



WESTERN AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE ASSEMBLY

Tuesday, 20 August 1996

Legislative Assembly

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

PETITION

University Funding Cuts; Higher Education Contribution Scheme Charges

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [2.03 pm]: I present the following petition -

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

We the undersigned petitioners call on the State Parliament and State Government to vigorously oppose the Howard Government's forecast cuts to University funding and the proposed increases in Higher Education Contribution Scheme charges on the grounds that they would severely undermine the nation's education capacity, threaten equal opportunities and damage exports now worth \$1.7 billion a year.

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

The petition bears 170 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 102.]

PETITION

Darling Range Regional Park - Metropolitan Region Scheme Proposed Amendment

MR DAY (Darling Range) [2.05 pm]: I present the following petition -

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

With respect to "Darling Range Regional Park" - Metropolitan Region Scheme - Proposed Amendment No. 978/33:

We, the undersigned

- 1) Request that Lot 65 Nelson Crescent be retained as a Parks and Recreation Reservation - Refer Proposal K9.
- 2) Oppose rezoning the above lot for Urban purposes.
- 3) Oppose the extension of Falls Road, along the escarpment, to link with Kell Place.

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

The petition bears 435 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 103.]

PETITION

Right to Die Legislation

MRS van de KLASHORST (Swan Hills) [2.07 pm]: I present the following petition -

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

We, the undersigned request that because the criminal code law in Western Australia is such that suffering people have no legal right to be actively helped to die, no matter what their degree of suffering nor the urgency of their pleas for release by death, the Legislative Assembly, in Parliament assembled, should enact legislation that makes the right to be thus helped to die a legal option on the request of persons who are suffering more than they wish to bear; and that other persons participating in the fulfilment of such a legal option should not be subject to adverse legal or professional action.

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

The petition bears 10 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 104.]

MINISTERIAL STATEMENT - PREMIER

Consultants Engaged by Government, Reports

MR COURT (Nedlands - Premier) [2.10 pm]: As members would be aware, in line with the Government's commitment to openness and accountability, details of consultants engaged by the Government are tabled in Parliament on a six monthly basis.

To date, two such reports have been tabled, covering the periods July-December 1994 and January-June 1995. Following the tabling of those reports, a number of concerns were raised by Ministers and chief executive officers regarding the nature of the information included in the report. In particular, in a number of instances it appeared that information submitted by agencies included all contracts for the provision of services generally, rather than being confined to consultancy arrangements in place to provide advice to Government. Consequently, the Cabinet Subcommittee on Public Sector Management directed that the material be reviewed prior to the submission of the next report.

That review, undertaken by senior officers of the Public Sector Management Office and the Office of State Administration, unfortunately contributed to some delay in the preparation of the consultants' report for the six month period ended December 1995. The review, which is now complete, identified some teething problems in the reporting process and, in particular, confirmed that in many cases agencies have been submitting details of contracts generally, rather than confining the reports to the specific area of consultancies.

In effect, the first two reports significantly overstated the position. Examples of details which were included in those reports which do not constitute consultancies are routine engineering contracts, training and development programs, printing, computer support services, actuarial services, publicity and promotional programs, valuations, systems analyses, customer surveys, and bench marking.

These findings have been taken into account in preparing the report for the six month period ended December 1995, which I tabled today. Members will note that the report is considerably smaller than the earlier reports as it does not include contracts which are not of a consultancy nature to provide management advice to Government.

To ensure appropriate quality control in future reports, both chief executive officers and Ministers' offices have been requested to be more closely involved in the compilation of the reports. However, I would point out that details of contracting out of services will continue to be made available through the release of the results of the periodic surveys undertaken for the Government by the University of Sydney.

MINISTERIAL STATEMENT - DEPUTY PREMIER

MR COWAN (Merredin - Deputy Premier) [2.13 pm]: On 9 May this year this House debated the recommendations contained in the second interim report of the Select Committee on Procedure. One change agreed to by the House was an amendment to Standing Order No 110 that allows members to rise at the end of question time and ask a Minister why he or she has received no reply to a question on notice within three calendar months. This new standing order will, as of today, apply to any unanswered question on notice from before 20 May this year. Members would be well within their right to ask for these questions after question time today, as the standing order permits. However, I would like to point out that many of these questions, which were submitted by Ministers today, will not appear as

removed from the notice paper until the notice paper is issued tomorrow. This situation has occurred once or twice this year following the adoption of the new standing order. To avoid a long delay at the end of question time today I suggest members wait until tomorrow to learn which questions still remain outstanding under Standing Order No 110 before asking for them after question time on Wednesday.

MINISTERIAL STATEMENT - MINISTER FOR PLANNING

Metropolitan Region Scheme, St Andrews Amendment; Eastern Corridor Omnibus No 2 Amendment

MR LEWIS (Applecross - Minister for Planning) [2.16 pm]: The State Government is today tabling finalised documents for two major amendments to the metropolitan region scheme which represent a significant step forward in planning for the future growth of Perth.

The St Andrews amendment is designed to guide the development of a new community in the Yanchep-Two Rocks area. The amendment secures areas of land for open space, housing, transport links and a planned strategic regional centre which will provide employment and business opportunities to support the future community.

