheme work;
 - (b) what does it involve; and
 - (c) what are its objectives?

Mr DAY replied:

- (a) The "Frequent Flyer" Program is a series of services established as a direct result of feedback and complaints from families who use PMH services frequently. The program is available to both private and public patients. At PMH, a Frequent Flyer is identified as a child with a disability or chronic illness who has frequent admissions or outpatient appointments - at least 3 appointments or therapy sessions within the previous 30 days.
- (b) Currently there are five Frequent Flyer Services. Each service is run separately, with the relevant department and the Consumer Advisory Group setting the criteria for the particular service. A patient is not always automatically eligible for all services. Each service has been trialed and then extensively evaluated by staff and consumers before being accepted as policy.

Frequent Flyer Parking: Reduced cost parking voucher system - \$12 for three months.

Frequent Flyer Accommodation: Reduced cost parent accommodation, with parents paying for only the first 10 nights accommodation in a calendar year.

Frequent Flyer Admission Process (trial): Currently 45 oxygen dependant babies are being streamlined through the admission process according to the specific instructions of the Consultant. This group of patients has also been identified as having specific problems regarding infection when attending usual outpatients' areas within the Hospital. A special area in the Respiratory Medicine Department has been set aside for clinics. Patients are identified by a sticker on their chart, Consultant's admission instructions inside the medical record and computer flagging. In addition, the parents carry a Frequent Flyer card.

Pharmacy Frequent Flyer (trial): 24-hours advance ordering service designed to eliminate long waits in Pharmacy.

Frequent Flyer Personal Record Book (trial): A small booklet designed to allow parents to keep their own records of admissions, treatments, medications etc.

- (c) The objective of the Frequent Flyer Program is to develop, wherever possible, new services or to streamline existing services. This focus and flexibility makes the needs of the patients and families who use the Hospital frequently central to the program.

ARTS FUNDING

2565. Ms McHALE to the Minister representing the Minister for the Arts:

- (1) Has there been an increase in funding to arts agencies (those funded on a one to three year basis through Arts Western Australia since 1995)?
- (2) If so, by what percentage?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following response:

- (1) Yes.
- (2) 14.95%.

AMBULANCE HELICOPTERS

2566. Ms McHALE to the Minister for Health:

- (1) Does Western Australia currently have ambulance helicopters operating?
- (2) If so -
 - (a) where are they located; and
 - (b) how many are in operation?
- (3) If not, are there any plans to introduce such a service?

Mr DAY replied:

- (1) No.
- (2) Not applicable.
- (3) The 1996 Review of Ambulance Services considered the costs and benefits of introducing rotary wing patient transport services for emergencies. It was determined that the considerable financial burden of such a service, was not warranted in light of the limited benefits to patients and the practical restrictions on the use of the service in respect to the range and capacity of such aircraft.

HOMESWEST, THORNLIE

2567. Ms McHALE to the Minister for Housing:

- (1) How many dwellings does Homeswest currently own in the suburb of Thornlie?
- (2) What percentage of the total dwellings in Thornlie does this represent?
- (3) Are there plans to purchase additional dwellings in the suburb of Thornlie?
- (4) If so, when and how many?

Dr HAMES replied:

- (1) 206 as at 30 January 1999.
- (2) 2.58% as at 30 June 1996 (30 June 1996 is the latest statistics that the Australian Bureau of Statistics can provide for total dwellings by district).
- (3)-(4) Homeswest is always looking at opportunities to purchase houses through the metropolitan area and if a suitable property became available for purchase in Thornlie it would be considered for purchase.

PERTH DENTAL HOSPITAL, ELIGIBILITY FOR TREATMENT

2568. Ms McHALE to the Minister for Health:

- (1) What are the eligibility criteria for accessing treatment at the Perth Dental Hospital?
- (2) Can a person in receipt of parenting allowance receive treatment from the Perth Dental Hospital?
- (3) If not, why not?
- (4) Do dental hospitals in other states accept the receipt of parenting allowance as a criteria for treatment?
- (5) If so, which states?

Mr DAY replied:

- (1)
 - (a) Receipt of a full or near full pension or a benefit from Centrelink.
 - (b) Receipt of Youth allowance provided at the Independent rate.
 - (c) Receipt of Austudy Payment
 - (d) Receipt of Abstudy at the Independent rate.
 - (e) Receipt of Parenting Payment Partnered above the basic rate.
 - (f) Medically compromised patients in public hospitals.
 - (g) Institutionalised and Homebound persons.
 - (h) Prisoners.
 - (i) Clients of Disability Services Commission.
 - (j) Wards of the State.
 - (k) Inpatients of Graylands Hospital or a resident of a Community Accommodation Support Program Hostel.
 - (l) Young children of Health Care Card holders not eligible for the School Dental Service.
- (2) Parenting Allowance ceased in March 1998 and was replaced by Parent Payment.
- (3)-(5) Not applicable.

LOCAL GOVERNMENT, FEES, SALARIES AND BENEFITS

2575. Mr RIEBELING to the Minister for Local Government:

- (1) Will the Minister confirm that the total fees, salaries and other benefits paid to accountable authority and senior officers listed in the 1997-98 Local Government Annual Report are correct?
- (2) If yes, will the Minister explain the dramatic increases in these salaries and fees?

Mr OMODEI replied:

- (1) Yes.
- (2) The increase flow from existing Enterprise/Workplace Agreements. In addition, the Executive Director received a 2% increase through a determination by the Salaries and Allowances Tribunal from 1 July 1997. 1997/98 also includes the full year effect of the Executive Director electing for a 20% loading in lieu of tenure from 27 September 1996.

HOSPITALS, SUPPLEMENTARY FUNDING

2578. Mr McGINTY to the Minister for Health:

- (1) Which hospitals, including Joondalup and Peel, have had supplementary funding added to their original funding allocation for 1998-99?
- (2) In respect of each such hospital -
 - (a) how much additional funding was requested; and
 - (b) what was the amount of additional funding provided?

Mr DAY replied:

- (1) The following Health Services, including Joondalup and Peel, have had supplementary funding added to their original funding allocation for 1998-99. The Department provides funds at health service level and each Board distributes between hospitals.

(2)	(a) Requested \$M	(b) Received \$M
Joondalup	0.28	0.28
Peel	-	-
Metropolitan Health Services Board	54.10	54.10
Country Health Services		
Avon	0.07	0.07
Bunbury	1.84	0.34
Central Great Southern	0.21	0.21
Central Wheatbelt	0.05	0.05
East Pilbara	0.18	0.18
Eastern Wheatbelt	0.27	0.27
Gascoyne	0.38	0.38
Geraldton	1.28	1.28
Kimberley	0.50	0.50
Harvey Yarloop	-	-
Lower Great Southern	-	-
Midwest	0.16	0.16
Murchison	0.08	0.08
Northern Goldfields	-	-
Peel (Pinjarra Hospital)	1.18	1.18
South East Coastal	0.22	0.22
Upper Great Southern	1.45	0.13
Vasse Leeuwin	-	-
Warren Blackwood	0.20	-
Wellington	1.08	0.85
West Pilbara	1.42	-
Western	0.04	0.04
	10.61	5.94
Statewide		
RFDS	1.50	1.50
Total	66.49	61.82
	•	Health Services currently under review

POLICE, HOUSE IN HILTON

2585. Mr CARPENTER to the Minister for Police:

- (1) How long has the Police Department house in Nicholson Crescent, Hilton been unoccupied?
- (2) What does the Department intend to do with this property in the future?

Mr PRINCE replied:

- (1) The Police Service has a house located on the corner of Nicholas Crescent and Paget Street, Hilton which is currently used for storage.
- (2) The Police Service is assessing its storage requirements and this will impact on the future use of this property.

JUVENILE JUSTICE ADVISORY COUNCIL, MEMBERSHIP

2587. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

- (1) What are the names of the members of the Juvenile Justice Advisory Council?
- (2) For each member -
 - (a) when were they appointed;
 - (b) what executive position, if any, do they hold on the Council;

- (c) what is the term of their appointment;
- (d) how were they appointed; and
- (e) what is their remuneration?

(3) Are there any executive or support staff, and if yes, what are their names and public service level?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1)-(2) (a)-(c),(e)

Name of Members	When appointed	Executive Position	Term of	Remuneration appointment
Mr Bill Blundell	30/11/1997	Chairman	30/11/2000	\$500 per month (includes sitting fee)
Mr Peter Edwards	30/11/1997	Member	30/11/2000	\$108 per month (sitting fee)
Ms Sigrid Van Fondern	30/11/1997	Member	30/11/2000	\$108 per month (sitting fee)
Ms Gail Della Torre	30/11/1997	Member	30/11/1999	\$108 per month (sitting fee)
Ms Robyn McSweeney	30/11/1997	Member	30/11/1999	\$108 per month (sitting fee)
Ms Esther Roadnight	30/11/1998	Member	30/11/2000	\$108 per month (sitting fee)
Ms Pamela Walsh	30/11/1998 (reappointment)	Member	30/11/2000	\$108 per month (sitting fee)
Mr Greg Cross	30/11/1998	Member	30/11/2000	\$108 per month (sitting fee)
Mr Alan Piper	15/2/1998	Ex Officio Member	30/11/2000	Nil
Mr Terry Keating	30/11/1997	Ex Officio Member	30/11/2000	Nil
Ms Karen Farley	30/11/1997	Ex Officio Member	30/11/2000	Nil
Superintendent Max Jones	30/11/1997	Ex Officio Member	30/11/2000	Nil

- (d) All members were nominated by the Parliamentary Secretary to the Minister for Justice and endorsed by Cabinet.

(3) Yes. Ms Lucy Moore, Acting Level 6.

JUSTICE COORDINATING COUNCIL, MEMBERSHIP

2588. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

- (1) What are the names of the members of the Justice Coordinating Council?
- (2) How often has this Council met since January 1997?
- (3) Are there any executive or support staff, and if yes, what are their names and public service level?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

- (1) Hon Peter Foss QC
 Hon John Day
 Hon Dr Kim Hames
 Hon Mike Board
 Hon Colin Barnett
 Hon Kevin Prince
 Hon Graham Kierath
 Hon Rhonda Parker
 Mrs June van de Klashorst
 Ms Glynis Sibosado, Chairperson, State Aboriginal Justice Council
 Mr Alan Piper, Director General, Ministry of Justice
 Ms Cheryl Vardon, Director General, Education Department of WA
 Mr Haydn Lowe, Chief Executive Officer, Aboriginal Affairs Department
 Mr Bob Falconer, Commissioner of Police, WA Police Service
 Ms Astrid Norgard, Executive Director, Women's Policy Development Office
 Mr Alan Bansemer, Commissioner of Health
 Mr Robert Fisher, Director General, Family and Children's Services
 Mr Mike Daube, Executive Director, Office of Youth Affairs
 Mr Ian Hill, Chief Executive, Department of Training
 Mr Terry Murphy, Executive Director, WA Drug Abuse Strategy Office
 Ms Dianne Moran, Executive Director, Office of Senior's Interests
 Mr Shane Houston, General Manager, Office of Aboriginal Health
 Mr Robert Lindsay, A/Director, Legal Aid Commission
 Mr John McKechnie, Director of Public Prosecutions

Mr Greg Joyce, Executive Director, Homeswest
 Dr Robert Fitzgerald, Executive Director, Policy and Legislation, Ministry of Justice

- (2) Twelve occasions since January 1997.
- (3) Yes. Ms Lucy Moore, Acting Level 6.

WATER CORPORATION, GRANT THORNTON CONSULTANCY

2589. Ms MacTIERNAN to the Minister for Water Resources:

In reference to the answer to question on notice No 2222 of 1999 stating that the Water Corporation had engaged a consultant, Grant Thornton, between the period 27 June 1997 and 30 June 1998 -

- (a) why did Grant Thornton receive payments for this work;
- (b) why is this contract not included in the Report on Consultants tabled in the House on 18 March 1999?

Dr HAMES replied:

- (a) Payments were made for the performance and completion of modification of proprietary software in accordance with their terms of engagement.
- (b) Grant Thornton is a company of Chartered Accountants and is recorded in the Water Corporation's supply system as Chartered Accountants. This classification will be amended to capture any future consultancy work by Grant Thornton and subsequently shown in the consultant's report.

POLICE, AUSTRALIAN INSTITUTE OF POLICE MANAGEMENT AT MANLY

2598. Mrs ROBERTS to the Minister for Police:

What was the financial contribution to the Australian Institute of Police Management at Manly for each year between and including 1992 and 1998?

Mr PRINCE replied:

Following a strategic review of the Australian Police Staff College at Manly (since retitled Australian Institute of Police Management) in 1994, Australian Police Ministers resolved to make annual financial contributions to that organisation based on a ratio of total police numbers to population. Accordingly, annual financial contributions commenced during 1995/96. Western Australia Police Service contributions comprised of the following annual amounts:

1995-96	\$29,000
1996-97	\$32,704
1997-98	\$40,007
1998-99	\$41,844

POLICE, MOBILE BREATH TESTING VANS

2600. Mrs ROBERTS to the Minister for Police:

- (1) Who was responsible for the December publicity decision to identify the locations of the mobile breath testing vans?
- (2) Where did the idea emanate from and why was it considered appropriate?
- (3) Is it intended to continue this practice at all?
- (4) If so, in what circumstances and why?
- (5) If not, why not?
- (6) Who is usually responsible for the making of decisions on operational traffic matters and why?

Mr PRINCE replied:

- (1)-(2) The Western Australia Police Service was approached by Marketforce, acting as an intermediary between Channel 9, 96FM and the Police Service, with a proposal to broadcast the location of Booze Buses. The rationale was that this would assist in promoting the Drink Driving message throughout the community. The proposal was subsequently accepted by the Police Service. It has always been the policy of the Police Service to seek methods of enhancing road safety awareness within the community. Channel 7 and 94.5FM are presently running campaigns which announce the location of speed cameras throughout the metropolitan area.
- (3) Yes. Evaluation after the first three months of operation has indicated strong public awareness of the Drink Driving message and a change in the attitude of some members of the community towards drinking and driving.
- (4) It is proposed to continue in the same format, pending evaluation by the Office of Road Safety.
- (5) Not applicable.
- (6) Assistant Commissioner Mel Hay of Traffic and Operations Support, in consultation with Police Service Command and the Road Safety Council.

POLICE, OPERATION SYNERGY

2602. Mrs ROBERTS to the Minister for Police:

- (1) When was Operation Synergy set up and for what purpose?
- (2) Will the Minister detail the costs of Operation Synergy including all costs for meal claims, travelling allowances, overtime and other costs?
- (3) Since 1 January 1998 how many operations or task forces have been set up?
- (4) What are the names and purpose of all of those operations or task forces?
- (5) What is the criteria for the creation of an operation or task force?
- (6) Are the task forces indexed or listed at a central location?
- (7) If so, what are the details?
- (8) Who creates the operation or task force name?

Mr PRINCE replied:

- (1) Operation Synergy was tailored specifically to meet local policing issues and requirements, to target a combination of criminal movement and traffic management and to reduce road trauma and death. The operation was undertaken on 10 and 11 October 1998.
- (2) Operational policing expenditure remains at the discretion of the District Superintendent. Ancillary costs associated with Operation Synergy were as follows:

Catering	\$990
Sundries (Lighting Plant/Generator/Fuel)	\$145
Ablutions	\$373

There were no travelling allowance costs nor meal claims associated with this operation. It should also be noted that there were eight officers who attended the operation in their own time to assist with ensuring the operation's success.

- (3) Due to the resources and time required to provide a response to the member's question, I am unwilling to commit the resources required. However, I can advise since the creation of the Crime Support Portfolio Tasking and Coordinating Group on 7 July 1998, a total of 6 major taskforces and operations have been run including operations Gallipoli and Hyde. Also prior to this date the Macro, Shoalwater and Threnoworth Taskforces are further examples of taskforces that have been established to address specific issues. In addition, there are 15 Police Districts which have all undertaken operations under the control of localised taskforces, to address specific problems or concerns from a local community safety and security perspective, eg, car theft, handbag theft, burglaries and serious assaults. The Tasking and Coordinating Group does not retain any records pertaining to taskforces or operations run by other Portfolios of the Western Australia Police Service.
- (4)-(5),(7) The name and purpose of all operations, and taskforces currently managed by the Crime Support Portfolio are strictly confidential and as such, cannot be supplied to the member. The release of this information may jeopardise the integrity of the operation and compromise the safety of the investigating officers.
- (6) No, however, this matter is presently being addressed by the Crime Support Portfolio's Tasking and Coordinating Group. As from 7 July 1998, the Tasking and Coordinating Group has recorded all taskforces run by, through or in partnership with the Crime Support Portfolio.
- (8) In most instances, taskforces and operation names are generated from the Australian Bureau of Criminal Intelligence in Canberra. Should the member require further specific information a private briefing can be arranged to more fully address the issues raised.

POLICE, ASSAULTS ON OFFICERS

2603. Mrs ROBERTS to the Minister for Police:

- (1) What number of Police Officers were assaulted during 1998 whilst on duty?
- (2) How many of those Police Officers had received training in 'verbal judo'?

Mr PRINCE replied:

- (1) There were 1276 reported assaults on Police Officers during 1998.
- (2) The information sought is not readily available, however, of the 3091 officers that have received training in verbal judo, 906 were trained in 1998.

POLICE, CRIME STOPPERS CONTRACT

2604. Mrs ROBERTS to the Minister for Police:

- (1) What are the details of the current contract agreement involving Crime Stoppers?
- (2) Was the contract subject to tender?
- (3) If not, why not?
- (4) Have there been any investigations into Crime Stoppers?
- (5) If so, who conducted any investigation?
- (6) Has any such investigation been completed?
- (7) If so, what was the result?
- (8) Were there any recommendations arising out of an investigation?
- (9) If so, what were they?

Mr PRINCE replied:

- (1)-(3) Crime Stoppers Western Australia Limited is a registered company controlled by a board of directors. The Chief Executive Officer of Crime Stoppers Western Australia Limited is Mr Noel Semmens. Issues concerning contracts entered into by Crime Stoppers Western Australia Limited or any other queries pertaining to the company can only be commented upon by the company directors. These are not issues which can be dealt with by the Western Australia Police Service.
- (4) Yes.
- (5) The investigation is being conducted by the Western Australia Police Service.
- (6) No. The investigation is ongoing.
- (7) Not applicable. The investigation is ongoing.
- (8) No.
- (9) Not applicable.

QUESTIONS WITHOUT NOTICE

ATTORNEY GENERAL, COMMUNITY VIEW

697. Dr GALLOP to the Premier:

- (1) Is the Premier aware of the community view that his Attorney General is arrogant, incompetent and unaccountable?
- (2) Does the Attorney General have the Premier's full confidence?
- (3) Will the Attorney General retain his portfolios in any future Cabinet reshuffle?

Mr COURT replied:

- (1)-(3) The Attorney General certainly has my full confidence. The Leader of the Opposition may recall at the beginning of our first term of government that I said no ministers were safe in their portfolios; it would all depend upon performance.

ATTORNEY GENERAL, FUTURE CHIEF JUSTICE

698. Dr GALLOP to the Premier:

Will the Premier guarantee that the Attorney General will not be the State's future Chief Justice?

Mr COURT replied:

He would make an outstanding Chief Justice. I cannot give that guarantee because any future Government can make an appointment.

Dr Gallop: What about your Government?

Mr COURT: The Leader of the Opposition asked for my guarantee that the Attorney General will not become the Chief Justice. What a stupid question.

Dr Gallop: Are you considering him for the position of Chief Justice?

Mr COURT: No government can give a commitment about who might be a judge in the future.

Dr Gallop: Yes, you can; you can say he will not be; it is as easy as pie.

Mr COURT: I cannot speak for future governments; I would love to be able to.

Mr Ripper: Speak for your Government then.

Mr COURT: This question is like the Leader of the Opposition saying he wants an inquiry into the preparedness for cyclones and that he does not want the inquiry to apportion blame. What blame?

Dr Gallop: Come on! You are pathetic!

Mr COURT: What blame is the Leader of the Opposition talking about? I cannot believe that the Leader of the Opposition is asking silly questions like this.

Dr Gallop: Will you rule it out?

Mr COURT: I might ask the Leader of the Opposition a question.

Dr Gallop: I am not going to answer it until I am sitting over there, thank you very much.

Several members interjected.

The SPEAKER: Order!

Mr COURT: The Leader of the Opposition has asked a silly question. Has he been to Exmouth since the cyclone?

Dr Gallop: No, I have not.

Mr Brown: I notice you did not have the courtesy to invite the Leader of the Opposition, as the Prime Minister did.

Mr COURT: That is right.

Mr Brown: You do not have anything to say about that, do you? So much for bipartisanship.

The SPEAKER: Order! Members have had time away in the Easter break and are renewing acquaintances. However, there are far too many interjections from both sides of the House.

Mr COURT: It is a crazy situation when the Leader of the Opposition calls for an inquiry into the aftermath of Cyclone Vance and says that the inquiry would not apportion blame. I am not aware of any blame to be apportioned. What I am aware of are outstanding performances by all of the authorities involved. Now the Leader of the Opposition is calling for an inquiry and he has not even been up there, after one of the most significant cyclones that we have had in Western Australia.

Dr Gallop: Come on! You did not even have the decency to invite the Leader of the Opposition.

Several members interjected.

Mr COURT: I am sorry. Mr Speaker, the Leader of the Opposition has unlimited travel expenses to move around this State at any time he likes. Now he is telling me that he must be asked to travel around the State.

SOUTH WEST HEALTH CAMPUS, IMPACT ON SOUTH WEST REGION

699. Mr OSBORNE to the Minister for Health:

I refer to the Premier's announcement on Saturday of the official opening of the new South West Health Campus in Bunbury. Will the minister inform the House of the likely impact of the new campus on the provision of health services in the south west region, the types of activities and procedures likely to be performed at the campus and the advantages of the collocation of the St John of God Health Care facility beside the public Bunbury Regional Hospital?

Mr DAY replied:

I thank the member for some notice of this question. Last Saturday was an historic day in the provision of health services not only in the south west but also throughout Western Australia with the opening by the Premier of the magnificent new South West Health Campus and the collocation of the Bunbury Regional Hospital and the St John of God Hospital in Bunbury. It is the largest and busiest hospital complex outside the metropolitan area. It represents an investment of about \$68m for the provision of modern and up-to-date world-class facilities to the people of the south west region.

Mr Court: Opposed the whole way by the Opposition.

Mr DAY: That is correct. The only thing the previous Government had to show for its efforts was a lump of concrete on the ground next to the old hospital, something for which it should forever hang its head in shame.

Mr Court: And a sign.

Mr DAY: There was also a sign. A pleasing outcome of this initiative is the expansion of the range of orthopaedic surgery undertaken at the campus. Approximately 600 patients from the south west region are waiting for orthopaedic surgery. Until

recently, those people were on metropolitan waiting lists. Many of those patients will be able to be treated closer to their homes with operations such as joint replacement surgery being performed in Bunbury. This will relieve some of the pressure on metropolitan hospitals and people from the metropolitan area will be treated sooner than would otherwise have been the case. It is interesting to note that since the hospital commenced operation on 15 March, the emergency department has provided assistance to 1 797 patients compared with 1 291 for the same period last year at the old facility. In addition, 79 babies have been delivered at the public hospital since 15 March with a further 31 deliveries at the St John of God Health Care facility.

More good news for Western Australians has been released today. The rate of elective surgery procedures in our teaching hospitals is at its highest level for the past 17 months. There has been an increase of approximately 50 per cent in elective surgery activity from February to March with 2 573 patients being treated in March. That is a substantial increase. I am pleased to say that about three-quarters of the patients who were waiting for cataract surgery last August have been treated and we are also making good progress in treating those who have been waiting for joint replacement operations; over half of those who were waiting when the Premier made the commitment in August last year that they would be treated within 12 months have been treated.

NUCLEAR WASTE, DISPOSAL

700. Dr GALLOP to the Minister for Resources Development:

I refer to the minister's statement that countries which export uranium have an obligation to be involved in the disposal of nuclear waste. Is the minister trying to have it both ways by on one hand not supporting the storage of nuclear waste in Western Australia and on the other maintaining his support for the mining of uranium at at least 11 sites in Western Australia? Which stance does the minister intend to abandon: His opposition to Western Australia becoming a nuclear waste dump or his support for the opening of uranium mines in Western Australia?

Mr BARNETT replied:

I thank the Leader of the Opposition for the question. I believe that uranium mining can and should take place in Western Australia with all the appropriate safeguards. That is unlikely to happen in the short term - it is at least five years away. As I have said in response to questions asked by the media, I believe that any country which is a significant producer of uranium has some moral and international responsibility to be part of the debate. Australia supplies 10 per cent of the world's uranium and has 30 per cent of the world's uranium reserves. Members opposite should have at least a capacity to realise that the nuclear industry is a reality and that the world has a common problem and we as a first world nation should share in the debate.

WORSLEY FOREST LOT 4, PURCHASE

701. Dr TURNBULL to the Minister for Water Resources:

Last November the Minister for Water Resources met with a delegation that I organised of representatives from the Collie, Donnybrook and Dardanup Shire Councils. At the meeting we asked that he support a submission to the Government to buy the land known as Worsley forest lot 4. Can the minister confirm the speculation that the Water Corporation on behalf of the Government purchased this land which surrounds the Wellington Dam at Collie?

Dr HAMES replied:

I thank the member for some notice of this question. I am very proud to announce that the Government, through the Water Corporation, has purchased the 3 000 hectare block of land above the Wellington Dam. There are three big winners as a result of this purchase: First, the Government - it can protect the block forever now that it has total control and management of it in perpetuity, particularly from any threat of being cleared. Second, the people of Western Australia - not only the local residents - as all Western Australians will have access to that block. They will have continued access on a recreational basis and will be able to join in tourism projects such as the Wellington forest experience recently announced by the Deputy Premier. Thirdly, the Water Corporation, because the Wellington Dam's water, while it is currently too salty for human consumption, is continuing to improve in standard. It is thought that with proper catchment management, which is what we intend to have now that we have ownership, in 10 to 15 years' time that water will revert to a quality which is drinkable. This is a tremendous step forward for all Western Australians and I am very proud that the Government has purchased this block of land.

WORSLEY FOREST LOT 4, PURCHASE PRICE

702. Mr RIPPER to the Minister for Water Resources:

My question is without notice, although notice of the substance of my question was given to the minister at 20 minutes past 10 this morning. I refer to the minister's answer to the last question regarding the purchase of the 3 000 hectare forestry block from Worsley Timber for \$9.5m.

- (1) Why was this price paid when the Water Corporation valued the property at only \$6m?
- (2) Did the Valuer General value the block at \$7.2m?
- (3) What involvement did the Chairman of the Water Corporation, Mr Peter Jones, have in this deal?

Dr HAMES replied:

- (1)-(3) I thank the member for some notice of this question. The \$6m that the Deputy Leader of the Opposition referred to as being the valuation put forward by the Water Corporation was not in fact a valuation; that was the initial offer for the block.

Mr Ripper: They thought it was a fair and reasonable offer.

Dr HAMES: It is a bit like putting in an ambit claim for something. One does not necessarily put in one's final claim first.

Dr Gallop: Are you saying that your government department does not act honestly in the marketplace?

Dr HAMES: That is not what I am saying; that is a load of nonsense. If the Leader of the Opposition wants the land to be purchased with taxpayers' dollars, the maximum dollar that one is prepared to pay is not offered; a reasonable tender is put. The valuation mentioned by the Valuer General was about \$7.2m. The person who wanted to sell the block contended that it was valued at \$12m, but the Government would never pay that. We wanted to purchase that land for all of those very good reasons on behalf of the Government.

Dr Gallop: Answer the question.

Dr HAMES: I am in the process of answering the question, but the Leader of the Opposition is doing a lot of interrupting for someone who did not ask the question. The initial offer was \$6m and the Valuer General valued the land at \$7.2m. However, it was the opinion of the seller from whom we wanted to buy it that the Valuer General had not fully taken into account the value of the timber on that property. The seller could have stripped the property of all that timber that it was suggested had a value which was close to the value that the Valuer General put on the property. Therefore, the chairman and representatives of the Water Corporation, with full knowledge of this Government, went into negotiations to try to purchase at that price.

Mr Ripper: Therefore Peter Jones was not flying solo.

Dr HAMES: No, he was not flying solo. He, with the assistance of representatives from the Water Corporation - on my request, I add - continued those negotiations. I am proud that I have been involved in this matter.

Mr Ripper: What is the donation history to the Liberal Party?

Dr HAMES: There is no question of donations to the Liberal Party. This was a good deal done by Government which now totally protects land that is extremely valuable to the public of this State.

Mr Court: As well as the trees on it.

Dr HAMES: Yes, and all the trees on it. Instead of knocking it, the Opposition should be praising the Government, just as all the local community in that area and most of the people in this State will be.

EATON DRIVE AND AUSTRALIND BYPASS INTERSECTION

703. Mr BARRON-SULLIVAN to the minister representing the Minister for Transport:

I refer to claims by representatives of the Shire of Dardanup that the State Government had not met a commitment regarding improvements to the intersection of Eaton Drive and the Australind bypass and ask -

- (1) What commitment was made by the then Minister for Transport in 1996?
- (2) What action was taken soon afterwards?
- (3) What further improvements are now planned?

Mr OMODEI replied:

The Minister for Transport has provided the following response -

- (1) As a result of the representation from the member for Mitchell, a commitment was given to improve the signage immediately and to consider installing street lighting when an electricity supply was available. I understand that on the initiation of the member for Mitchell, the minister visited the area.
- (2) Signage and cat's eyes were promptly installed to improve safety at this location.
- (3) Now that electricity is available, Main Roads WA has agreed to fund the installation of street lighting at this intersection at an anticipated cost of around \$50 000. Main Roads recently wrote to the Shire of Dardanup to progress the installation of the lighting. It is expected that the work will be undertaken in early 1999-2000.

REGIONAL FOREST AGREEMENT, OUTCOME

704. Dr GALLOP to the Minister for Local Government:

What will be the impact on local governments in the south west of a Regional Forest Agreement outcome which we are informed will deliver between 540 and 620 job losses in timber and related industries? Will the minister accept such an outcome?

Mr OMODEI replied:

I have always said that I would support an outcome that was fair to constituents in my electorate. I have the total support of the people in my electorate, particularly from councils in the south west. All of them have expressed concern about the possible decimation of the timber industry, and from the comments of members of the Labor Party, that certainly would occur under a Government led by them. The Minister for the Environment has been working assiduously on the RFA with the Federal Minister for Forestry and Conservation and also the Federal Minister for Environment and Heritage. Discussions have taken place between those ministers. It was well known that under the current forest management plan, which was to be completed by the year 2003, there would be significant reductions in the intake of jarrah particularly, and also karri. On that basis, the RFA has now overridden the current management plan. I have always been of the view that land management is a state responsibility. However, we have an RFA that was imposed on us by a former Labor Government, and the State Government must comply or deal with that situation. The downturn in 2003 will have a significant impact on the timber industry, and that is acknowledged by all and sundry who know anything about the industry. I am confident that the RFA will preserve more forest and still provide for a native forest industry. It will also provide a package that satisfies the affected communities.

ELECTRICITY SUBSTATION, SHENTON AVENUE, JOONDALUP

705. Mr BAKER to the Minister for Resources Development:

Does Western Power have any plans to construct an electricity substation on the northern side of Shenton Avenue, Joondalup, adjacent to the northern suburbs rail line; if so, what will be its cost and approximate date of completion?

Mr BARNETT replied:

I thank the member for some notice of this question. Given its current predictions and expectations of demand, Western Power anticipates building a substation on land it owns on the northern side of Shenton Avenue, Joondalup. That is expected to happen by 2004 and to cost \$8m in today's dollars. That costing is based on the cost of a similar substation at Wanneroo.

GOLD PRICE

706. Mr GRILL to the Premier:

I refer to the fact that the gold price has not recovered from the catastrophic fall following the Federal Government's sale of two-thirds of Australia's gold reserves and ask -

- (1) Why has the Premier failed to obtain binding assurances from the Prime Minister, who was in Kalgoorlie today, that there will be no further sales of remaining gold stocks?
- (2) Why does the Premier persist with a gold royalty when he is aware that the gold industry is in such a weakened state, which continues to deteriorate with every increase in the value of the Australian dollar?

Mr COURT replied:

- (1)-(2) I was wondering when members opposite would ask a question about the Prime Minister's visit to this State. Such visits do not happen very often. They happened once a year under the Labor Government, but they happen more often under the coalition Government. The Prime Minister is in Kalgoorlie today, which is the first prime ministerial visit to that town in 18 years - the last Prime Minister to visit was Malcolm Fraser.

I have a more optimistic outlook than the member for Eyre about the direction the gold price will take. I will not predict gold prices in the short term because it is not an exact science. However, having a strong currency can be positive - it reflects a strong country.

Mr Grill: The mining industry will love that!

Mr COURT: It is interesting that the Labor Party asks what the Government is doing for Kalgoorlie. Why did it shift the union office out of Kalgoorlie today?

Mr Grill: That is something I regret.

Mr COURT: This Government is building the latest and the greatest sport and recreation centres and upgrading education, but what does the Opposition do? The one thing the Labor Party can control is the union office and it has decided to close it!

Mr Grill interjected.

Mr COURT: Members opposite can say that the Government should be doing more, but they should explain why they have closed the union office in that town.

Mr Grill: Let us get back to the sale of the gold. Have you spoken to the Prime Minister?