The amendment is further evidence of the State Government's recognition of the need to balance the demand for urban land with conservation and recreation needs. More than 1 000 ha of land is reserved for parks and recreation, including a coastal foreshore reserve, an east-west green belt on the southern boundary between the amendment area and Eglinton, and a north-south open space link between Wilbinga crown land and Yanchep National Park. Importantly, the planned regional centre will include an area of district open space to form part of a green link from Yanchep National Park to the coast.

Urban land included in the amendment has the potential to provide up to 38 000 residential lots, which could accommodate around 115 000 people, representing about 14 per cent of the expected metropolitan growth over the next 30 years. As Perth's population is expected to almost double over this time, it is important to provide adequate land to accommodate this growth in a way that is environmentally, socially and economically sustainable. The amendment provides for northern extensions to the Mitchell Freeway and Marmion Avenue, east-west connections linking Marmion Avenue and the freeway and provision to include a public transport spine for future extension of the northern suburbs rail system.

I am also pleased that the carefully planned development has been welcomed by the local community. As a result of the community consultation process there have been only two minor changes to the draft amendment advertised in January by the Western Australian Planning Commission. I can also report that the amendment has paved the way for cooperation between State Government agencies and the major landowners, Tokyu Corporation, to embark on a program of development through a memorandum of understanding. This includes improvement to the Two Rocks town centre and marina, extensions to Marmion Avenue and construction of the link road between Two Rocks and Wanneroo Road.

I also present changes to land zonings and reservations in Perth's eastern corridor in the form of the Eastern Corridor Omnibus No 2 Amendment. The amendment will refine broad land use plans in various parts of the corridor to cater for future needs for regional open space, industry and transport. As a result of a thorough public consultation process several changes have been made to the advertised amendment including the removal of a proposed rezoning in Caversham, and modifications to proposals in Hazelmere. The two amendments highlight the ongoing work of the State Government in preparing for the inevitable growth of our wonderful city.

[See papers Nos 433 and 434.]

MINISTERIAL STATEMENT - MINISTER FOR POLICE

Argyle Diamonds Affair, Australian Federal Police Inquiry

MR WIESE (Wagin - Minister for Police) [2.19 pm]: In the light of media speculation concerning the independent investigation carried out by the Australian Federal Police into the Argyle Diamonds affair, I wish to inform the House of the processes currently under way.

It is my intention to make publicly available as much as possible of the Australian Federal Police report into the Argyle Diamonds investigations, and I will do that acting upon the legal advice I receive in respect of the most appropriate way. To progress this intention I have sought legal advice from the Solicitor General and from other appropriate authorities so that we can be satisfied that procedural fairness and natural justice has been accorded to those people who may be adversely mentioned in the report.

Mr Speaker, acting upon recommendations made in the report, internal disciplinary action has commenced within the WA Police Service in regard to those officers who have acted in an ineffective or inappropriate manner during the three investigations which were carried out - the first in late 1989, the second in February 1992 and the third in early 1993. Those officers and others who have been adversely mentioned will be provided with a copy of the relevant passages in the report. It will be indicated to those persons that it is intended that the report will be tabled in Parliament. They will be given the opportunity to respond and their responses will be considered prior to the tabling of the report. It is imperative that I consider the advice of the Solicitor General, the Director of Public Prosecutions, the Official Corruption Commission and the Ombudsman because certain sections of the report may not be able to be released.

I take this opportunity to commend the Commissioner of Police for his initiative in instigating this investigation by the Australian Federal Police, which was totally independent of the WA Police Service. No fresh evidence of corruption or criminality was discovered. I also commend the commissioner's integrity in seeking total accountability to the people of Western Australia by assisting in the tabling of the report. Both the commissioner and I agree that in relation to the Argyle affair, some elements of the handling of these investigations and their management by the WA Police Service have been found deficient. Those matters are in the process of being addressed. The findings of the AFP report are that there has been historic inadequacy and inefficiency - and not corruption and criminality.

The intended tabling of this report is a very clear indication to the people of Western Australia that the WA Police Service under Commissioner Falconer, his management team, and the Delta program - with the full support of the Government - is committed to openness and accountability.

MINISTERIAL STATEMENT - MINISTER FOR ABORIGINAL AFFAIRS

Halls Creek Riot

MR PRINCE (Albany - Minister for Aboriginal Affairs) [2.22 pm]: Mr Speaker, it is my intention to outline to Parliament the circumstances which resulted in riotous behaviour by a large group of people in Halls Creek last Thursday and what measures we, as a Government, plan to take as a consequence.

Between 150 and 200 people, the majority from outlying desert Aboriginal communities, converged on Halls Creek some days before last Thursday's incident to attend a rodeo and subsequent race meeting. On Thursday, instead of receiving Community Development Employment Project payments or other social security payments in their communities, many of those people remained in Halls Creek and began consuming alcohol at the local hotel. By 8.00 pm a proportion of that group had become unruly. Police attended the hotel but discovered they were outnumbered and, as a result, officers from other north west towns were called in. In the following hours a large group of people moved through the town and extensively damaged several business premises and the police station. Four police officers were injured during the fracas. Northern region police commander John Standing arrived in Halls Creek early on Friday. Law and order was restored and a number of charges, some of a very serious nature, have been preferred. Representatives from key government agencies, including the Aboriginal Affairs and Health departments, have visited Halls Creek to establish what occurred and what can be done to alleviate a recurrence. A full report is currently being prepared by police and that will be used to establish recommendations for future action.