Mr COURT: Concern has been expressed about European banks selling their gold reserves. The recent Swiss Government decision to sell half of its gold reserves over a period will put great pressure on the gold price. As a result of the Asian financial crisis over the past two years many people who had savings in their local currency saw its value eroded overnight. People always have the view that they should retain some of their savings in gold. They will have that view in one or two generations from now. Similarly, one of the reasons that Germany has been one of our largest customers for gold and gold

coins is that their second and third generations have never forgotten the 1930s and their massive inflation. Although at present there is pressure on the market, in the longer term gold will always have a role to play because people see it as a safe haven. That is one of the reasons that there will be a continual demand for gold. During the Asian financial crisis, people's safe haven tended to be the United States dollar. I will not go into detail on other areas. We have made it clear to Peter Costello that we did not support the sale of gold. We have also made it clear we would not want the Commonwealth Government to sell any more reserves. The Prime Minister's being in Kalgoorlie today is a good opportunity for the people there to get that message across.

BIRDS AUSTRALIA

707. Mr MASTERS to the Minister for the Environment:

The conservation group, Birds Australia, has surveyed the greater Perth metropolitan area for populations of feral corellas and cockatoos, established as a result of aviary escapes. Because of the risk of these birds building up large populations and disadvantaging native birds, can the minister please advise what course of action the Department of Conservation and Land Management is taking to control this serious environmental risk?

Mrs EDWARDES replied:

I thank the member for some notice of this question. The Department of Conservation and Land Management is currently working with Birds Australia to develop a trial program for aviary-escaped corellas, galahs and cockatoos. It is intended that the program will operate prior to and during the next breeding season, which will commence later this year.

WORSLEY FOREST LOT 4, MINISTER'S ROLE IN PURCHASE

708. Mr RIPPER to the Minister for Water Resources:

- (1) What role precisely did the minister play in the purchase by the Water Corporation of a 3 000- hectare forestry block from Worsley Timber Pty Ltd?
- (2) Who were the officers of the Water Corporation who assisted Liberal appointee Mr Peter Jones in making the deal?
- (3) Was the chief executive officer of the Water Corporation involved? If so, how?

Dr HAMES replied:

- (1) I was involved in discussions at the very early stage when we were determining whether the Government would make an offer; and, if so, what that offer would be.

Mr Ripper: Who was the discussion with?

Mr Court: Me.

Dr HAMES: Certainly the Premier. I do not think I need go into others. I do not recall others who were at the meeting.

- (2) I do not have specific details of the officers. I have been told their names but I need to seek clarification of whether I can reveal the names. I do not see why I should not be able to. I know one of the names.
- (3) The chief executive officer was involved in the earlier stages but at the time the deal was made he was on leave. The acting CEO was involved in his place.

WORSLEY FOREST LOT 4, FINAL OFFER

709. Mr RIPPER to the Minister for Water Resources:

Who put the final offer of \$9.5m to Worsley Timber?

Dr HAMES replied:

As I said earlier, I was not involved specifically in those negotiations after that first time, so I do not know exactly who made the final offer - whether it came from Water Corporation staff, the chairman or other members of the Water Corporation. The Water Corporation did it at the request of and on behalf of the Government. That is the important thing. Make no mistake, the Water Corporation has done exactly what this Government wanted it to do.

CULTURAL ARTS CENTRE

710. Mrs HODSON-THOMAS to the minister representing the Minister for the Arts:

I refer to comments made by the former Festival of Perth director David Blenkinsop regarding the need for a cultural arts centre in Perth. Has any consideration been given to the construction of a cultural arts centre as part of the proposed convention centre?

Mrs EDWARDES replied:

I thank the member for some notice of this question. The answer is yes if the member refers to Mr Blenkinsop's comments relating to a flexible performance space being part of the proposed convention centre. Consideration is being given to the development of a flexible performance space and other act spaces which could be proposed by proponents of the convention centre.

POLICE FACILITIES, COMPLETION DATE

711. Mrs ROBERTS to the Minister for Police:

I draw the minister's attention to "Delta Update No 34", dated January 1999, which claims that the first stages of the Joondalup police academy and the Midland operations support facility have commenced, and that both are scheduled for completion in 2001.

- (1) Will the minister reaffirm in the House today that 2001 is still the scheduled completion date for both of these projects?
- (2) If not, why not?

Mr PRINCE replied:

- (1)-(2) The Delta update was, and still is, correct. The project work has commenced on both facilities. The member would appreciate that the concept and design work for a police academy is extensive and takes time to complete. I anticipate that it will be somewhere around the end of this calendar year before the academy is sufficiently progressed to talk about going out to tender and other such matters. It could take more or less time than that estimate. Technical matters require a great deal of drafting and so on. The same situation applies with the Midland operations centre. It was anticipated in the Delta update that the planning aspects would be completed this calendar year and into next year; this will be followed by the tendering and so forth and work commencing to be completed in 2001. One cannot be entirely accurate on these matters, particularly so far out from completion - the projects will take two-plus years. That projection was, and remains, my expectation. I know of nothing which could cause any significant change in the time line and I expect both projects to be completed by 2001.

FISHERIES, BUYBACK SYSTEM

712. Mr MARSHALL to the Minister for Fisheries:

Can the Minister explain the advantages of the recent buyback system for professional fishermen and the industry, and what buyback and licensing will mean for professionals in the Peel waterways?

Mr HOUSE replied:

As all members know, the Fisheries buyback scheme was very successful. The last round of offers, which included the Mandurah estuary, saw nine licences surrendered. This took a great deal of pressure off that estuary. I decided at the request of a number of people, including the members for Dawesville and Mandurah, to re-open that opportunity and enable professional fishermen to be part of a new buyback scheme. Some 14 licences are still active in the Mandurah estuary, and it is intended to reduce that number to assist resource sharing across the professional and recreational industries.

COUNTRY SCHOOLS, VACANT TEACHING POSITIONS

713. Mr RIPPER to the Minister for Education:

Notice of this question was given at 10.20 this morning. How many teaching positions in country schools were vacant at the beginning of the second school term this week?

Mr BARNETT replied:

Although 34.5 full-time equivalent positions were vacant at the start of term 2, I am advised today that 19 FTE positions are now vacant. I readily acknowledge that a number of positions have been significantly difficult to fill, particularly in the goldfields region. This problem relates to the need to find not only a person, but also a specialist person, particularly in languages other than English, to fill the positions. A decided change has occurred in the willingness of graduate teachers to take up country positions. In the early 1990s, approximately 60 per cent of graduate teachers accepted statewide appointments, and the equivalent figure is currently 15 per cent. All graduates who have accepted a statewide appointment have been given a job.

Also, 160 additional appointments were made at the beginning of term 2. An ongoing problem exists. A constant turnover of teacher positions occurs, and teachers take long service and other leave. Many reasons are involved. The take-up of the country benefit scheme has been outstanding; nevertheless, we have a problem with the willingness of young teachers to take up appointments in some remote parts of the State.

Legislative Assembly

Tuesday, 20 April 1999

LEGISLATION COMMITTEE on the COURT SECURITY AND CUSTODIAL SERVICES BILL

Advisers: Inspector Kenneth Watkins, Police Service,
 Mr Jeffrey Crookes, Principal Project Officer,
 Mr David McDermont, Police-Justice Core Functions Contract Manager.

Resumed from 25 March. The Deputy Chairman of Committees (Mr Sweetman) in the Chair; Mr Prince (Minister for Police) in charge of the Bill.

Clause 36: Sheriff's role -

Mr PRINCE: In the previous sessions of this committee, a number of requests were made for further information and so forth which I have endeavoured to provide. There has been a break since we sat last. I now have, for the benefit of members, five copies which are the responses to outstanding requests for information. For the purposes of the record, the first set of papers I have provided give a response to the question of whether any political donations were made by the respondents to the request for proposal. The second set of papers concerns persons who are authorised to visit a lockup. That attachment which details about 20 people has now been amended to include members of State Parliament. The third category of papers relates to information about escapes from police custody, as the member for Burrup was interested in that matter. It is in the form of a matrix and outlines escapes for the calendar years 1995-1998 from service and core areas. As members can see, the majority of the escapes are from lockups.

Mr RIEBELING: What is the current service?

Mr PRINCE: The heading "Current service" means escapes of all types from wherever they may be, and "Core area" means escapes from those areas which, if this legislation passes, the contracts which are awarded will then be areas covered by the contract. Members should also look at the prisoner escort and custody services paper appended to that, which indicates the number of escapes before and after contracting some of the services in England and Wales. The member for Burrup will be interested to see the graph on page 3. In area 1, Wales and west, it indicates that there has been a significant reduction in escapes in all areas since the contractor took over. On the next page, under "Number of escapes", is a graphic bar chart which indicates a reduction by nearly half in the number of escapes. Members sought an explanation for the comments about the multiple development paper. The member for Burrup's colleague sought an explanation about the comment "inflexible court arrangements" and "restrictive practice of prison officers". An explanation of those two statements has now been provided. The final piece of paper, under "Information on Corrections Corporation of Australia", is an extract from the response by the Corrections Corporation of Australia to the request for proposal in relation to its previous experience and it runs for several pages.

Mr RIEBELING: What is 5.2? Whose work is that?

Mr PRINCE: The comments on item 5.2, "restrictive practices of prison officers", has been prepared by Mr Crookes from working papers that were in existence at the time the report was written. It amplifies and explains the comment "restrictive work practices".

Mr BROWN: Given that this information has now been provided and given that we dealt with a number of clauses when this information was not available, I will now ask questions about this information rather than return to the clauses to which it relates. The document headed "Court security and custodial services Bill 1998, the employment of prison officers in lieu of contractors providing court security", is a two-page document provided by the minister. The third dot point under the heading of "Restrictive work practices" states that the 1994 jail officers' industrial agreement restricts the late collection and delivery of prisoners from courts and lockups. What is the nature of that restriction?

Mr CROOKES: From memory, I cannot quote the nature of that restriction. An officer who works for me prepared this information and it was taken from records and working notes on file. I seek leave to obtain that information and provide it to the committee. I know broadly what the 1994 agreement does, but without referring to the file, I am unclear on how that impacts on the working practice of late courts.

Mr BROWN: Can that information be provided later? I am keen to have that information because I am not sure whether the restrictions relate to the fact that if officers are required to work late, they qualify for a shift allowance and whether being

qualified for a shift allowance is perceived as a restriction because it is an additional payment, or whether there is some provision in the document that relates to staffing levels.

Mr PRINCE: The earliest Mr Crookes would be able to follow up that matter would be 6.00 pm. It would not be possible before then.

Mr BROWN: I am not asking for it today, minister, but can we have that advice before the third reading?

Mr PRINCE: Mr Crookes will endeavour to find out the detail for the member for Bassendean and I will provide it to him when Mr Crookes gives it to me. From personal experience, it is next to impossible to deliver a prisoner to a prison after 4.00 pm simply because not enough staff are on duty to take an admission. The inspector confirms that from his experience of many years as a police officer.

Mr BROWN: If that were the case, it would not relate to the industrial agreement; it would relate to the operations of prisons. The determination by the superintendent or -

Mr PRINCE: I cannot tell the member why that is the result, but I know that is the result.

Mr CROOKES: It relates to the provision of 12-hour shifts which will come about as a result of the 1994 agreement in which the 7.00 am to 7.00 pm prison shift would see the majority of prison officers available on duty. However, the 7.00 pm to 7.00 am shift would see a fewer number of prison officers on duty. The staffing arrangements for escorts, reception rooms and the like would mean that beyond 7.00 pm, a lesser number of staff would be available. Industrial prison officers who provide escort services to the courts do not work 12-hour shifts; from my understanding, they still work a fewer number of hours. The shift arrangements would support that agreement - not so much in the words of the agreement - and I doubt whether any wording in the agreement suggests any restrictions would be placed on the operation of the services.

Mr BROWN: My understanding is that the 12-hour shifts that officers now work was the subject of an industrial agreement in 1994, and the claim for 12-hour shifts emanated from the Ministry of Justice rather than from the prison officers on the basis that a greater number of officers could be rostered during the 12-hour "day shift" in which prisoners are out of their cells and cell blocks as opposed to in the evening, when prisoners are locked away. This restriction, if it is a restriction, has not emanated from prison officers or their union, but is now operated by virtue of a demand by management for people to work 12-hour shifts to suit the convenience of the ministry.

Mr PRINCE: No. It is in order to have the best possible management of a prison. We are not dealing with the management of a prison; we are dealing with the movement of people to and from it, which is a different exercise.

Mr BROWN: For the sake of history, I did not want it to be misunderstood that this was a restrictive work practice which has been interpreted to mean, in some quarters, a restrictive work practice imposed by employees, or a restrictive work practice imposed by a union, contrary to the efficient management of an organisation. This work practice has been introduced by management for the effective functioning of the prison.

Mr PRINCE: There are at least four points under "Restrictive work practices" and the member is dealing with one of them.

Mr BROWN: That is right. However, it is important, in terms of the politics of the day, to have that on the record. Whether the minister cares to acknowledge it is another issue.

The fourth dot point states that prison officers work 12-hour shifts. Only recently has provision been made for part-time prison officers. These are engaged primarily in the provision of hospital guard duties when hours of work are irregular and unpredictable. Casual staff are a necessity for the efficient and effective provision of court security and court custody. Would a portion of the staff who have been employed by the contractor be casual staff?

Mr PRINCE: That is correct.

Mr BROWN: We will see in this case what has been happening in other areas of the work force; that is, where we move from full-time jobs to casual jobs that are picked up now and again. Are we moving from a permanent work force to an insecure work force?

Mr PRINCE: Yes, but we are dealing with public moneys in the provision of a service. If we cannot justify the employment of someone on a full-time basis to perform a function because the function is not required on a full-time basis, we should have the flexibility to employ someone part time or on a casual basis in order to fulfill the function. It does not happen in the Central Law Courts because it runs most of each working day; however, in some of the smaller courts, in some of the country centres where there are peaks and troughs in work when circuit courts come and go, it is reasonable to expect that there will be either a part-time or a casual work force.

Mr BROWN: The point I make to the minister is - I do not wish to persist with it - that the argument he is advancing is one that is always advanced, and the argument that is advanced in all those matters has meant that more and more people today are employed in casual, insecure jobs for which they are not sure about the income that they will receive, and so on. If the

minister is contributing to that type of social environment, so be it. That is his decision, that is what he is doing, and that is what he has elected to do. That is the Government's philosophy. It is no different from what we have seen in the past. Since he has confirmed that, I guess we can move on.

Mr MARSHALL: I cannot understand how it would make that difference to life. From the first day one opens the doors of a retailing business, one does not know how many customers will come into the business to enable one to pay the staff to keep them employed. The whole business of life is how good one is to maintain one's position in life. My son is a tennis coach who, just today, went back to the schools. He has had a record summer, and I hope it stays fine for the next two weeks so that he will have a record winter too. If it rains next week, not many pupils will enrol for the next 10 weeks. Life is as good as one makes it. I do not understand the Opposition's reasoning.

Mr RIEBELING: In relation to the movement of prisoners through the court system, additional information 5.1 appears to say that there is an unsympathetic operation of the courts -

Mr PRINCE: No, it does not say that. A perception existed among police in offender management that the courts were unsympathetic. It is very important to ensure that the word "perception" is in there.

Mr RIEBELING: The key focus of this is to remove an inefficiency due to that perception. Therefore, according to this document, it is a real perception because the efficiency gained is to remove it. Therefore, presumably the perception is real.

Mr PRINCE: It would seem to be. It is not intended to be a criticism of clerks of court.

Mr RIEBELING: I did not say it was. How is this to be achieved with respect to this contract? Once the new contract is in operation I presume that at the Central Lw Courts, if a prison van or a transport vehicle can accommodate six prisoners, when six prisoners are ready the transport vehicle will head off. I presume that is the situation now. In country or remote areas, the vehicles will wait, as they always have, until the court is finished with the prisoner. The officers will not tell the judge that the time is up and even though he has not quite finished, they have to take the prisoner back to the facility. How will that change?

Mr PRINCE: The member's illustration of a country court is a very good one, particularly when a circuit court or a circuit magistrate is sitting. Because of the nature of staffing of the courts, one may well have more than adequate staff for most times except peak periods. The member may have had the experience of sitting in the court, because that was part of his duties, and not been able to attend to the essential paperwork that follows from a judgment or decision of the court. When the court rises the paperwork must be done. However, in the meantime the police were waiting, with one, two, three or more prisoners, pending preparation of the paperwork which was not able to be done any earlier. When the police received the paperwork they were able to take the people away. The point is that that is a monumental waste of police time - a waste of time of people who are trained and experienced and should be doing something else other than waiting around at the back of the court - or even in a cell situation in a country court - for the necessary paperwork to be prepared. The police should not be doing that job; they should be doing something else. This matter is something that we have agreed on in the course of this debate. After consultation with the judiciary, there have been some changes in South Australia where evidently the same problem existed. Whether there is a change in the way in which those matters are handled by courts is a matter for the future. I am interested in removing the police from that job - part time, as it is, for them, in the main - so that they are doing policing work full time. Somebody else who is employed part time - for not less than 30 hours or whatever the contractor offers and the person agrees to - should be the person who is paid to sit and wait. In other words, it may or it may not lead to a change in court practice, but it will free up this valuable resource called the police to enable it to get on with policing.

Mr RIEBELING: In every court in which I have ever worked, especially the busier courts at which this is directed - the smaller courts will not be affected - the paperwork is done instantly when a defendant is disposed of by the judiciary. Because of manning levels in courts, what often happens when the police are involved and there are one or two prisoners is that the police keep them in the cell until everyone has been dealt with. That does not mean to say that the paperwork to dispose of the first person who appeared is not finished within 10 minutes of -

Mr PRINCE: I accept that somewhere like the Central Law Courts, for example, the court support staff actually process the paperwork on a fairly rapid basis. However, one must wait for the magistrate's signature. Some magistrates do that while they are sitting hearing other cases. Because others do not want to be bothered with that until they finish their list they will not do it until the end of the list. In the meantime, people may be waiting for several hours. That is a matter that perhaps could be changed as a result of consultation.

Mr RIEBELING: In my 20 years' experience I never saw a magistrate who would not sign as he went.

Mr PRINCE: I have and the inspector certainly has.

Mr RIEBELING: For the administrative role to be performed efficiently in the Fremantle courts, for example, the magistrates would need to keep up to date. The volumes they put through are such that they must.

Mr PRINCE: Yes. I know because I have sat and waited with clients. The inspector would have experienced this far more often than I, as would the other people sitting here as my advisers. Some people do it on a continuous basis; others wait and

do it in bulk. The point about it is, whatever way it is done, maybe that practice could be improved. Police officers should not hang around waiting to escort someone to prison or whatever the case may be. That should be done by the third force service that we referred to in previous debate.

Clause put and passed.

Clause 37 - Minimum matters to be included in contracts -

Mr RIEBELING: Dealing with clause 37(h), I have referred to the codes of ethics and conduct that are to be produced. It is less than satisfactory we are enacting legislation when we do not have those documents and we have to rely upon their being what the minister says they will be. After much debate previously about what constitutes a walk out and what constitutes an escape, there is no mention in clause 37(i) of the term "walk out"; however, it refers to "escapes". I notice that the Attorney General, when answering questions on notice, now refers to them differently. I want the assurance of the minister that under clause 37(i) escapes will include all people who walk or crawl out of legal custody. I do not know who produced the document that the minister provided to us, which looks more like a kindergarten production. However, does this dramatic improvement relating to escapes mean that they are now called walk outs?

Mr PRINCE: No.

Mr RIEBELING: I would like it on record that that will not be the case in Western Australia under clause 37(i).

Mr PRINCE: I deal first with the codes of ethics and conduct. The member raised an interesting point; that is, if we are to debate legislation, we should debate not only the legislation but absolutely everything that flows from it before it comes into operation - in this instance, a contract, codes of conduct, ethics, and so on. Following the logic of the member, we would not debate a Bill unless we had before us all the regulations that would ever be made pursuant to the Bill if it becomes an Act. That may be an idealised situation. It is certainly one that has never existed, to my knowledge, especially when considering legislation in a new area as opposed to an amendment to existing Acts. There are contemporaneous actions whereby a number of things must happen more or less at the same time. Some things are further progressed than others, because until one has the law, for example, something else cannot be done and so on. It is probably the situation that one might like to see the code of conduct. Although it has not been written, one knows, in a general sense, what it will contain. I will ask Mr McDermont to say more about that in a moment. I do not know whether it is a fair criticism to say that we should have the codes of ethics and conduct here for this debate. They are a relatively recent innovation in a legislative and governmental sense. As a concept in law, they have been in existence for about 10 years only. In that sense, rather like regulations, they tend to come after the legislation has been debated. It has generally been accepted that the principles that would appear in a code of conduct or ethics and so on would be stated at the time of debate. However, they are, of necessity, the types of things that will change and amend, as they should, as process and procedure change and amend with experience.

The concept of escape from legal custody is included in the Criminal Code, the Police Act, the Prisons Act, the Young Offenders Act, probably the Fisheries Act because it has everything else in it, and a number of other pieces of legislation. I know of no legal definition of the expression "walkout". The Attorney General has quite rightly used that term to distinguish between the person who "walks out" of Wooroloo Prison Farm, Pardelup Prison Farm, Karnet Prison Farm or Nyandi Detention Centre for Women as opposed to someone who escapes from a police lockup, for example, such as Rockingham, or a prison such as the Eastern Goldfields Regional Prison where a wall and fence have to be climbed to get out. At Wooroloo, Pardelup and the other places I have mentioned, the prisoners have a key to their rooms, and there is nothing physical to prevent them from walking off the site, as opposed to, say, the Eastern Goldfields Regional Prison which has a physical barrier that must be climbed to get out. At the maximum security facility at Casuarina Prison there is an enormous number of physical barriers to stop them getting out. There is a distinction in fact, if not necessarily in law, between an escape from a secure facility and walking out of one which is not a physically secure facility, because it is not designed, built or intended to be. This refers to an escape from legal custody which could be simply the inspector saying, "You are under arrest." I am then in his custody; I break his hold and move only a short distance; I have escaped legal custody. We understand that. It will go all the way from there up to someone escaping from Casuarina Prison. However, there is a world of difference between the circumstances of individual escapes. Paragraph (i) of clause 37 states that there will be reporting procedures to notify the chief executive officer of an escape from legal custody where the contractor is responsible for that legal custody. No matter how one describes it, the law says it is an escape from legal custody. I ask Mr McDermont to say a little more about the codes of ethics.

Mr RIEBELING: I hear what the minister says about the problems of providing that information on regulations in relation to the principal Act. I disagree with what the minister says as these are conditions of a contract. Presumably at the time of signing the contract, the obligations of both parties should be known to that extent and if this legislation were to pass through Parliament tomorrow the parties would be in a position to enter into those final details. This is a different service, which was not contemplated before now, being done by private contractors. The Government has decided to try to bring in private contractors into this area. The minister is trying to convince Parliament and the people of Western Australia that it is in their best interests to go down this path because there will be a code of conduct and ethics that will protect the community and increase accountability. He has used a number of adjectives to describe the way in which the community will be better off. However, much of it relates to things that have not been produced.

Mr PRINCE: Some of it.

Mr RIEBELING: It is like the training area which the minister confidently said would be better. It may be better but we do not know that.

Mr PRINCE: When we were able to express that as the intention, that is the result that we intend shall be achieved. To that extent we are not showing the details of how the result is achieved. It is part of the process by which we intend to achieve the result, not the totality of it, and certainly not the fine detail. If this Bill passed through Parliament tomorrow, the contract would not be able to be signed the following day because extensive ongoing negotiation is yet to take place. All contracts are things to which two or more parties agree. Agreement means they accept what is finally to be put down on paper. The very nature of it means a talking through backwards and forwards to work out what we can, and ultimately will, come up with by way of an agreement. It is not a dictation of, "This is what you will accept."

Mr RIEBELING: Therein lies the problem that I have in agreeing now to matters that have not been finalised. Our task is to ensure that the welfare of the public is maintained as much as possible. This Bill has large chunks of operational methods on the way the contract will be operated and the Government is saying, "We will have a code of ethics and conduct; it will be good but we do not know yet what it will be."

Mr PRINCE: The legislative function is to make law and to make the best law possible. The legislative function is not governmental in the operation of government services. In part, the parliamentary function, as opposed to the legislative function, is the scrutiny of the operational functions of the executive arm of government. However, it does not dictate the method of operation on how things shall be done.

Mr RIEBELING: That is right. However, the minister has been saying all the way through debate on this legislation that it will be better. One of the key methods of testing that is knowing the method of operation.

Mr PRINCE: When one states as a matter of law, "This is the result you will achieve which is better than we are doing presently", then that is the law that must be complied with. The method of doing it is a matter for flexibility.

Mr McDERMONT: The contractor is required to prepare a code of ethics and conduct and we are currently progressing down that path. In approving that code of conduct and ethics we consider what it actually says and what areas it covers. We have been provided with examples of what are considered to be well-constructed codes of ethics and conduct. It goes further than what is written down. We also evaluate how it will relate to training, how to communicate it to employees and what is in place in the work force including the supporting contract conditions. Having a piece of paper that refers to a code of ethics is a start. The method of applying it in the work force is by far the more important issue and that cannot be done until the commencement of training and the implementation of the services. We will know the content of the code of ethics and be able to approve its structure as to whether it is likely to succeed. However, its implementation will not occur until training or afterwards.

Mr BROWN: I wish to deal also with the code of conduct. I raised with the Minister for Public Sector Management, in question on notice 1732 of 2 December 1998, an issue which arose from an article which appeared in *The West Australian* of 14 November 1998. It was reported that the Commissioner for Public Sector Standards had said that companies that obtain government contracts to run a security force to replace some police and prison officers would have to comply with the principles of the Public Sector Management Act and its code of ethics. When I read that I was surprised that legislation would be imposing on private sector agencies the same standards that it requires of public sector agencies because, when that question has been asked before, it has not been agreed to. However, I raised that question with the Minister for Public Sector Management who replied this year in *Hansard* of 9 March as follows -

I am aware of the article that appeared in the West Australian on 14/11/1998. The Commissioner for Public Sector Standards has advised that he did not in fact make the statements attributed to him in that article.

It is difficult for the public because often when we ask questions about what appears in newspapers, it is sometimes embarrassing when ministers say they have never made those statements. This is just another case in point about what appeared in the Press which pacified the demand at that stage that there would be different standards. It was a quote that the standards or the ethical base would be the same. However, when we test that later after the pressure from the media has disappeared, we find that unfortunately someone was misquoted yet again.

Having made that clear and having now seen the Bill, which does make it clear that these codes of ethics will not be the public sector or Ministry of Justice's codes of ethics, I have some questions to ask the minister. In light of that background and also the indications in the Bill, why are the Ministry of Justice's codes of ethics not appropriate for the private sector provider, with appropriate amendments to make sense when referring to the employer and so on?

Mr PRINCE: Firstly, I make the point, which I doubt I would have been able to do until I came into this place, that I have read things in the newspaper attributed to me which I know I did not say. There are some journalists who are more accurate than others and that happens all the time. There are some members of Parliament who are better at the job than others. Certainly that is the case with some reporting of what we all say, irrespective of what side of Parliament we come from.

Mr McDERMONT: We provided the contractor with the Ministry of Justice's code of conduct as an example of a code of conduct applicable to people who conduct similar services and also because it complied with the Public Sector Management

Act. We did not tell the contractor to adopt it word for word because a code of ethics must be developed and owned by the work force that will be using it. We therefore gave the contractor that code of ethics from the Ministry of Justice as a guideline for the development of its own code of ethics.

Mr BROWN: I am pleased about the explanation of what happened. Why are these ethical requirements not imposed on a contractor? In other words, why can a contractor, when providing these services, operate on a different ethical base to the ethical base on which the services are currently provided?

Mr McDERMONT: There is no intention that the contractor will operate necessarily on a different ethical base. The base may be stated and worded differently. However, the contractor was given a copy of the Ministry of Justice's code of conduct because it was a good example of the types of areas to be covered. The wording will be different; however, I would be most surprised if we would approve anything that would have a very different ethical base.

Mr BROWN: If that is the case, why are we going through that exercise? Why do we not simply say for the sake of consistency that this is the ethical base that the contractor is required to adopt?

Mr PRINCE: I imagine because of the way in which it is expressed. Some of the provisions of codes of conduct and ethics under the Public Sector Management Act will be relevant only to public sector employees as opposed to a person who is either a contractor or a subcontractor. One would not want to have that sort of redundancy or confusion.

Mr BROWN: I accept that. The clause could have said that the intention is to apply the same ethical standards as apply in the public sector and where possible to incorporate that code of ethics. That would then place an obligation on the contractor to adopt the code of ethics and standards unless it could be shown, for example, that for some reason a particular ethical standard required in the public sector was irrelevant or inappropriate to the contractor. That would then provide greater direction in the legislation because as it is currently drafted the code of ethics will be drawn up by the contractor and approved by the chief executive officer. Presumably that means not only the code but also amendments to the code. I do not understand why we are doing that, given that the Government has determined that this service, provided by a contractor or not, should be provided not under the aegis of the Police Service but under the aegis of the Ministry of Justice. If it is appropriate to be provided under the aegis of the Ministry of Justice, why are we not using the Ministry of Justice's code of conduct?

Mr PRINCE: One could equally ask why we are not also including the police codes of conduct, because part of the service being discussed is presently being provided by the police. From the point of view of those doing the job at present and the codes by which they are bound, at least two organisations are involved. In the main, it is the police and to a lesser extent it is the prisons. They provide services which this Bill envisages will be contracted to an outside supplier. In the codes of conduct for the police and the Ministry of Justice in the prisons area, it is very generally stated because they cover the full gamut of police work. This is a much more specific area of occupation and I would expect a code of conduct to be written that will be relevant to what that particular subcontractor will do, rather than general statements being made akin to the general statement that covers the whole of policing work.

The contractor might be given a copy of the Ministry of Justice's code, and told what the department expects of the contract and that the chief executive officer of the Ministry of Justice must approve it. There is a veto and a fairly significant power in the CEO. Clearly, it is a matter for the contractor, with subcontractors and employees, to work out a code of conduct and ethics that is acceptable to them, knowing perfectly well that the CEO of the Ministry of Justice must agree to it. Agreement must be reached eventually, otherwise the code will not be passed as part of the contract. The code must satisfy the CEO of the Ministry of Justice as well as sort out something that will be applicable to the intended work. This is putting in place the process to achieve that. The member is endeavouring to be prescriptive of content which might not in fact be relevant to what the contractor eventually does. Surely it is better to state as a term of the contract that there shall be a code of ethics and conduct to be approved by the CEO, rather than endeavour to be prescriptive about the code of conduct and ethics and perhaps prescribe something that may be irrelevant or could make it difficult to perform the work. That result could come about inadvertently.

Mr BROWN: I hear what the minister has said, but his comments do not deal with the issue I have raised. I do not see much point in pursuing the matter. I simply make the point that the Government, and not the Police Service, has determined that this should come under the Ministry of Justice. If that is an appropriate decision, why do the same ethical standards not apply? That has not been explained to me. With ethical standards, there are questions of money, shortcuts and privacy. There is a whole range of issues but these somehow do not appear to be important. In any event, we have heard the only explanation we shall get.

Mr PRINCE: I would be surprised if the ethical standards which result from this would be seen by any dispassionate observer to be anything less. I expect them to be more purpose specific to the functions envisaged by this legislation, rather than the codes which currently exist for Ministry of Justice employees and police officers.

Mr BROWN: I am pleased the minister said that. Will the minister tell me where in this Bill there is provision for an independent review of conduct that may offend the code of ethics or the code of conduct?

Mr PRINCE: I was fairly sure there was a certain power in the Bill for the Parliamentary Commissioner for Administrative

Investigations. Mr Crookes informs me it is in the consequential provisions Bill. This provides for the Ombudsman to have the same sort of oversight powers in this area that he has in relation to public administration generally. That is the first point of the answer to the member's question. Secondly, standards are set out in clause 38. Clauses 42 and 43 provide for inquiries to be set up and for investigators to have access and so forth. Clause 37(j) states that the contract must provide for investigation procedures and dispute resolution mechanisms. There are a number of avenues by which any form of conflict or matter could be dealt with. It would, however, depend on the nature of the matter raised.

Mr BROWN: I asked that question because currently the Ministry of Justice is subject to inquiry by the Ombudsman, and the Ombudsman can inquire and report to the Parliament. As we all know, the Ombudsman has a particular nature of inquiry. However, the Ombudsman does not inquire into ethical standards. Under the Public Sector Management Act, that job is given to the Commissioner for Public Sector Standards who appoints independent persons to investigate alleged breaches of codes of ethics or codes of conduct. I understand that in more recent times the Commissioner for Public Sector Standards has gone one step further and has told some departments and agencies that although in the past they had lists of people whom they considered were independent to investigate these matters, that is no longer acceptable. He has indicated that if departments wish to get independent people, his office will nominate those independent people and that he does not want the departments to have cosy lists of people. The Ministry of Justice is subject to the powers of the Ombudsman and the powers of the Ombudsman will be applicable here - I understand that.

The Ombudsman does not investigate these matters. These matters are related to matters under the Public Sector Management Act and designated to the Commissioner for Public Sector Standards. No provision in this Bill replicates that type of arrangement. Clause 43 relates to the CEO setting up an inquiry.

Mr PRINCE: In relation to the parliamentary commissioner, I refer the member to clauses 22 and 23 of the consequential provisions Bill. We have not reached that Bill but it empowers the Ombudsman to deal with the contractor and subcontractor. I accept the point the member makes with regard to codes of conduct and the Ombudsman not having that power in relation to codes of conduct.