Other relevant issues have arisen from discussions that have already occurred between various groups - for example, the need for a stronger police presence and education programs within communities about alcohol consumption - and those needs are being looked at by all agencies that have a presence in the region. In my view this can be achieved only by having meetings and community involvement. The key government agencies, in conjunction with the Commission of Elders, will meet later this month to develop constructive and positive resolutions to these areas of concern. A bush meeting involving elders and community leaders in the outlying desert communities is being arranged to discuss the Halls Creek incident and other matters of concern. It is expected that other participants will include representatives from the Halls Creek Shire Council, the ATSIC Regional Council, the Aboriginal Lands Trust, the Aboriginal Affairs Department's Chief Executive Officer and officers from the AAD Kununurra office.

I will also be raising this matter at a justice coordinating council meeting later this month which will be attended by me, the Attorney General, the Ministers for Police, Family and Children's Services, and Education and the Minister assisting the Minister for Justice, and senior representatives of those government departments and agencies.

We as a Government will not make rash promises about how this situation can be resolved without proper consultation with the community of the region. After this consultation, we will be in a position to provide the infrastructure to resolve these issues, but inevitably it is up to the community to embrace these initiatives to enable implementation to succeed. We fully support the police in their actions to restore order, as do both the Aboriginal and non-Aboriginal residents of Halls Creek and the Shire of Halls Creek, who have all expressed their outrage at the events of last Thursday night.

STATEMENT - SPEAKER*Questions without Notice - Procedure Trial of Variations*

THE SPEAKER (Mr Clarko): On 19 March this year I announced the procedural trial of variations to the asking of questions without notice. Those trials were approximately one minute to ask a question and approximately four minutes to answer a question; only one supplementary question allowed per question; the supplementary question may develop the theme of the original question; and an option to give some notice of questions without notice by lodging them in the Clerk's office by 10.30 am on any sitting day. These trials were to continue up to the winter break. Having now had the opportunity to assess the success of the trials, I propose to continue until the end of this session the time limits on asking and answering questions, and the asking of supplementary questions. As little use has been made of the option of giving some notice of questions by lodging them in the Clerk's office, that trial will be discontinued.

Members may be interested to note that in the first 29 sitting days of last year, an average of 10.5 questions without notice was asked each day, compared to an average, including supplementary questions, of 12.8 for the same period this year. Fifty supplementary questions have been asked since the introduction of the trial, and it is pleasing to note the increase in the average number of questions asked, due no doubt to members' cooperation. I refer now to some statistics -

Questions without Notice 1995 (First 29 days)

Average number of questions per day	10.5
Total number of questions asked by Opposition	161
Total number of questions asked by Government	139
Total number of questions asked by Independents	5

Questions without Notice 1996 (First 29 days)

Average number of questions per day	12.8
Total number of questions asked by Opposition	217
Total number of questions asked by Government	151
Total number of questions asked by Independents	3
Total number of supplementary questions	50

[Questions without notice taken.]**BILLS (7): ASSENT**

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

1. Hospitals and Health Services Amendment Bill
2. Education Amendment Bill
3. Planning Legislation Amendment Bill
4. North West Gas Development (Woodside) Agreement Amendment Bill
5. Land Drainage (Validation) Bill
6. Security and Related Activities (Control) Bill
7. Health Amendment Bill

BILLS (3) - RETURNED

1. North West Gas Development (Woodside) Agreement Amendment Bill
2. Land Drainage (Validation) Bill
3. Health Amendment Bill

Bills returned from the Council without amendment.

SECURITY AND RELATED ACTIVITIES (CONTROL) BILL*Council's Message*

Message from the Council received and read notifying that it had agreed to the further amendment made by the Assembly to the Council's amendment.

OFFICIAL CORRUPTION COMMISSION AMENDMENT BILL*Returned*

Bill returned from the Council with amendments.

DOG AMENDMENT BILL*Amendment*

THE SPEAKER (Mr Clarko): I have received the following letter from the Clerk of the Parliaments -

Dear Mr Speaker

Pursuant to joint Standing Order 12, I desire to inform the Legislative Assembly that an error has occurred in the passing of the *Dog Amendment Bill 1996*.

In the print of the Bill [105-2] transmitted to the Legislative Council, the words "and to section 33G" were omitted after the word "dog," in line 12, page 10 (clause 8(h)). Accordingly, the version of the Bill passed by each House is not the same and I am unable to certify that the Bill presented for the Royal Assent has been passed by both Houses.

The letter is signed by L.B. Marquet, Clerk of the Parliaments. For the benefit of members, I will read Joint Standing Rule and Order No 12. It reads as follows -

Upon the discovery of any clerical error in any Bills which shall have passed both Houses of Parliament, and before the same be presented to the Governor for the Royal Assent, the Clerk of the Parliaments shall report the same to the House in which the Bill originated, which House may deal with the same as with other amendments.

That implies that the Minister for Local Government, who is in charge of the Bill, should move me out of the Chair in order that the correction may be made in Committee.

Committee

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

Mr OMODEI: In order that the Clerk of the Parliaments may be authorised to make the correction of the clerical error as recommended in his letter, I move an amendment -

Clause 8, page 10, line 12 - To insert after the word "dog," the words "and to section 33G".

Mr RIEBELING: I presume the amendment before the Committee is one of no real consequence. Will the Minister explain why the Bill presented to the upper House was framed differently from that passed in this place?