Mr BROWN: This is the classic thimble and pea trick. A provision is included to set up a code of conduct, but there is nothing further to indicate how that will be followed up. How is that tested to determine whether the code of conduct or the code of ethics has been complied with? That is a major deficiency in the Bill. It is a joke in its present form. This code of conduct might have a different ethical base from that in the Ministry of Justice, and there is no independent assessment to determine where it might have been breached.

Mr PRINCE: The code of conduct is a term of the contract by which the services are provided. If it is not complied with, the contract will have been breached and that will be the end of the contract. This is a monumental sanction on the contractor or subcontractor against their in any way breaching the code of conduct and the code of ethics. That does not exist in the public sector. It arises out of the nature of contract for services. If the contract is breached, it is lost. There is a huge incentive to comply.

Mr BROWN: Is the minister saying that a breach of the ethical standards is a breach of contract, and that a breach of contract leads to termination of the contract?

Mr PRINCE: Yes, potentially that can happen.

Mr BROWN: The minister must think we came down in about the past five minutes. The minister must think members of the Opposition are mugs.

The other matter I wish to raise is that, traditionally, where agencies have moved to become administrators of services rather than direct providers, there is a clear division in those agencies between those managing the contract for services and those providing services. The Bill contains no provision relating to statutory division within the ministry to make sure that what might be called contamination does not occur.

Mr PRINCE: I am not quite sure what the member means by "contamination". As Minister for Health, I dealt with an area of government activity which has for decades been involved in many contracts for the provision of service. In fact, ever since the turn of the century, Health has been involved in contracting with people to deliver service to the public, in both a very small way and a very large way. Health is an agency which not only delivers direct service through employing people but also contracts for delivery of service. There is no division within the Health Department, for example, between the contract management unit and the service delivery unit. Other divisions, such as public health and mental health, are usually functional, and there are contract managers in particular areas, especially in the area of community delivered service.

I have no doubt that within the Ministry of Justice a contract management unit will be developed. That would be a logical thing to do, but this is a responsibility of the CEO. The CEO is the individual responsible for the management of this contract. How the CEO chooses to discharge that responsibility within the administrative structure which he controls is entirely up to him. It would be somewhat presumptuous of me, or anybody else for that matter, to set out what the CEO should do. I can speculate that a unit might be created to do that. Perhaps Mr McDermont would like to comment on that.

Mr McDERMONT: The contract outlines the management process for the contract. The Ministry of Justice is developing

a purchaser-provider structure, and responsibility for this contract will sit under the purchaser area. Theoretically, there will be two providers of services. The contractor will provide services and the police will continue to provide some services. For that reason, some sort of agreement arrangement is being looked at between the Ministry of Justice and Police to recognise the fact that they will provide services.

Mr PRINCE: That harks back to one of the earlier clauses we dealt with which talked about the chief executive officer making such arrangements as appropriate with the Commissioner of Police.

Mr BROWN: I do not doubt that but there is a need to separate those who regulate from those who provide. I presume that theory does not apply.

Mr PRINCE: I understand what the member is referring to. To an extent there is a competitive situation in Health, with an organisation which is providing service to public hospitals also regulating the standards of private hospitals. That argument has been running in Health for a long time. However, the patient or doctor has a choice about whether the person goes to a public or a private hospital. We are not talking about choice here. A magistrate or judge will not say that someone is to go to the privately run prison and someone else to the publicly run prison. Who goes where and when is a matter of management by the Ministry of Justice, and is largely to do with criteria such as security ratings and gender which the ministry has evolved over a long period. We do not have a competitive quotient here with either the privately managed prison or the privately run custody service. For example, at the Central Law Courts this will be run by the contractor. A police unit will not be there wanting to compete with the private contractor to move people out to Casuarina. There is no choice in that sense. The police will be pleased to be shot of the job and to turn it over to a private contractor. There will not be a private contractor at the court in Roebourne because it sits very rarely, and a police officer will continue to do the job that he or she has been doing for a long time. We do not have the problem which exists when one is dealing with an area of government responsibility in which the regulation of private industry and the provision of service are part of the government function and that provision of service is arguably in competition with the private function. In neither the concept of a private prison nor that of a private provider of court security and transport services does a competitive field exist on a daily basis. It exists every time a contract comes up for renegotiation or renewal but not during the term of contract. The problem the member is giving voice to does not exist in this area. The standards and the regulatory mechanisms which the ministry puts in place to deal with what happens under the contract will be new because the ministry does not regulate the way the police do their job at the moment - that is for the Commissioner of Police. The ministry also does not regulate the way prison officers do what limited duties they have in this function, other than the way it always has in the sense of regulating prison officers' work. There will not be the sort of conflict the member for Bassendean is giving voice to.

Mr BROWN: I do not see much point in continuing the argument. I listened to what the minister said. He has not convinced me but I do not suppose he is too worried about that. I do not seek to pursue the matter.

Mr PRINCE: I am extremely worried that I seek to be persuasive. I am desolate.

Clause put and passed.

New clause 38 -

Mr BROWN: I move -

Page 25, after line 15 - To insert the following new clause -

38. Disclosure of Contract Workers' Classification Structure

- (1) Each employee contract worker shall be paid not less than the classification structure disclosed to the Minister.
- (2) The contractor shall disclose to the Minister, at least once in each financial year, the employee contract workers' classification structure which shall include the minimum weekly wage payable under that structure.
- (3) The information provided to the Minister shall be made publicly available on demand.

We have discussed this matter previously. It relates to disclosure of the classification structure and the wages paid under that structure to the employees engaged by the contractor. We have had the argument before.

Mr PRINCE: I have some written advice on this matter. I do not believe that I can table the document here.

The DEPUTY CHAIRMAN (Mr Baker): I am advised that you can lay the document on the table.

Mr PRINCE: In that case I will lay the document on the table. I will paraphrase the document rather than read it out. The amendment the member for Bassendean seeks to insert is a provision requiring any proposed contractor to disclose its employee wage classification structure and to make its minimal weekly wage payable available to the minister and publicly

available on demand. I am advised not to support the amendment. The advice is that contractor worker terms, conditions and wage levels are industrial relations matters for which there already exist more than adequate protection under the law. The recommendation is that those are not matters for this legislation but matters which could be considered as a minimum matter to be included in contracts generally under clause 37, thereby requiring the contract to reflect the intent of the amendment. This was discussed previously and the member for Bassendean formally withdrew his amendment on the understanding that we would seek advice and propose a suitably drafted amendment. We have now obtained advice from Mr Sarich of the Department of Productivity and Labour Relations. That is, notwithstanding that the contractor may offer workplace agreements or private employment contracts to staff, some staff will inevitably seek award coverage through a union. We understand there are already moves on the part of the unions to obtain coverage. People on workplace agreements are not entitled to have their wages and conditions disclosed, consistent with the statutory protection under the secrecy provisions of section 39 of the Workplace Agreements Act under which certified agreements are matters of public record. The issue has been discussed with Corrections Corporation of Australia which confirmed that it intends to strike workplace agreements with all staff. I am sure that will not give the member much comfort or assurance, which is understandable given that the company could later negotiate alternative arrangements, but CCA has supplied a framework of materials to be included in the standard workplace agreement. However, it has requested that that not be released until after it has concluded its industrial arrangements, which is a fair and reasonable request on its part. A mandatory requirement to publish pay rates under a workplace agreement would be ultra vires the legislative provision of section 39 of the Workplace Agreements Act and would create some legal problems. Members will be aware that it is inappropriate to include in legislation a requirement for a party to comply with the law as it applies in other matters. That is a matter of good drafting. The matters which are the subject of the member for Bassendean's amendment are already adequately covered in existing law; for example, the Minimum Conditions of Employment Act sets out obligations for the employers to pay not less than the minimum wage and in the federal system the equivalent arrangement is the safety net provision. There are also general disclosure provisions in the Freedom of Information Act and the Financial Administration and Audit Act. The matter has been discussed with parliamentary counsel and the Ministry of the Premier and Cabinet both of whom support this position. Therefore, the recommendation is that the Government not support the amendment as first proposed by the member for Bassendean.

Mr BROWN: That does not surprise me but I will put the following observations on the record. Firstly, the Workplace Agreements Act is an Act shrouded in secrecy - one is not able to access the information under that Act so one does not know what people are being paid other than they must be paid the lousy minimum wage or something above it. Secondly, many people are now paid less than the appropriate award provisions under the workplace agreements arrangements. Many people are being disadvantaged by those arrangements, many people hate those provisions and cannot wait for them to be repealed. Even in this legislation, the Government is not prepared to include fairly meaningless provisions which do not require disclosure of workplace agreements, but simply the minimum that contractors will apply to classification levels. The minister's response does not surprise me. Clearly, this would put a dent in the very secretive provisions of the Workplace Agreements Act, the anti-worker provisions. I understand that the Government does not want that to happen under any circumstances. The advice from the Department of Productivity and Labour Relations comes as no surprise, as that department's people have been driving this agenda to the disadvantage of workers. I will persist with my amendment although no doubt it will be voted down. At least I will have on the record the fact that again the Opposition has tried to do something for ordinary working people in this State and the coalition's views on that matter.

Mr PRINCE: I have said everything I can say.

The DEPUTY CHAIRMAN: Is it possible that the phraseology in the previous clause is broad enough to enable a matter of this kind to be the subject of regulation in the future?

Mr PRINCE: It will be possible as long as the regulation is not ultra vires not only this legislation but also any other legislation - for example, the Workplace Agreements Act. If it were, it would not be possible to do it by regulation either.

New clause put and negatived.

Clause 38: Minimum standards -

Mr BROWN: Have the minimum standards been determined?

Mr CROOKES: The minimum standards were developed in the draft contract and against them there are performance measures and indicators. The draft contract is not yet available as a public document. However, that part of the contract will be made available as a public document once it is signed.

Clause put and passed.

Clause 39: Contract workers in court premises are subject to judicial direction -

Mr RIEBELING: I understand that under subclause (2) the judicial officer has control of how the contract workers operate but most of these directions are given prior to the judicial officer entering the courtroom. Does the administrative officer or the bench clerk have a delegated authority to speak on behalf of the judicial officer in relation to contract workers and the way they operate within the court itself?

Mr PRINCE: In the member's previous life he undoubtedly sat in the court to hear certain matters and when he was sitting there as the clerk of the court or justice of the peace he would have had the power as the person presiding to direct. He is now talking about administrative arrangements made prior to the court commencing. My advisers believe that will be the case and that it is sensible from an administrative point of view. I do not see any reason for that not being done.

Mr RIEBELING: Does this allow it?

Mr PRINCE: I think it probably does. It does not prevent it. It does not say there is exclusivity of power, for example, in the chief judicial officer of the court concerned that cannot be delegated to somebody else. Consequently, the chief judicial officer can delegate, and probably should.

The DEPUTY CHAIRMAN (Mr Baker): What is the test for determining the point when a person commences presiding in a courtroom? Is it only when the court is in session, so to speak, or may it be before court starts, for example, at 10.00 am on a given day of the week?

Mr PRINCE: The chief judicial officer is the chief judicial officer 24 hours a day, seven days a week. The person presiding in a courtroom is presiding only when the court is actually "in session".

The DEPUTY CHAIRMAN: Therefore, before that point in time he or she would not have power to issue any directions or at least have the directions enforced?

Mr PRINCE: That is right, although a hospital room can be a courtroom. It does not need to be the room in the court building. It can be wherever the court chooses to sit for whatever reason.

Mr RIEBELING: In relation to, say, a problem person, quite often a direction on that person's appearance in court is made prior to the court on request. Is that not possible under this legislation?

Mr PRINCE: No, it is. Take, for example, a country court.

Mr RIEBELING: Say it is a magistrate.

Mr PRINCE: The stipendiary magistrate is acquainted in advance of sitting that Joe Bloggs will appear this morning, he is not really in control of himself, he is a difficult person - perhaps he even suffers from a known mental illness of some description. The stipendiary magistrate, before the court starts, is able to give directions on how that individual will be managed prior to court coming into session.

Mr RIEBELING: Therefore, is the answer to the Deputy Chairman's question that if it pertains to the operation of the court, whenever that person gives the direction, the person who will be the presiding officer has the power to do that?

Mr PRINCE: Yes.

The DEPUTY CHAIRMAN: Does he actually need to be presiding at the time to issue the direction?

Mr PRINCE: No. In the situation that the member for Burrup and I discussed, the stipendiary magistrate and the clerk of courts are part of the same court structure. The stipendiary magistrate is the chief judicial officer; the clerk of courts, in that sense, is subsidiary. A definition is in the Bill. The Supreme Court and the District Court have a chief justice or a chief judge who can deal with administrative matters, but the person who is sitting in the court during the court session has the absolute power to tell the contract worker what to do.

Clause put and passed.

Clause 40 put and passed.

Clause 41: Minister, CEO etc. may have access to certain places, persons, vehicles and documents -

Mr RIEBELING: Clause 41(5) provides for a relatively severe penalty of \$20 000 for hindering an inquiry. However, under clause 43(5) the penalty for refusing to give information is \$1 000. Probably the simplest or most common way of hindering an inquiry is not to give information. The hinder provisions under clause 41 might relate to a physical assault, but it strikes me that in one clause there is a \$20 000 penalty and on the very next page, for a similar offence, there is a penalty of \$1 000. What is the relevance of the two penalties?

Mr PRINCE: I see the member's point. Certainly, the minister, the chief executive officer and anybody authorised should be able immediately to have unfettered access for the purpose of ensuring compliance with the legislation, the rules, the contract and so on. That is directed more at the contractor and subcontractor, who is likely to be a corporation, hence the monetary penalty. When we talk about the CEO setting up an inquiry and an investigator then investigating -

Mr RIEBELING: Is "a person" under clause 41 a corporation?

Mr PRINCE: It could be a corporation. We are talking about substantial penalties because the person, whether it be the corporation or an individual, should not hinder or resist the CEO in immediately having free and unfettered access to a place, person, vehicle or document. When we talk about an investigator investigating - granted that the investigator may require a contractor, employee, agent, subcontractor and so on to give information - we are more than likely to be talking about a human being who may be the employee.

Mr RIEBELING: Is that not to hinder?

Mr PRINCE: Yes, but an investigation is already in process. We are talking about the investigator, as opposed to a judicial exercise, in a police investigation context, who asks for an answer to a question and is told by the person that he will not give an answer. The penalty for that is \$1 000. I am trying to think of an example of an employee saying, "I'm not going to tell you", and his being hauled before a magistrate and asked to answer the questions. If he says that he will not, he is then given advice on the provisions of clause 10 of the Evidence Act. If he answers satisfactorily, he is given a certificate to exempt him from prosecution. I suppose that we are dealing with potential self-incrimination, which I suspect is probably why the penalty is \$1 000 - that is, for frustrating the investigator.

Mr RIEBELING: That is hindering, for which the penalty is \$20 000. I understand what the minister is saying. It is an exceptionally high penalty. Even though, as the minister says, it may be a corporation, it may not be a corporation. It may or may not be a corporation under clause 43. I do not wish to delay the committee. I just wanted to make that point.

Mr PRINCE: Clause 42 stipulates \$20 000, giving the investigator access and so on.

Mr RIEBELING: I could have used clause 42 as well.

Mr PRINCE: It is as I was saying; clause 43 is intended to be used when one is dealing with an individual human being who may well not want to answer the question. Clauses 41 and 42 are intended to be used when one is dealing with either a contractor or subcontractor - in other words, an organisation that is of financial substance as opposed to an individual human being. I appreciate that the legislation does not actually say that, but many pieces of legislation are like that and the inference and intention is quite clear from the differential in penalty.

The DEPUTY CHAIRMAN: I understand that that is the intention, but what if it is argued in due course that the term "person" has the same meaning that it has in the Interpretation Act and that it can include a body corporate? The term "person" includes natural and non-natural legal entities. Is it the intention that the dual definition not apply in respect of section 43?

Mr PRINCE: No. It is intended that the concept of "person" as under the Interpretation Act, meaning a corporation or natural person, can apply, but it clearly is giving any prosecutor or authority the ability to choose which section is most appropriate. If a subcontractor which is a company, for example, is saying, "I am not going to give you that information", one would have a go at him under the requisite clause which gives the ability to ask for a fine of up to \$20 000. If we are talking about an individual who may have done something wrong and an investigator is appointed to investigate that individual's conduct in dealing with a prisoner, for example, in a lockup, and that individual should be made to answer a question and he does not, he is liable to a penalty of a maximum of \$1 000, which seems to me to be a reasonable thing to do to an individual who is an employee of a contractor or subcontractor. Those are the value judgments that would need to be made by a prosecuting authority at the time.

Clause put and passed.

Clause 42 put and passed.

Clause 43: CEO may set up inquiry -

Mr BROWN: I move -

Page 29, after line 4 - To insert the following new subclauses -

- (4) Before the investigator seeks information or directs any question to a person, the investigator shall inform the person that any information or answer provided by the person may be used in evidence against the person, unless the person has been directed to provide that information or answer that question.
- (5) Any information or answer provided by a person before the investigator has complied with subsection (4) shall not be admissible in evidence against the person, whether civil or criminal.