Mr OMODEI: I understand that following the passage of the Bill through this Chamber, in the message sent to the Legislative Council the Clerks of the Legislative Assembly inadvertently omitted the words mentioned in the amendment. That error was identified by the Clerk of the Parliaments, Mr Marquet, and referred to this place for correction.

Amendment put and passed.

Report

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

MOTION - TIME MANAGEMENT SESSIONAL ORDER (GUILLOTINE)

MR COWAN (Merredin - Deputy Premier) [3.16 pm]: I move -

That the following items of business be completed up to and including the stages specified at 5.30 pm on Thursday, 22 August 1996 -

1. Criminal Law Amendment Bill - all remaining stages.
2. Listening Devices Amendment Bill - all remaining stages.
3. Telecommunications (Interception) Western Australia Bill - all remaining stages.

Members opposite will note that not many Bills are subject to time management this week. The Government assumes some time will be taken debating the amendments to the Official Corruption Commission Act and it anticipates allowing time for that to occur without placing undue pressure on the legislative program it wants completed this week. The three Bills are of significance but debate will not be of long duration. Of course, I may be proved wrong in saying that should the Opposition wish to take up the challenge and prolong the debate. Nevertheless, the Government must maintain its legislative program and it has therefore placed the three Bills under the sessional order.

MR BROWN (Morley) [3.18 pm]: The Opposition opposes the guillotine motion moved by the Deputy Premier on a number of grounds. The first is that the Opposition opposes the motion in principle, in that the purpose of this Parliament is to give thorough consideration to Bills that come before it and it is not for the Government of the day to determine what thorough consideration this Parliament may wish to give to legislation or to determine the relevance or otherwise of arguments put forward by the Opposition. That is a matter for the Parliament and when the Government puts its view that certain things shall happen by certain times, it is thumbing its nose at the traditions and practices of this House. The Government is indicating that whatever happens it will use its numbers at the end of the day to guillotine debate on a Bill in order to meet a time frame set by the Government rather than allow for the necessary consideration to be given to the legislation.

Of course, the Opposition opposes the motion for other reasons. Although it is true that the three Bills listed in the guillotine motion are not large and complex Bills, nevertheless they are important. The Criminal Law Amendment Bill deals with some very important issues and we are now told that they must be dealt with this week. One of the issues in that Bill with which we have to deal is citizens' rights to defend themselves and their property. Any member of Parliament who takes the opportunity to go to the local shopping centre, knock on doors or talk to the community generally will know that one of the issues that is raised by every second person is the crime issue. One of their major complaints is about the number of house break-ins and burglaries that are occurring and that they have no right to protect themselves and their loved ones, or to ensure that their possessions are not illegally removed. That amendment is an important issue to the citizens of Western Australia and to constituents of my electorate. They will be very interested to learn that, when this Bill came before the Parliament, the Government considered it of such little importance that it imposed time limits on the debate rather than be prepared to let the Parliament debate the matter in full.

The other issue contained in the Criminal Law Amendment Bill that is important is the Laverton work camp. The latest information that I have indicates that camp currently holds six detainees at a running cost of \$1.2m and an establishment cost of \$1m. Yet, we have been told that is not a significant issue; what is more important for the Parliament to debate is not the substance of the issue but rather that we should restrict the time for the debate on that issue. We oppose strenuously this continual use of the guillotine.

The Government seeks to move this motion every week, even when the Bills on the Notice Paper can be dealt with in the relevant time, in order to suggest that it has the unfettered and fundamental right to do so. We do not accept that. We will not accept it in relation to these Bills and we will not accept it in relation to other Bills. We think it is an affront to this House. It is not as if other devices are not available to the Government to cut off long, tedious and repetitious debates. This proposal suggests that the Government is not prepared to listen to the debate before it starts. For those reasons and others we oppose the proposition.

Question put and a division taken with the following result -

Ayes (28)

Mr Ainsworth	Mr Johnson	Mr Prince
Mr Blaikie	Mr Kierath	Mr Shave
Mr Board	Mr Lewis	Mr Strickland
Mr Bradshaw	Mr Marshall	Mr Trenorden
Mr Court	Mr McNee	Mr Tubby
Mr Cowan	Mr Minson	Mrs van de Klashorst
Mr Day	Mr Omodei	Mr Wiese
Mrs Edwardes	Mr Osborne	Mr Bloffwitch (<i>Teller</i>)
Dr Hames	Mrs Parker	
Mr House	Mr Pandal	

Noes (20)

Ms Anwyl	Mr Graham	Mr Ripper
Mr M. Barnett	Mr Grill	Mrs Roberts
Mr Brown	Mrs Henderson	Mr D.L. Smith
Mr Catania	Mr Kobelke	Mr Thomas
Dr Constable	Mr Leahy	Dr Watson
Dr Edwards	Mr McGinty	Ms Warnock (<i>Teller</i>)
Dr Gallop	Mr Riebeling	

Pairs

Mr C.J. Barnett	Mr Marlborough
Mr Nicholls	Mrs Hallahan
Dr Turnbull	Mr Cunningham

Question thus passed.

TRANSFER OF LAND (RESTRICTIVE COVENANTS) AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Catania, and read a first time.

CRIMINAL LAW AMENDMENT BILL

Second Reading

Resumed from 20 June.