Clause 43 deals with a situation in which the chief executive officer may set up an inquiry. Clause 43(4) provides -

A person is not excused from giving any information or answering any question, when required to do so by an investigator, on the ground that the information or answer might incriminate the person or render the person liable

to a penalty, but that information or answer is not admissible in evidence against the person who gives it in any proceedings, whether civil or criminal, in any court except in proceedings for an offence under subsection (5).

The key words are "when required to do so". That provision is substantially taken from the Prisons Act. In 1994-95, the then Attorney General instigated two section 9 inquiries under the Prisons Act. Section 9 of the Prisons Act is substantially similar to this clause. People were called before the inquiries and asked questions. They answered those questions on the ground that they understood that the answers were protected by virtue of that section. That was not the case. Their answers were handed to the police and the police then used the answers to charge those people with various offences under the Criminal Code ranging from attempting to pervert the course of justice to assault. The argument came up before the court as to whether the evidence that was relied upon could be used, given the wording of the Prisons Act, from where the evidence had been obtained.

The court held, wrongly in my view, that the evidence could be used and that the evidence was voluntarily given because the presiding officer did not say to the people, "You are required to give this evidence." They assumed that they were required to give the evidence, but all but one did not seek a direction that they were to give the evidence or answers. On that basis, the court held that the evidence was admissible, and on that basis the charges laid by the police went ahead. After spending about \$3m of taxpayers' money, after three separate hearings in the District Court or Supreme Court, I am not sure which, and after massive amounts being paid to people with long criminal records to travel back from overseas to give evidence and so on, finally the charges were thrown out. The \$3m that was used to carry out the prisons investigation, the police investigation and the charging of the money paid to the Director of Public Prosecutions and so on was completely wasted.

The provision was put in the Prisons Act by the minister responsible for prisons in 1981 - a person called Bill Hassell, who, as most people know, was a Leader of the Opposition for the coalition. When he was the minister responsible for prisons, he said that the section would be used for administrative purposes only and that it would not be used for any other purpose. That statement is recorded in *Hansard* and it is certainly recorded in correspondence between the minister and the Prison Officers Union, which I then represented. At the time representatives of the Prison Officers Union said that that would not be the case and that section would be used to try to nail people to the cross. It took some years to happen, but it did happen. All of the things that we predicted in 1981 have happened. That has been at considerable cost to the taxpayer and at considerable personal cost to the officers concerned, 10 of whom were suspended for 18 to 20 months on full pay. That was an appalling state of affairs that has never properly been investigated. It has been hushed up in order to protect the back of a minister. That is the background to this amendment.

This amendment seeks to place an obligation on an investigator that before the investigator seeks any information or directs a person to answer any question, the investigator must inform that person that any information or answer provided by that person may be used in evidence against that person unless the person has been directed under this section to provide that information or answer that question. It does not seem to be an unreasonable requirement and is similar to the way information is provided to police in an interview.

Mr PRINCE: The Miranda warning.

Mr BROWN: In this case the Opposition is saying that if a person is called and must appear he should be told that if he proffers information or answer questions, that information may be used against him à la the court decision. If he refuses to answer questions or provide information, and he is directed to provide the information, he should understand that he then must provide that information or answer that question. However, in providing that information or answering that question, the answer or the information is then protected and cannot be used against him. That is the purpose of the wording. I drafted it, so it is probably not the most eloquent parliamentary language, but that is its intent. I cannot see why, given our system of justice, it should not be accepted. I am open on whether they are the precise form of words that should be used. However, I cannot see why the concept should not be accepted and incorporated into this Bill. When we debate the Prisons Act, the Opposition will seek to amend that section accordingly.

Mr PRINCE: I am grateful to the member for Bassendean for the explanation of why he seeks to make this relatively minor change. A number of things occur to me. As an investigative practice, we should empower an investigator to compel a person to answer. We are not dealing with a criminal investigation but an investigation of some nature as directed by the chief executive officer or the minister.

Mr BROWN: That is what was said years ago.

Mr PRINCE: I know. We are not dealing with an allegation, for example, of a criminal act such as murder, assault, rape or whatever the case may be, although it could be. It would be more likely, if there were an allegation of rape in a custody centre by a person who is a custodial officer that the police would be involved straightaway rather than an administrative investigator being appointed. That is a little akin to a coroner who is not in that sense judicial but is an interrogator, an investigator, an inquisitor. We have the general rules that what is said in one court cannot necessarily be used in evidence in another court. We have the problems of a voluntary statement being admitted. That is the law in this country thanks to the High Court in 1966. We would not want to write a law here that would enable a wrongdoer of a serious act to be exculpated from it by, if you like, a manipulation of the rules. For example, I have in mind the suggestion that there has been a serious criminal act - a rape is a classic example - and the person says he will not answer. However, if he is then directed

to answer and his answer is that he did it, that admission satisfies the words of this subclause and is unable to be used in any way at all. From a criminal point of view we would perhaps not be able to bring on a case. I am concerned that in accepting the amendment proposed by the member for Bassendean we inadvertently provide for a situation in which a wrongdoer will, in a sense, be able to get away.

For many years I operated in the Children's Court and there was an inadvertent mess made of section 20(b) of the Child Welfare Act which enabled an adult who had been charged with a serious offence of a sexual nature against a child to opt to be dealt with in the Children's Court and to get a maximum period of imprisonment of 18 months. The police were not able to exercise their options properly and to deal with the offender in the District Court or the Supreme Court where he would be dealt with far more harshly. People who had committed very serious sexual assaults on children got away with a very short term of imprisonment as an unintended consequence of some amendments made to the Child Welfare Act in the 1970s. It took forever to get that corrected. Inspector Watkins is familiar with what I am talking about.

I understand what the member for Bassendean is saying, and I will agree with an amendment that covers the point he is making. However, I am a little cautious about creating a situation which can in an unintended way lead to a consequence which I have seen operate in other legislation; namely, that a wrongdoer remains unpunished. I do not know how to handle this, so I will seek advice from advisers. I am tempted to agree with the member's amendment by adding a caveat that when it is looked at between this Chamber and the other place, if it is seen that unintended consequences could arise in relation to serious wrongdoing, there be some amendment in the other place to correct that. I am inclined at this time to agree to the amendment proposed by the member for Bassendean, because he makes a good case. However, if in the interim between leaving this place and going to the other place the Crown Solicitor's Office on sober reflection and after looking at the wording considers there may be an unintended consequence that none of us would wish, I reserve the right for the Attorney General to bring in a subsequent amendment to correct any unintended consequence.

Mr WIESE: I am pleased to hear the minister's response, particularly in relation to subclause (4). I had reservations about the same response in relation to subclause (5) because of concerns which go back a lot further than that which we have talked about here. I question whether there should be changes between now and the other place in relation to subclause (5).

Mr PRINCE: The amendment proposed by the member for Bassendean splits clause 43(4) into two. His amendment on the Notice Paper brings in the concept "unless the person has been directed to provide that information". That is the critical part. Otherwise, the member's rewording about where that information is admissible is already contained in the last four lines of subclause (4). There is no change in that part of the clause. I do not have a problem with what the member for Bassendean is seeking to achieve. I think his wording will achieve that, but I am not sure whether it will have an unintended consequence. The Crown Solicitor's Office should have a look at it. Although as a legal practitioner I did my duty by a number of men I represented in the Children's Court and they went to jail for only a short time, it stuck in my craw that I did it. I have raised this with successive Attorneys General of both political persuasions and it has taken 15 years for that mess to be fixed. I do not want to create another one.

Mr WIESE: This does not replace the existing subclauses (4) and (5); it is in addition to them and they will become subclauses (6) and (7). This will be a proviso for existing subclause (4).

Mr PRINCE: I suppose so, and perhaps it is an inelegant way of doing it. We may wind up with some better drafting between here and the other place.

Mr WIESE: My concerns with proposed new subclause (5) are that it refers to any information or answers provided by a person before the investigator has complied. How far back will we go? What information does this relate to? Is it information provided to the investigator or information that was provided at some stage before that? I cannot see what proposed new subclause (5) will add to the Bill.

Mr PRINCE: If the investigator asks a question whether it be in writing or orally or whether he is talking to somebody informally or in more formal proceedings as subclause (4) is presently written, that answer is not admissible in evidence against the person who gave it in any proceedings, civil or criminal. The amendment proposes to insert a new subclause (4), and consequential subclause (5) is exactly the same as to its substance and effect. For example, if I were the investigator and I asked, "Did you push the prisoner against the wall?" and the answer was yes, that is an admission of assault. Having given that admission, and if it has been done under the amendment or the existing subclause (4), that admission is not admissible in another court on a prosecution, for example, of assault. That is the effect of either of the subclauses before us or the proposed amendment.

Mr WIESE: Far be it for me to argue with the minister, but I think he is wrong.

The DEPUTY CHAIRMAN (Mr Baker): The member for Bassendean mentioned a case involving an allegation of conspiracy in the case of an offence under subclause (5) in which certain people might agree to refuse or fail to give correct information or answer questions. If that is the assertion, would the person be charged with conspiracy under the Criminal Code, or under subclause (5)? The wording at the end of subclause (4) refers to an offence under subclause (5). The member for Bassendean specifically mentioned a conspiracy charge laid under the Criminal Code.

Mr BROWN: Attempting to pervert the course of justice was the charge.

The DEPUTY CHAIRMAN: Sometime that can be a conspiracy charge.

Mr PRINCE: Subclauses (4) states that one will answer the question. The answer cannot be used in any other proceedings. If one does not answer the question, one is liable to be prosecuted for not answering the question with a maximum penalty of \$1 000. Under the amendment proposed by the member for Bassendean, the investigator shall inform the person that the answer may be used in evidence, unless that person was directed to provide that information or to give that answer. That is the substantial difference between the two. It is not really an allegation of conspiracy - it is a refusal to answer a question. If evidence were available of a form of conspiracy or conspiring to pervert the course of justice, either under section 8 of the Criminal Code or under a specific section of the code, one would end up with the police conducting an investigation and laying charges when they were satisfied that a prima facie case existed.

The DEPUTY CHAIRMAN: I raised that point because subclause (4), not the proposed amended subclause (4), contains a proviso and exception which accepts that the proceedings are an offence under proposed subsection (5). The point is that if the conspiracy or attempt to pervert the course of justice offence arises in relation to an offence under subclause (5), the offence will be under the Criminal Code, not subclause (5); therefore, the person will not be prejudiced by subclause (4) because that person will be charged under a section of a different Act. He or she will be protected. In other words, the evidence will not be used for an offence.

Mr PRINCE: The evidence will not be able to be produced but the charge could still proceed. If one has any sense, one would refuse to answer and go before a magistrate and obtain a section 10 certificate under the Evidence Act. I should not be saying this!

The DEPUTY CHAIRMAN: This is advice for the future.

Mr PRINCE: I reiterate that I am inclined to accept the amendment as I accept its supporting argument. I am conscious of the matters raised by the member for Wagin. With those inverted commas around the exercise mentioned here, the matter would be sent to the Crown Solicitor's Office quick smart for advice and appropriate redrafting, if any, before the Bill proceeds to the Legislative Council. It would be right to indicate to the Council that as a matter of principle the Government accepts the argument which supports the amendment.

Amendment put and passed.

Clause 43, as amended, put and passed.

Clauses 44 and 45 put and passed.

Clause 46: Interpretation in this Division of "offence for which the contract worker is convicted" -

Mr BROWN: Many clauses preceding 53 relate to authorising contract workers to undertake high level security work and so on. I notice in clause 53(1) that the CEO can require a contract worker who applies for a permit, or to develop a contract, to undertake high level security work to provide certain information. One aspect of the information is whether the contract worker has been convicted. Would that information not be looked at in any event before a person secures a job as a contract worker?

Mr PRINCE: Practice has arisen in the public sector in more recent times to require a "police clearance", which is an inaccurate term, which effectively means obtaining from the Police Service a certificate outlining that this person has the following recorded convictions or whatever the case maybe. It has risen largely out of the Wood Royal Commission into the New South Wales Police Service and known paedophiles being involved in areas of government service provision in which they mix with children. It has become necessary. It is mandated for teachers and nurses, and I believe for all those in Family and Children's Services who come into contact with children. It probably applies in other areas too. For example, a police clearance is required regarding previous convictions before a person can be approved as an immobiliser installer. It seems to be a concept coming into a large number of government provisions or the contract of provision of service outside government over which government has a regulatory power.

Stating to a contract worker that he must provide information about any offence places an obligation for the individual to provide the information. That is where the obligation should reside. A person may have a recorded conviction which renders him to be unsuitable to be employed; however, the conviction may be in another State and under another name. It is appropriate to put a positive obligation on the potential employee.

Mr BROWN: I may not have explained it very well. Contract workers will be employed who, under the Bill, will take people to and from prison and undertake various functions. This provision deals with contract workers who will be given permits to carry out high level security work. All contract workers will be subject to a "police clearance". One would not want bank robbers doing custodial work and letting out prisoners halfway to court.

Mr PRINCE: The member is right. Effectively, it will apply to all of them.

Mr BROWN: Why is another provision included relating to contract workers who apply for a permit? All contract workers will have already given a police clearance. A person applies for high level security work and must apply again.

Mr PRINCE: The member is misreading the wording. Everybody needs a police clearance, which may outline, for example, a number of relatively minor offences - virtually all people have some offences even if they are only traffic matters. That will not prevent people from being employed in court security or in the transport of prisoners. Let us say that the clearance outlines a charge of receiving stolen property five or 10 years ago. Notwithstanding that record, the person is employed as a court security person, which poses no great problem. As soon as he seeks a permit for high security work, information about the offence for which the contract worker was convicted is needed. He would then be asked how come he was knocked off for receiving. The answer may be that his mate, who was under age at the time, obtained liquor fraudulently from a liquor store by distracting the person behind the counter, and he gave some liquor to the person the subject of the clearance. It is a totally different proposition from a person whose mate, for example, knocked off a pharmacy and gave the person a wad of cash. However, the charge is the same - receiving. This enables the provision of information about the commission of the offence. In other words, the relative seriousness of the offence is to be outlined for the purpose of making a value judgment about whether the person with the conviction simply stated as receiving should be a person to hold a permit to undertake high security work.

Sitting suspended from 6.00 to 7.00 pm

Mr PRINCE: Before the dinner break we were discussing clause 51(1)(a) about the so-called police clearance. My advisers have since clarified the issue, and I pass on this information for the benefit of members. It is intended that anybody who works for a contractor should have a police clearance. High-level security work is effectively work that involves dealing with any form of prisoner or in the courtroom. Therefore, for example, a person employed as a cleaner or a person involved in cleaning or servicing vehicles or something of that nature would have a police clearance. Whether or not they have a conviction will be of some importance but not of critical importance. The people employed in the court premises, in the carriage of prisoners to and from the court, in the lockups and so on are doing high-level security work, and that is when the chief executive officer may require a contract worker to provide information, in writing, about an offence. I gave the example previously of the person who had received stolen property such as a Mars bar that had been stolen from a supermarket, as opposed to a person who had received tens of thousands of dollars which were the proceeds of a robbery. Both charges will appear on the police certificate as receiving stolen property but the circumstances of the offences clearly are quite different. Also, the time at which they were committed in a person's life may have a great deal of bearing on whether the individual should be permitted to do high-level security work. That is the intention and rationale behind clause 51.

The CHAIRMAN: I remind members that we are in committee and, while they can certainly ask questions about further clauses, we are dealing with clause 46. I do not mind a general reference to another clause, but not a detailed discussion on it.

Mr BROWN: I said to the Deputy Chairman, before you were in the Chair, Mr Chairman, that we could probably deal with clauses 46 to 52 at the same time, subject to the Chair's agreement, if we could roam a little and ask for some flexibility. That is why we moved to clause 51 because many of these clauses interrelated.

Mr WIESE: Clause 46 deals with offences. How will this relate to spent convictions? My experience in the Joint Standing Committee on Delegated Legislation is that a number of amendments were made to the Spent Convictions Act to allow for convictions which had been spent to be taken into account in this type of vetting of persons.

Mr PRINCE: No doubt the member for Wagin has read the Court Security and Custodial Services (Consequential Provisions) Bill, and I refer him to clause 38 which deals with an amendment to the Spent Convictions Act that allows access to those convictions.

Mr WIESE: They will be available for the purposes of this legislation. Will that apply to lesser positions also or only the high-level security work?

Mr PRINCE: It can have a bearing on all positions. It is obviously of more critical importance in high-level security jobs.

Mr WIESE: I will refer a couple of our reports to the minister, because the Joint Standing Committee on Delegated Legislation expressed real concerns about the use of the Spent Convictions Act. It was originally intended to allow people to put that part of their life behind them, but in a great number of cases changes have been made. Obviously, this is another area in which access to those spent convictions will be available for the purpose of vetting people for security work. The committee believes that the legislation should be changed. I understand the minister's problem.