MR MCGINTY (Fremantle - Leader of the Opposition) [3.30 pm]: I noticed with some interest in this morning's media that the discussion about the Government's legislative program for the coming period was prefaced by saying that significant initiatives would be taken in the area of crime and punishment. I presume that this Bill is the cornerstone of the Government's endeavours in that area. If that were the case, I, and I think the public generally, would be bitterly disappointed at what has occurred. This Bill, unlike the way in which it was introduced into the Parliament by the member for Albany and Minister for Health, is not a significant contribution to the criminal law in this State. It must be categorised as a relatively minor change to the law. This Bill is also quite misleading, when one looks at the rhetoric that accompanied it.

I will commence with the issue that is raised in this Bill about which I believe the public has been most seriously misled; namely, the right of citizens to defend themselves against people who break into their homes. This has traditionally been viewed as the use of reasonable force to protect the person or property in question where it is believed that the person who has broken into the property intends to commit an indictable offence. This Bill touches on a number of minor matters around the periphery of that concept, but it does not change the basic law in any significant respect. In that sense, the statements by the former Attorney General, the member for Kingsley, misled the public into believing that if they commit offences, they will have a legal immunity. That is not the case, and I believe that the former Attorney General has been negligent in her duty to the people of this State, to this House and to her former office of Attorney General.

I will refer briefly to the right which this Bill gives to people to protect themselves in their own homes. Firstly, it expands the definition of "dwelling-house" to make it clear that it encompasses tents, vehicles and vessels which are ordinarily used for human habitation. That is an inconsequential but unobjectionable amendment. Clearly, if someone were to break into a tent or a vessel that is ordinarily used for human habitation, the same legal principles should apply as if someone were to break into a house in which a person was residing. We do not object to that broader definition of house or dwelling in order to offer protection to people who live in nonconventional dwellings, if I can put it that way.

Secondly, this Bill will allow a person to use reasonable force to resist the forcible entry of another person into a house where it is reasonably anticipated that that person intends to commit any offence, rather than an indictable offence. That will effect no significant change in the law. It is quite clear that the sorts of offences that people commit when they break into someone else's home are, by and large, indictable offences and to change the requirement from one where an indictable offence must be anticipated to any offence that might be anticipated will

have no practical consequences. "Indictable offences" includes a wide range of crimes. Burglary is one example of an indictable offence, and that is so notwithstanding that it might also be dealt with summarily. Section 401 of the Criminal Code deals with burglary and states -

A person who enters or is in the place of another person, without that other person's consent, with intent to commit an offence therein is guilty of a crime and is liable to imprisonment for 14 years.

Burglary is an indictable offence, and that is the essence of breaking into someone's house. If the person did intend to do something else while he was in the house, it would still be caught as an indictable offence; so to simply change that characterisation from an indictable offence to any offence will, in my view, have no practical consequences. Generally speaking, people will break into other people's homes with a view to stealing. Stealing is also an indictable offence, as is any form of assault occasioning bodily harm, or worse. Each of those is an indictable offence and will, therefore, trigger the defence of reasonable force.

Therefore, while we have no objection to the amendment in this form, it is clear that it was designed to achieve a political rather than a legal result. Clearly, this Bill was designed to convey to the public that it was doing a lot more than is indicated by the reality. That is the reason that I believe the former Attorney General is guilty of an abuse of her office and was negligent in the way in which she portrayed this matter when the legislation was first introduced into the Parliament in late 1995.

I turn now to some of the comments that were made by the former Attorney General which deserve the condemnation of this House. I have already described the minimal nature of the change. Reasonable force will still be the limit of what can be used, and a person will still be required to anticipate that an offence will be committed. In my view, that is a requirement that something verging on an indictable offence be committed, in view of the nature of burglary, stealing and the more serious forms of assault. When this legislation was first introduced, the Attorney General said on the Channel 9 "News" on 2 November 1995, that -

If somebody is coming in to rob or maybe they are coming just to raid the fridge. What we are saying now is that you can take whatever action is necessary to protect yourself and your family and your property.

That is a misstatement of the law. It is a negligent misstatement of the law because the Attorney General should have known better. This Bill expands the definition of a dwelling house, but it does not expand, beyond the question of the sort of crime that a person reasonably anticipates that someone will commit when he or she breaks into the house, the circumstances under which reasonable force can be used. It certainly does not mean, as the former Attorney General said on the Channel 9 "News", that a person can take whatever action is necessary to protect himself, his family and his property.

That statement was obviously designed by the former Attorney General to deceive and mislead the public, and she nearly got away with it. Fortunately, however, other media outlets were far more diligent in looking at this issue, and the former Attorney General was roundly criticised in the media for whipping up a lot of hype, sentiment and emotion and for not getting the law right. That was not confined to the Channel 9 "News"; it was an error - I would say a deliberate error - that she committed in *The West Australian* and also on the Channel 10 "News" of the same night. On Channel 10, the former Attorney General said -

If they had a baseball bat you had to use a baseball bat. That's changed, now you can take any action you deem is justified in any circumstances to defend yourself.

That interview was probably given a little later and the former Attorney General at that stage was getting more and more excited about the prospects, because with her analogy about baseball bats she was obviously talking about the notion of proportionality; namely, that a person who was being threatened with a baseball bat could use one in return. That is a misstatement of the law, but she was addressing the notion of proportionality or of reasonable force in the circumstances, and I am prepared to accept the looseness of her description.

Under this legislation one cannot do what the Attorney General is saying. It is not a question of subjectively assessing a situation which requires a response. An objective test must be applied and the question of what is reasonable in the circumstances will be answered by the court, not judged according to the subjective opinion of the person whose house has been invaded or who has been assaulted. This legislation is designed to deceive and mislead. It is on record that the former Attorney General did exactly that in a highly irresponsible way when this legislation was introduced. The Attorney General should be condemned for whipping up that public sentiment. I believe she has already been significantly criticised for getting it so extremely, seriously wrong.

Those statements were not true then; they are not true now, even though this legislation was amended in many respects before it reached this House following its introduction and significant criticism in November 1995. The crux

of the matter remains unchanged. A person still must believe on reasonable grounds that an offence will be committed and a person can still only use reasonable force to resist that intrusion. It is the view of the Labor Party that this legislation does not go far enough and that the public seeks significant reform in this area. It is my view and that of the Labor Party that the proposals for reform which we set out in our "Home Invasion and Burglary" paper which was released approximately three months ago are a better way of tackling this problem than the Government has outlined in this legislation.

Our proposals are threefold: First, to remove the requirement of belief that the intruder will commit an indictable offence in the house. The occupant can use reasonable force to prevent anyone entering that house without lawful excuse. The Labor Party believes we should go further than simply removing the requirement for an indictable offence and substitute a belief on the part of the person being attacked or whose house is being invaded, that he should be able to use reasonable force when someone has entered the house without lawful excuse. That is an important step further than the Government is taking on this occasion. I can imagine what I would do if I were sitting at home and someone entered my house in the dark of night by forcible entry. What reasonable person would sit back and say, "Is this person going to commit an indictable offence or is it a simple offence?" I suggest that not even a lawyer would engage in that analysis. There would be a reaction - it must be a reasonable reaction; we do not want people arming themselves to shoot people as they walk through the front door. However, in the mind of the person about to be assaulted or whose house has been broken into, must be the notion that a person is on the premises without lawful excuse. That does not mean to say that it must be an unlawful entry. Certain sorts of unlawful entry can be accommodated within that notion of lawful excuse. It might be that the entry into the house is quite justified or there is a lawful excuse, such as a belief that a person was incited onto the property. We are not targeting just anyone in someone else's house. We are saying that if someone is there without lawful excuse the householder is entitled to defend himself by use of reasonable force against what he sees as a threat to himself or his property. That is what the Opposition has committed to reform which will go beyond what the Government has done on this occasion. To retain a requirement that a person whose house is being invaded must be mindful of whether an offence about to be committed is known to law is too restrictive and does not relate to the realities of what occurs in people's minds when their house has been broken into, particularly in the dark of night.

Secondly, we would remove the requirement that force can be used only to prevent a forcible entry, so that reasonable force can be used to prevent any entry without lawful excuse. In many circumstances the entry into a house, as threatening as it might be, may not be by forcible entry, such as through a smashed window or by knocking down a door or something of that nature. The reality of what occurs in the suburbs requires that the law be amended not only to give the householder certain rights when someone has entered their house without lawful excuse but also to delete the requirement that the unlawful entry onto the property be by forcible entry. It does not accord with what will happen in many circumstances. Certainly, in most circumstances when someone forcibly enters a house it will constitute unlawful entry without lawful excuse. However, the provision is too limiting and will deprive people who feel extremely threatened of the right to defend themselves with reasonable force in their own home.

Finally, the definition of "dwelling house", which I have touched on already, is a very minor part of this amendment. We support the definition. A dwelling house must include any structure ordinarily used for human habitation. That is the essence of what is being proposed here, although I think it is worded somewhat inelegantly and other circumstances may arise in the future when the law will require further amendment. That could be short-circuited by adopting the Labor Party's words "any structure which people ordinarily use for human habitation". That would cover all those exceptional circumstances outside the traditional three or four bedroomed home in the suburbs. The Opposition supports these amendments, although they do not go far enough. They were born in an atmosphere of deliberate political deceit by the member for Kingsley, the former Attorney General, as I believe I have clearly established. As such, it highlights this legislation as a political manoeuvre rather than a genuine attempt to reform the laws of this country in this important area.

The Kurli Murri work camp at Laverton fits into a similar category. We all know that this camp has been a very expensive flop. It was conceived during the very tightly fought Glendalough by-election ultimately won by the Labor Party. In order to swing a few more swinging voters its way, the Government, headed by the Premier and the former Attorney General, in a very bad example of political bidding on the issue of crime and punishment, said to the people of Glendalough, "Vote for the Liberal Party and we will give you a boot camp at Laverton." That has now become the infamous Kurli Murri camp. It is an extremely expensive operation and no doubt will be dealt with in other areas. I understand the annual cost to the taxpayer to maintain a camp designed as part of the Government's juvenile offender program is approximately \$2m. This camp has not had a juvenile in it since it opened, and that is sufficient to condemn it.

I place clearly on the record the position of the Labor Party regarding Camp Kurli Murri. We think it is a farce. It is a waste of taxpayers' money and we would shut it. There is no other option for what should be done with this piece of political bastardry, born as it was in a bidding competition by the Government of the day to win an extra few votes and a seat in the Parliament. It has failed badly; it is not serving the people of this State; and it should be shut down.