Mr PRINCE: I understand what the member for Wagin is getting at. In the vast majority of cases, that is entirely correct. In the minority of cases, a relative youngster - a young adult age 18 to 20 years - may commit offences and be convicted but then become a good deal smarter and seek to ingratiate himself into a system. Whether that be the public systems of prisons, the police or whatever, if the Spent Convictions Act is applied literally, the previous conviction will never be able to be looked at, yet the person may have well-established criminal connections. In dealing with this critical area of court security and the transfer of prisoners, the Government wants to be absolutely certain, as far as it can, from the records available of a person's past behaviour, that the wrong people are not hired in the wrong place.

Clause put and passed.

Clauses 47 to 52 put and passed.**Clause 53: Refusal to issue permits -**

Mr RIEBELING: My question relates to subclause (2) which removes the rules of natural justice. Every time I read this I cringe. If there is sufficient reason for refusing a permit, that should be stated. I see no reason to deny someone access to natural justice in a system which is supposed to be open and accountable. In the minister's second reading speech he claimed that the Bill would be open and accountable, yet the Bill contains a clause which removes the rules of natural justice. This type of provision is appearing more and more in relation to making matters easier rather than making matters right. It worries me to continually see the introduction into a system which is based on natural justice, a rule which dispenses with it.

Mr PRINCE: I say with a good deal of strength that I share the concerns of the member for Burrup as a general statement whenever this type of provision appears. In my view it is justifiable only when dealing with matters of the most extreme importance with regard to public security. It is then necessary to have the ability, in a sense arbitrarily but with cause, to refuse the employment of a person because of suspicion. That is not necessarily a position people should be able to adopt in many other areas, in either public or private employment, but when dealing with the employment of people who will have the custody of criminals or those who are alleged to have committed serious criminal offences, there is a heightened requirement with regard to the integrity of the security of the individual. In my view, that justifies the abrogation of the rules of natural justice from a review of a decision made by the chief executive officer of the Ministry of Justice not to issue a permit to a certain individual because of, for example, their criminal background or their inability to comply with requirements and so forth. Were we dealing with some other category of person employed either directly in the public sector or indirectly providing a service in the public sector by way of a contractor - for example, someone employed in a domestic situation in a hospital - it might not be fair or reasonable to exclude the rules of natural justice. However, when dealing with people who are either accused or convicted of criminal activity and who are in custody as a result of that, in the public interest security is uppermost. Consequently it follows that people should not be able to question in a lengthy process, by using the rules of natural justice, the decision that someone should not be employed. As a general rule, I accept what the member for Burrup is saying, but I think this is an exception where it is justified.

Mr Crookes is of the view that it does not actually prevent the use of prerogative writs and certainly my understanding of the law is that unless one explicitly prevents the use of prerogative writs then they can be used. Of course, while the Supreme Court may review that administrative decision, for example, not to issue the permit for whatever reason, the Supreme Court does not have to consider whether or not the rules of natural justice were complied with in the making of that judgment.

Mr RIEBELING: I thank the minister for that explanation. It still does not reduce my concerns about the use of this type of provision. I now refer to the issue of a permit, and a person who applies for a position to perform high-level security work and for whatever reason is rejected. It seems from subclause (2) that no reasons need to be given for that. If a person has a criminal record which indicates that that person is not the type of employee required, then that should be stated. If the application were rejected because of some word of mouth information that the person involved in X or Y, why is there no system through which that can be challenged? For example, some people could make up some awful stories about the minister, me or anyone else.

Mr PRINCE: No doubt they have.

Mr RIEBELING: No doubt they have. At the end of the day if that word of mouth, rather than word of conviction, is used to determine whether a person gets a job, it should be open to challenge. This relates to people finding employment. If in the Industrial Relations Commission, for instance, there were a challenge about whether a person was unsuitable because of some suspicion about criminal offences, that type of information could come before the commission. That is the type of suspicion the minister is talking about.

Mr PRINCE: The Industrial Relations Commission would never be the appropriate place for this sort of matter to be raised. We are debating what would be the creation of a state equivalent of the Administrative Appeals Tribunal, which WA does not have. Perhaps Western Australia should have such a body, but this is a subject for debate at another time.

Mr RIEBELING: Is that a new requirement with the advent of this type of agency not being under the control of the Government?

Mr PRINCE: I tend to the view that, as this society in Western Australia grows in population and in complexity, which it is doing, as all societies tend to, there may well come a time when an administrative appeals tribunal within this State would be desirable to deal with not only public administration at the state government level, but also local government and the emanations of government. If ever WA had such a body, it should be able to deal with corporatised entities and, arguably, to deal with administrative matters relating to the management of contracts. That, I hasten to add, is a personal view; it is not a matter that has received any great debate or discussion within government. I share the member's concern about the abrogation of the rules of natural justice, and the only justification I can find is that this deals with the security of people charged with, or convicted of, criminal offences. It could well be that within the knowledge of the police, individuals have a connection with criminals but have never been nailed with anything because they are too good. One would not want them,

by use of procedural fairness and so forth, to put themselves in a position where they could essentially corrupt it for the benefit -

Mr RIEBELING: Unless that information is not true.

Mr PRINCE: That is always a problem.

Mr RIEBELING: That is right, that is what the rules of natural justice try to avoid.

Mr PRINCE: It is always a problem, but in this case we are not dealing with the employment of someone in an area where public security is of minimal importance; it is an area where public security is of maximum importance. That is the only reason I am prepared to say this should happen in this Bill.

Mr RIEBELING: What rules apply to the employment of police officers in relation to natural justice? Do they have access to the rules of natural justice?

Mr PRINCE: The rules of natural justice do not apply.

Mr RIEBELING: They do not apply to the employment of police officers?

Mr PRINCE: No.

Mr RIEBELING: Do they apply to the employment of cadets?

Mr PRINCE: We no longer have cadets.

Mr RIEBELING: Trainees?

Mr PRINCE: Recruits are taken in only after application, and after careful vetting and selection, and it can sometimes be a year, or more, before they get in. It is a fair winnowing process. I think only one out of about 200 applicants gets to the academy. However, no rules of natural justice enable an unsuccessful applicant to challenge the judgment of the police in deciding that he or she is an inappropriate person to train as a police officer.

Mr RIEBELING: There is no appeal process?

Mr PRINCE: No. Ultimately, under the Police Act only a police officer can be sworn in as a police officer; and all recruits are sworn in as police officers. They are able to be sworn in only if they hold the confidence of the Commissioner of Police. In that sense, it is quite authoritarian, but because we are dealing with issues of community safety and security, we should not have that form of appeal mechanism in there.

Mr RIEBELING: I believe that is wrong, but if the minister is telling me that the rules of natural justice do not apply to the recruitment of police officers, I will accept that.

Mr WIESE: Mr Chairman, I have a question about clause 53(1)(c). We went through clause 52 far more quickly than we should have done. When we adjourned, we were dealing with clause 46, and we then voted on clauses 46 to 52, and I did not get a chance to ask a question about clause 52. Clause 53(1)(c) refers to clause 52(1), which deals with the taking of fingerprints. I presume that under the system we are putting in place, those prints will be taken when a worker applies for the job, for the purposes of being able to determine whether that person has a prior record. I presume also that those fingerprints will be kept by the Police Service for the duration of that person's employment, which may be for 20 or 30 years, and that they will be able to be accessed by any person who has access to that database. Is that the case with the taking of prints elsewhere around Australia?

Mr PRINCE: Yes. Police officers, and also security officers, under the Security and Related Activities (Control) Act - I think you may have been the minister at the time -

Mr WIESE: Their fingerprints are kept?

Mr PRINCE: Yes. If a person applied for employment in that position, it would be right and proper that his prints be retained on record, because if at some future time - whether it be next week, next month or in 10 years - an allegation were made about some form of misbehaviour or offence that that person had committed, the fingerprints or palm prints that had been taken from that place could be compared with his, and he could be either exonerated or included in an investigation into that wrongdoing. It is necessary to have permanently on file, for the term of that person's employment, his palm prints or fingerprints in order to ensure that if something wrong happened in any particular place, he could be identified as a person who should legitimately have been there, as opposed to a person who needed to be tracked down.

Mr MARSHALL: Clause 53(2) refers to the rules of natural justice. If a person were convicted and sentenced to two or three years in jail and then appealed and won that appeal, and if he then sought a job in the court security industry, having been in a jail, would the rules of natural justice cover his case, or would he be ineligible for that job?

Mr PRINCE: We need to go back to clause 51(1)(a), which provides that the CEO may require a contract worker who applies for a permit to provide information about any offence for which the contract worker had been convicted, notwithstanding that that person subsequently appealed and the conviction was overturned. That would be a classic case for the CEO to say to that person, "Why were you convicted of this; what were the circumstances; and why was the conviction subsequently overturned on appeal?" If the appeal court found that the evidence against that person was insufficient to sustain the conviction, the CEO would make a judgment on that basis. If the appeal court found that some technical flaw existed in some part of the bureaucratic process of the trial - in other words, the person was from a commonsense point of view guilty of the offence but got off because of what is often called a technical exoneration - that could be taken into account by the CEO in determining whether that person should be granted a permit for high level security work.

Clauses 53 to 93 put and passed.

Postponed clause 27: Minister may give direction -

Mr PRINCE: I move -

Page 19, after line 12 - To insert the following subclause -

- (3) The subject matter of any direction given under subsection (1) is to be included in the annual report submitted by the accountable officer of the Department under section 62 of the *Financial Administration and Audit Act 1985* unless publication of the subject matter would adversely affect the effectiveness of a security procedure or an arrangement for the safety of an individual.

Amendment put and passed.

Clause, as amended, put and passed.

Postponed clause 29: Separation of certain kinds of persons in custody and intoxicated detainees -

Mr PRINCE: I move -

Page 20, lines 10 and 11 - To delete "a person who is not a person apprehended under the Mental Health Act" and substitute "another person".

Amendment put and passed.

Clause, as amended, put and passed.

Schedule 1 -

Mr RIEBELING: I have serious concerns about the powers with regard to court security. My main concern about the powers that will be given to private security people is the ability to close courts, which is a basic freedom that people in Western Australia have enjoyed until now. I suggest that these powers will remove that ability for the courts to be freely accessible to the people of Western Australia. Schedule 1 gives the authorised person the power to ask a person who is about to enter a court, "What is your name and address?" That may appear to be an innocent question, but if that person were to reply, "None of your business", what would be the result? The schedule then refers to the person's reasons for wishing to enter the court. Would it be sufficient for that person to say, "I just want to watch what happens here"?

Mr PRINCE: Yes.

Mr RIEBELING: The minister says that, but it does not say that in this legislation. The legislation proposes to give these authorised persons the power to remove people from the court or to stop people from going into the court on reasonable grounds, but the legislation does not say what is reasonable with regard to the answers and the like. It states also, "if the authorised person believes on reasonable grounds that the person is behaving, or is about to behave, in a disorderly manner". What does that mean? How will the authorised person know that a person is about to behave in a disorderly manner? I can understand the situation where a person is actually behaving in a disorderly manner and is disrupting the proceedings, but the concept of "is about to behave" is an interesting new concept in my view.

It states also, "if the person has committed, or is about to commit, an offence at the court premises". That terminology is used in other pieces of legislation, and it is usually with regard to a police officer who has the ability to pre-empt an offence in relation to behaviour. For example, if a person who was drunk was arguing violently in the street, it might mean that an offence of assault was about to be committed, but it is not so clear-cut with regard to court premises. It refers also to a person who "wishes to enter, or remain in, the court premises for an inappropriate purpose". That provides wide scope for the security officer to determine what is or is not appropriate. I do not know for the life of me what an inappropriate purpose will be. During the earlier debate, the minister gave the example of a person who had a deviant nature and who wanted to listen to the details of a sexual offence. That might be something that the security officer did not like, but that should not

be an offence for which that person should be removed from an open court. The words "inappropriate purpose" have not been defined, and that is of concern to me.

Under clause 2, a person who fails to provide the required information can be ejected. I presume that clause 3, which is the power to deal with disorderly or suspicious persons, has been put in to deal with bikie incidents and the like. However, the power to prevent a person from entering a court should not be used lightly. I agree with the use of that power in the case of a person who is behaving in a disorderly manner, but I have a problem with a person who is at risk of behaving in a disorderly manner. Clause 3(2)(b) places the onus on that person to satisfy the authorised person that he or she has a proper reason for being at the court premises. Therefore, once again a subjective decision will be made by the authorised officer. We do not have a list of the reasons for which a person may be ejected from one of the courts in Western Australia. I agree with the ejection of a person who is acting in a disorderly manner by yelling or screaming, or who is telling the security officer that he will run amok. That is an obvious reason. However, I object to a subjective decision being made by an authorised person to eject Joe Bloggs simply because he does not like the look of him. What right do these authorised people have to do that, other than the right that the minister intends to give them? That is what worries me.

The power to search, as outlined in clause 4, has been jealously guarded by law enforcement officers, and civil libertarians have feared the expansion of the power to search for various reasons. I gather from what the minister said earlier that most of those searches will be via electronic means. I have no problem with that. I am concerned about subclause (3) of clause 4, which refers to a frisk search and the like. The schedule contains provisions with regard to safeguards for same-sex searches and the like, and that is fine. I do not know the reasons for the need for this power to search. In 99 per cent of the courts, the need to search people is minimal. The trials about which the minister would be concerned are the bikie, Father's Day massacre-type trials, where an organised crime group or figure was on trial and the people who came into that courtroom would need to be searched. However, in that type of circumstance, the police would be involved anyway, and the police would have that power. I do not see the need for this power. Does legislation exist that allows the security officers at airports, for instance, to search people by electronic means?

Mr PRINCE: No.

Mr RIEBELING: That just happens?

Mr PRINCE: Yes.

Mr RIEBELING: Why can that not happen at the courts? I do not think anyone would object to walking though an electronic surveillance device. However, people might not like burly Bill grabbing them and frisking them. The complexity of subclauses (2), (3), (4) and (5) of clause 4 indicates that the draftsman, and no doubt also the minister, is concerned about that matter. I am very concerned about ensuring that our courts remain open to the general population. If I were a security person and wanted to maintain order in the court for which I was responsible, I would want all of those powers, but whether I should be given them is a different matter. It concerns me greatly that we will be giving powers to these people which will make our courts less able to be scrutinised and which will make people less able to have confidence that our court system is open and accountable to that extent.

Mr PRINCE: I share the concerns expressed by the member for Burrup with regard to the openness of our courts to any person who wishes to go into them, and that should be the principle from which we start. Firstly, this clause is intended to give security officers the power to do things when there are reasonable grounds to do those things. Secondly, the judiciary has been consulted about this matter and is keen to see these powers in place. Thirdly, the police who provide court security at the moment do not have this range of powers. They do have the power to require a person to give his or her name and address, but they do not have the power to search a person.

Mr WATKINS: They can search a person only if he or she has been arrested.

Mr PRINCE: No power exists in any court to require a person to undergo an electronic search of the kind that we have in the entrances to this building. I do not know whether the power exists within this Parliament - perhaps it does - but it does not exist in any court. During the Fremantle Prison riot trial about 10 years ago, electronic surveillance was set up for all the people who wished to enter that court, and all bags were searched. No-one had the power to do it, but it was done. If someone wished to challenge that search, it could not be done today. Those sorts of powers are necessary for appearances and trials in courts which are the product of a feud, whether it be between outlaw motorcycle gangs, or between different Aboriginal groups in my part of the world. A feud has been running down there for at least the past 50 years and no-one knows the origin of it, but it keeps breaking out. We need to have these powers so that people cannot go into the courtroom with any article with which they may wreak havoc, or threaten or disrupt the proper activity of the court. Those are perhaps the extreme examples. Other individual and isolated examples crop up from time to time. The member for Burrup and I know, as does the inspector on my left, that we do wind up with a number of fairly strange characters who appear in the public gallery of the courts from time to time.

Mr RIEBELING: As they do here.

Mr PRINCE: That is a good point. A person who is strange should not be excluded simply because he is a bit peculiar. However, if a person arrived at the court in an overcoat but with no clothes on underneath, we would wish to exclude that

person from the court because he might intend to expose himself in the court and disrupt the activity of the court. While most magistrates would not be terribly affected by that, if a jury trial were taking place, it could create a distraction and prejudice the fair trial process. That sort of strange individual should be capable of being excluded. If a person by reason of his nature and personality looked like he was about to do something disorderly - for example, he stood up and unzipped the fly of his trousers - that would not be an act of disorderly conduct of itself, but it could be preparatory, and the security officer should be able to tell that person to get out now and physically remove him before he exposed himself or urinated in the court. I have seen that happen; I do not know whether the member for Burrup has.

Mr RIEBELING: They must behave badly in Albany!