This legislation expands the possibility that it might see juveniles in the camp, but we will simply have to wait and see whether that emerges. We are all aware of the limited basis upon which people can be sent to Camp Kurli Murri at the moment; that is, only juveniles who have not previously been placed in detention or who have not had any previous schedule 1 or schedule 2 convictions. We are looking at the first offender-type of juvenile here. This legislation seeks to extend the category of offender who can be sentenced to go to the camp. I guess when we have an expensive white elephant on our hands, as Camp Kurli Murri is, it makes some sense to utilise it. However, the camp has been roundly criticised by a number of people. The notion of its being a desert camp or a bush camp, very much isolated from the rest of the community, is one basis for the criticism of it. It has been said that it will not work because it does not involve the community in the punishment of the offender and in the establishment of a program of rehabilitation to ensure that the offender can fit back into the community. More will be said about Camp Kurli Murri later.

I take this opportunity to place on record the fact that we will end the waste of taxpayers' money associated with this camp. We must look at innovative ways of dealing with young offenders, rather than trying cheap political stunts - and that is what Camp Kurli Murri is.

The next major change spoken about in this legislation is the service of notices by post. I refer to the very unfortunate experience we have had with the fine defaulters legislation. As of a month ago - I am not sure of the latest figures - approximately 32 000 Western Australians did not have a driver's licence as a result of the operation of the fine defaulters legislation. It is my view that a very significant number of those people would not know they had been punished by law. The whole cause of the problem with the fine defaulters legislation was the method of service of notices and summonses to people who were caught by that legislation.

We all know - some of us by hard experience - the procedure involved in losing a licence via the collection of 12 demerit points: A policeman will come to our door and he will physically take the licence away. That is the way in which people in this State expect the law to operate. That is the system with which members of the public are familiar. Clearly it is cheaper to stick a letter in the mail to someone at that person's last known address than to send an officer around to try to find the individual at home. The fact that 32 000 people have been caught by the service of notices by post and are without a licence defeats, in a very demonstrable sense, the interests of justice. I suspect that figure has grown significantly over the past month because in the two weeks after the first figure of 30 000 people was recorded in the newspapers, the number increased by a further 2 000. It was growing by approximately 1 000 people a week at that time.

When the fine defaulters legislation was debated in this House, it was my view that the service by mail to the last known address might well be fine for most members of this House. However, it is not fine for a very large number of citizens who might lead an itinerant lifestyle, or younger people, or people who might move between households, or people who are far more mobile than perhaps the middle aged, middle class people who made up this legislation in the first place.

The fine defaulters legislation should be sounding a very loud note of caution for all members in this place. It has presented difficulties in ensuring that people are accorded the primary issue which makes up a justice system; that is, people know of the charges against them, or they know what they are alleged to have done. By failing to provide for a system that will guarantee that each person will know he or she is to face charges in the court, we are undermining one of the first principles of any justice system - the requirement that people know they face certain charges.

As I have said, the service of notices by post is cheap. From a money saving point of view it is very efficient; from a justice point of view it is extremely inefficient. I urge the Government to proceed very cautiously with this proposal. Had the fine defaulters legislation not worked out in the way we thought it would - we said so at the time - with the sorts of injustices that are now creeping in, and had our warnings not come true, we might well find this legislation unobjectionable.

Let us go back to the time when the fine defaulters legislation was debated in this Parliament. If my memory serves me correctly, it was at the end of 1994. Advice to the Government said that about 2 000 people a year would lose their licences as a result of the operation of the new system. The fact that at one time 32 000 people had actually lost their licences - as well as a significant number early in the year who had lost their licences and regained them under the system - suggests to me that the number of people -

Mr Riebeling: Plus an additional 80 000 people are in the pipeline.

Mr McGINTY: If we take those in the pipeline along with those who have lost their licences, we are not talking about 2 000 people being adversely affected by that legislation; we are talking about 100 000 people. That is a very large proportion of the Western Australian population that will be adversely affected by this money saving, antijustice

provision in the law. The magistrates who are responsible for administering the law in this area sounded a note of caution. They wrote to the then Attorney General at the end of 1994 and said, "What you are doing by causing people to lose their licences without giving them direct service of any notices affecting them will result in grave difficulties; people will be treated unjustly and it will bring the whole system of the law into disrepute because you will get a large number of people who will become victims of your money saving endeavours." That prediction by the magistrates' society which was in the form of a letter to the then Attorney General - I think in November 1994 but certainly towards the end of 1994 - has come true. The advice that was given to the then Attorney General by her department that 2 000 people a year would be adversely affected by the legislation has been proved to be demonstrably inadequate. The real figure is a factor of 50 times that, closer to the figure of 100 000 that I have already indicated. Yet here we go again down exactly the same path, knowing that we will do a grave injustice to tens of thousands of Western Australians simply by using a yardstick not of what is just and fair in the circumstances, but of what is the cheapest way - and to hell with the consequences. That seems to be the basis upon which this legislation is erected, and I believe it is wrong.

The other amazing provision in this legislation relates to sex offenders. I say "amazing" because when the legislation was first introduced in November 1995 by the then Attorney General, I had a look at it and it seemed to me that a number of extremely serious sex offenders would have the penalty imposed on them significantly reduced and the nature of their crime potentially significantly downgraded. I refer particularly to a number of sexual offences against children. The message that the Parliament should send to the community is that these sorts of offences are increasing and, particularly where there is a measure of sexual exploitation by a person in authority over a vulnerable individual, that we will get tough. This legislation sent exactly the opposite message. It said to the public that in some very serious areas of sexual exploitation of children, people would be given the ability to have their case heard in a summary jurisdiction before a magistrate or perhaps, in some cases, before the District Court rather than the Supreme Court, but certainly in a lower jurisdiction than the law currently provides. Accompanying that would be a dramatically reduced penalty to that which would otherwise attach to these sorts of offences.