Mr PRINCE: It was actually in Gnowangerup, but that is beside the point. The object of the exercise is to ensure that the court can act properly and be a place where justice is dispensed and where there is no distraction, but to which people who have reason, whatever that may be, may go without being distracted or disrupted by people who have some sort of axe to grind, whether it be real or imaginary, or by people who have somewhat aberrant personalities. That is the rationale behind this. The power to require identification is one that a police officer has already, so all we are doing is replicating a police officer's power to say, "Who are you?"

Mr RIEBELING: What would happen if clause 2(1)(c) could not be complied with?

Mr PRINCE: If I wandered into a court dressed as I am normally, a police officer might say, "Who are you?", and if I said, "I am a lawyer", that would be fine. If the police officer was not sure, he might say, "Can you prove it? Do you have a driver's licence, or something?" I might say, "Yes I have; here it is."

Mr RIEBELING: Or, "No, I do not."

Mr PRINCE: I might not have any identification on me. He might say, "What is in your briefcase?" If it were full of legal files, that would probably be enough. If, on the other hand, it contained something that could be thrown into the court and cause a disturbance, the court security officer, or the police officer as it is currently, would be able to prevent me from going in. The police officer does not have the power to say, "Open the bag." He has the power to ask me for my name and address, and that is all, but I am carrying something. The authorised person should have the power to say, "Prove who you are" where he has reasonable grounds to ask that question. "Reasonable grounds" - I am reading from clause 2(1)(c) and (d) - means that there must be a judgment process about the way in which the person is behaving.

Mr RIEBELING: Where does clause 2(1)(a), (b) and (c) have anything to do with reasonable grounds?

Mr PRINCE: It does not. It is a straight power to ask for name and address, evidence of a person's identity, and the reason for entry. If the person says, "I am related to one of the witnesses", or "I am related to the person on trial", or "I just want to go in", as far as I am concerned, that is a more than sufficient reason to allow that person to go into the courtroom. I suggest that no judicial officer in this State would have a different view. They would want to see people go into the court as much as the member and I would. The reasonable grounds clause applies to people who are behaving in a disorderly way, or who the authorised person has reasonable grounds to think are about to behave in a disorderly way, or who are committing offences and so on. Inspector Watkins may be able to add to that.

Mr WATKINS: Subclause 2(1) is broken up into two parts. The authorised person may ask a person to produce evidence of his or her identity if that authorised person believes on reasonable grounds that the person is behaving in a disorderly manner. That second group is the basis of why the authorised person would ask for a name and address. I do not envisage for a moment that the contractor would stand at the door of a courtroom and ask, purely out of the blue, for the name and address of every person who walks in. That would be totally contrary to the intent of that clause. It is about a person who is suspected by the authorised person of being up to no good, and the authorised person can then ask who that person is to confirm that person's identity.

Mr PRINCE: The power to search is interesting, because the police do not have that power other than after a person has been arrested.

Mr RIEBELING: What about the specific powers under the Misuse of Drugs Act?

Mr PRINCE: There may be some specific powers under that Act, but that is about all. The police have no general power to search a person or any of his belongings. A person who was obviously a lawyer or a probation or parole officer and who wandered into a courtroom with a briefcase or so on would be unlikely to be asked to open that briefcase. However, I believe that a person who arrived at the courtroom with some sort of holdall should routinely be asked, "What is in the bag?", because we do know what could happen. In Victoria a few years ago, a person pulled out a gun and shot a judge. That does not happen in Australia to the same extent that it happens in America, but it has happened, and we should empower the security people to prevent those sorts of things from happening, whether it be throwing something at the bench or using weapons. Where is the problem in simply opening a bag and showing the authorised person what is inside it?

Mr RIEBELING: I do not know.

Mr PRINCE: There is no problem.

Mr RIEBELING: Unless something in the bag that is none of the security officer's business.

Mr PRINCE: Yes, but the security officer will be legitimately interested in the contents of the bag only if it is likely to lead to a breach of the security of the court. Whether the bag is full of clothing or pornography does not matter. If it is something that could be used within the courtroom to disrupt court proceedings, that is a matter of security. The judiciary, quite reasonably, supports this provision to ensure that courts remain open to and used by the public at all times. I share the member's concern that it could be seen to be used in such a way as to prevent people from attending the courts. Why would anybody want to close courts? I do not see the point in doing that. The Children's Court and the Family Court could be closed. Why would anybody want to close the Supreme Court, the District Court or the Magistrate's Court to the public?

Mr RIEBELING: I thank the minister for that question. Our open court system is designed to stop the possibilities, although they may be remote, of any sort of police state developing. Our open court system is primarily designed to allow the average citizen access to our judicial system to make sure that a fair trial is given to citizens of Western Australia. What the minister is probably inferring is correct. Not many people go into our courts merely to watch. In fact, not nearly enough people go in merely to watch our court system. This legislation will probably make sure no-one goes in merely to watch.

Mr PRINCE: I disagree.

Mr RIEBELING: I would say, without any impediments, that hardly anyone goes in merely to watch the trials in our Supreme Court, District Court and Court of Petty Sessions. If we put in these sorts of impediments, a security officer will ask them, "What's your name? What have you got in the bag and, by the way, what are you here for?" A security officer asks the question "What are you here for?" for a reason. If the answer is something that the security officer thinks inappropriate, because the word here is "inappropriate", they do not go in.

Mr PRINCE: "Why are you here?" "I want to take notes of the witnesses; I want to know who they are."

Mr RIEBELING: You are not allowed to take notes of the witnesses.

Mr PRINCE: "I want to know their names and addresses; I want to know who the witnesses are. I will remember who they are."

Mr RIEBELING: How can one stop that?

Mr PRINCE: It could be inappropriate, depending on the nature of the charge and the nature of the witnesses who have been called.

Mr RIEBELING: It could well be, but the minister is putting that decision, not in the hands of the judicial officers, but in the hands of security officers and giving them greater powers of search, as the minister said a minute ago, than sworn police officers have utilised, based on their suspicions. That the chief judicial officers have agreed to that in this legislation does not fill me with a warm fuzzy feeling. Schedule 1 is reducing the powers of the population to watch them perform. Whether every judge in the world is happy with this, we need to be concerned if every person's ability to watch an open court is reduced.

Mr PRINCE: I am concerned. I do not put it forward without considerable thought as to whether this should happen. I consider it should. When the member talks about the accountability of the courts from the point of view of the public being able to see what is going on, the member and I both know that the people who turn up in court tend to be the defendants and their families, victims and their supporters, the media, and the occasional interested other person. The media are the people who report, with greater and lesser degrees of competence, what happens in the courts. It is by that means that the public then knows whether the courts are performing and how. I suggest to the member that any security officer who tries to stop a court reporter from *The West Australian* from going into the court will find that a series of fairly prominent articles will be written about the closure of the courts to the public. In that sense, there is a check and balance on the potential misuse of this power. I cannot see that happening myself. I understand what the member is saying. I agree with him entirely with regard to principle. When one thinks about the way in which it would work - designed and intended as it is to stop people who want for whatever reason to disrupt the court process - that is highly desirable as an end in itself. When one thinks about the people who go into the courts, the defendants and their supporters and the victims and their supporters will go anyway. They have a legitimate reason to be there. If there is any suggestion that they are carrying a Molotov cocktail inside the bag it will be taken away from them, or whatever the case may be. The media will go in as well, and all of those people not only have a legitimate right, but also they should be there. If the member, or any other reasonable person wanted to go, I expect that he would be able to do so.

Mr RIEBELING: I disagree with the minister. In the classic case that the minister mentioned earlier about the bikies, for instance, in the minister's view, should friends of the bikies, who are bikies themselves, be prohibited from going into the court and watching a trial?

Mr PRINCE: No. In a preliminary hearing the papers that are served on the defence contain the name of the witness and his or her address by suburb - nothing more. Yet from the point of view of giving oral evidence, one might well go about it with a far more accurate address and so forth. Some groups in our society are well known to be intimidatory towards

potential witnesses. It may well be that in those circumstances - and this is a very rare occurrence, although from the number of charges police are managing to lay on the outlaw motorcycle gangs, I suppose this could happen in the future - one will be able to say, "You do not come in here, because your purpose is improper. What you want to do is try to find out where this witness lives so that you can then use that information, and we will not let you do that." That is where we will wind up with cooperation between police and the court security with regard to information. That really is an extraordinary circumstance.

Mr RIEBELING: Yes, but even in that circumstance, the prosecution would say, "For security reasons we don't want the addresses of these individuals, or even perhaps the names of those individuals, in open court."

Mr PRINCE: There is no power under the Justices Act for the magistrate at the preliminary hearing to do that.

Mr RIEBELING: To not ask for an address?

Mr PRINCE: Yes.

Mr RIEBELING: They simply do not ask for it. If a person gives evidence, surely he does not have to say, for example, "I live at No 10 Buckton St, Collie", or whatever. The minister has mentioned the bikie situation a few times.

Mr PRINCE: It is an extreme example.

Mr RIEBELING: Yes, but even in that extreme, unless there is some evidence of what the minister is saying and it cannot be got around, society has an obligation, even for bikies, to have an open court case, and justice must be seen to be done.

Mr PRINCE: That is right.

Mr RIEBELING: Justice being seen to be done is not by someone blocking the person who wishes to see justice being done, because they see the bikie colours and the like.

Mr PRINCE: I agree.

Mr RIEBELING: It may well that there are other reasons, but the loss to society by what this legislation brings with it is greater than what the judges call wellbeing, as in feeling of wellbeing. If I were to be the security officer, I would love those powers because I would be able to have a nice court, no hiccups, no problems, and I would be able to chuck out anybody who looks a little bit suspect and anyone who does not have identification and the like. A security officer could do it. I am not saying it will happen, but if it does happen, we will have lost something in this State. When changes occur in our society and we see changes in job security and increases in violence, people look and wonder what has happened. We are allowing some of our establishments and rules to be broken down for convenience. This legislation is allowing an establishment to be affected for no other reason than convenience.

Mr PRINCE: I disagree with the member's summation of the reasons that this is sought. In the time that I was in practice, anybody could walk into the courts without any let or hindrance at all. Over the time that I was in practice there became more of a scrutiny of "Who you are, what are you doing here?" This resulted from incidents that occurred. It is because of experience that people change. These powers are sought to be given if police officers are to continue doing the work in the courts, because sadly and unfortunately they are needed from the point of view of ensuring that justice can be seen to be done in an open way in our courts. The powers were not necessary 30 years ago, probably not even 20 years ago, but they are now. That is a reflection upon the nature of our society and all first-world societies.

Mr RIEBELING: I hope in 10 years' time we do not look back and say that we wish we had not done that.

Mr PRINCE: If I do, I have no doubt that the member will be among the first to say, "I told you so."

Mr RIEBELING: We will be in government by then.

Mr PRINCE: We will be, yes.

Mr MARSHALL: I want to add something to this debate because I share the member for Burrup's view on the principle of open courts, but he is jumping at shadows because innocent people do not mind being asked questions.

Mr RIEBELING: That is a classic line that the police use.

Mr MARSHALL: When people wait in line at a booze bus, if they have not had a drink, they are not worried.

The CHAIRMAN: Members, the minister is the person to whom we are addressing our questions.

Mr MARSHALL: When people are line for a booze bus and they have not had a drink, they do not have a worry in the world. A person who has had a few drinks starts to sweat. If the member has been flying through some of these terrorist

countries, as we were once in Turkey, he would appreciate that one can be sitting in the terminal and letting one's imagination run by wondering which person has the bag with the bomb in it. One is then pretty thankful that one is going through proper security tests before getting on the plane, and when getting off. All through the trip, whether it be for two or three hours, one is concerned about one's future. We are jumping at shadows here. We are just putting legislation through for dangerous weapons by giving the police the opportunity to search, and that is important. Our community values have changed. In my area of sport, in the past people went onto the grounds and congratulated the players and the umpires. They cannot do that now because they never know who has got a set against the umpire or the key player. The community is ready for this. This is a visionary set of powers for court security. It will stop a lot of changes over the next 10 years because it has been well thought out and the ground rules are there for what will happen in the future. Although I share the member's principles on open courts, I believe these powers of security services are just right for the occasion and I endorse them.

Mr RIEBELING: I cannot let that go past without making some comment. Perhaps the minister might be able to enlighten us as to how open and accountable are the courts, and how one might go into the courts in Turkey, which the member mentioned.

Mr MARSHALL: I was only getting on a plane.

Mr RIEBELING: The analogy is accurate in that we do not want to emulate countries like that, we do not want security like that because we have a different society where courts can be open and accountable. In those sorts of countries one finds courts are not open and accountable because they have measures like this. They can keep people out of the courts and conduct proceedings behind closed doors, which is what we want to avoid at all costs.

Mr PRINCE: I think that it is drawing a long bow to compare the English-Australian judicial system with that of Turkey. It has a reasonable Islamic but not a fundamentalist Islamic system. However, in the United Kingdom, for example, one cannot get anywhere near a court building without being observed approaching the place. I have been to the Old Bailey, not that long ago. One must go through significant processes to get into the Central Criminal Court in London. The same thing goes with the equivalent of district courts and so on, because they have had the experience of disruption. The United Kingdom has the IRA and terrorist campaigns for a long time, but that is a first-world country. In France it is even worse, and all the security officers openly carry guns. It is the same in Germany and Italy. In the United States it is the same but they have got around it. They have made the courts open to television. Whoever happened to have the television rights to the O.J. Simpson trial made a fortune. I hope we do not go down the path of televising sensational court cases.

The fact remains that at the turn of the century people, if they wanted to be entertained and amused in London, went to watch F.E. Smith, subsequently Lord Birkenhead, defending a trial because he was a brilliant entertainer. This was before radio and television. Now, 100 years later, people watch *Days of Our Lives*, *L.A. Law* and *N.Y.P.D. Blue* and *The Bill* etc ad nauseam. They do not go to the courts to watch what goes on as entertainment. The people who go to the courts are those who are intimately involved in what is happening in a specific case, either because they are on the side of the prosecution or the defence. Rarely do we find another observer other than the media.

We are talking about the disruption of the judicial process, the court process in the room. Provided here are powers to pre-empt and control disruption in order that justice can be done and seen to be done. I understand the principle you are espousing and I agree with it, but I do not think these rules, these powers, will diminish it in any way, for as long as nobody ever tries to say, "Keep the media out."

Mr RIEBELING: I think you have missed the point but I do not wish to pursue it.

Following a division, schedule 1 put and passed.

Schedules 2 and 3 put and passed.

Title put and passed.

COURT SECURITY AND CUSTODIAL SERVICES (CONSEQUENTIAL PROVISIONS) BILL

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

Clause 1: Short title -

Mr BROWN: Bearing in mind the two major pieces of legislation this Bill amends, namely the Freedom of Information Act and the Parliamentary Commissioner Act, it seems to me that its primary purpose is simply to give those two bodies power and to amend other Acts accordingly in a perfunctory way. My only concern is with clause 15(2)(d) on page 9 of the Bill, which deals with the Freedom of Information Act. Under that provision ultimately a director of the contractor is held responsible when a breach of the Freedom of Information Act occurs. We are dealing with a private company so I can understand that, but why does it not, for example, refer to the managing director or the person in charge, as opposed to a director, and which director will it be?

Mr PRINCE: As I recall, under the securities and companies law a managing director has no status. There is no such thing

in law. As a matter of practice, there are managing directors, clearly as opposed to the rest of the board. It used to be the principal officer but the Corporations Law moved away from that. The intention is to make a natural person, a live individual, responsible. In that sense that is entirely appropriate. Which director? Pick one. Basically the corporation's board is responsible, whether the board comprises two or 10 people. The minimum is two.

Mr BROWN: That issue may well be taken up in another place.

Mr PRINCE: I think it is right and proper that a live individual be responsible.

Mr BROWN: I agree with the live individual taking responsibility. I am just a bit worried -

Mr PRINCE: Under Corporations Law the board of directors, whether it be composed of two people or 10, is responsible and should be held responsible for the activities of the company.

Mr BROWN: Sure.

Mr PRINCE: If the director is a person who is an accountant, for example, and basically does a bit of paperwork from time to time, that is hard luck. Perhaps he should take a closer interest in the activities of the company with things of this nature dealing with freedom of information.

Mr BROWN: I raise this because I am concerned that the person who gets lumbered with it will be the fall guy for the board. I am not sure how it should be dealt with.

Mr PRINCE: I hear what the member says. I think the problem will be more with the accountant, the professional director, the director of what is usually a family company in order to ensure that paperwork formalities are complied with in administering that corporation. That person should be, and is, as liable, as a director, for the activities of the company as the people who are apparently running it. That is the law and that is as it should be. For the purpose of freedom of information, which is extremely important public law, it does not matter whether the director is there in a professional capacity or the person who is the beneficial "owner" of the company, one or the other of them will be held responsible under the Freedom of Information Act for noncompliance. That is that; however, if that means that the professional accountant who is a director of the company takes more care and ensures that he knows what freedom of information is and that it is complied with properly, then the law achieves its effect.

Clause put and passed.

Clauses 2 to 46 put and passed.

Title put and passed.

Committee adjourned at 8.15 pm