I am referring to the sorts of offences contained in sections 321 and 322 of the Criminal Code. Section 321 of the Criminal Code relates to children of or over the age of 13 years and under 16 years and sexual offences against them. This relates to 13 to 16 year old kids and adults committing sexual offences against them. This ranges from a person who sexually penetrates a child - who is then guilty of a crime and is liable to punishment - to a person who procures or incites a child to engage in sexual behaviour, to a person who indecently deals with a child. Each of these is a horrendous act or can be the most serious exploitation of children that one can imagine. The provisions of the legislation deal with that.

Similarly, section 322 of the Criminal Code deals with children at or over the age of 16 years and sexual offences against them by people in authority. We see seemingly daily examples of this coming from New South Wales, in particular, but also a number of offences that are now becoming apparent from the past. I refer here particularly to the issues involving the Christian Brothers, which now appear to have been settled - at least in a legal sense in terms of compensation being paid to the victims. However, an increasing number of cases are coming before the courts, many of which relate to a bygone era - although there is no evidence to suggest to me that the incidence of sexual exploitation of young people or of young people by people in authority is in any sense decreasing in our community today.

Nonetheless, in each of those areas, the law that was introduced initially proposed that the penalty be reduced by allowing people to opt for the case to be dealt with in a court of summary jurisdiction. It would certainly save some of the time of a superior court, but the trade off for that economic gain was that those persons could then have a lower maximum penalty imposed on them. The Opposition was very critical of that at the time; we said that that was completely wrong. Obviously the bureaucrats in charge of the justice system, looking at how they could save a dollar, were placing the departmental requirements ahead of the interests of justice and the need to send a loud and clear message to the community that those crimes cannot in any circumstances be tolerated.

I am aware that those two sections, as a result of what the Opposition had to say, were not then proceeded with. I am very pleased about that because they are matters about which we would have campaigned vigorously in the community. The Government dropped amendments to those two sections but persisted with others. To the extent that it has dropped those matters, I am happy. However, it should have gone further. I refer here to the sections where it still proposes to enable people to face a lower court and a lower penalty in relation to sexual offences against children.

Mr Prince: Which ones?

Mr McGINTY: I am referring to the amendments to sections 323 and 324 of the Criminal Code. Section 323 of the Criminal Code deals with indecent assault. As I understand it, an offence in that category can still be dealt with under this legislation as a summary matter, thereby attracting something like half the penalty.

Mr Prince: It is two years or a fine of \$5 000.

Mr McGINTY: Section 323 of the Criminal Code deals with indecent assault. It is very brief and provides -

A person who unlawfully and indecently assaults another person is guilty of a crime and liable to imprisonment for 5 years. It is now proposed to enable a matter of indecent assault to be dealt with summarily, attracting a maximum penalty of two years' imprisonment. I appreciate - and I have had the benefit of talking with a range of people about this matter - that indecent assaults can come in a variety of forms. Perhaps the most notorious in recent times was the case involving the star North Melbourne footballer, Wayne Carey, who I understand pleaded guilty to groping the breasts of a woman outside her clothing. One might well say that there can be far more serious forms of indecent assault than that. One might also say that in those lesser types of indecent assault it is something of a waste of time to tie up a District Court judge and jury with a day or two of trial. However, on balance - and these issues are always a question of balance - it is inappropriate, at a time when sexual assaults generally are increasing, to send out a message that the courts are a bit overloaded so if people want to plead guilty or to be dealt with summarily, the system will enable them to get only two-fifths of the maximum penalty. I also appreciate that in a number of the minor matters the maximum penalty would not be applied in any case. In the Wayne Carey situation the penalty would not be imprisonment for five years, to be blunt about that type of indecent assault.

Mr Prince: That relates to a person with no prior record; there would probably not be a penalty of imprisonment at all for those types of isolated event.

Mr McGINTY: I know that there are cases at the very minor end of the scale where there are no aggravating circumstances and where a minor offence is out of character. Those cases would certainly not attract a five year imprisonment penalty in any event - the five years, of course, being reserved for the worst possible case.

However, as a Parliament, we must look hard at this sort of legislation and the message it sends to the community. I welcome the decision not to proceed with the initial proposal to reduce the penalty in relation to sexual assaults on children and on children between the ages of 16 and 18 by a person in authority, because it was wrong. However, I still do not think the Government has gone far enough by allowing these forms of assault to attract a lesser penalty. I could understand the argument if it were confined only to the Wayne Carey type of situation - that would be fine. That is possibly what would be allowed as a result of the proposed amendment to section 323 of the Criminal Code dealing with indecent assault.

Section 324 of the Criminal Code also attracts the same lowering of both the penalty and jurisdiction of the court in the offence of aggravated indecent assault. I suggest that this is something the Minister should consider if the Government is to retain both the lower penalty and jurisdiction for indecent assault. As soon as he attaches to that circumstances of aggravation, he is arriving at a situation where the Government should not be seen to be watering down the law. Section 324 of the Criminal Code which deals with "aggravated indecent assault" states that -

A person who unlawfully and indecently assaults another person in circumstances of aggravation is guilty of a crime and is liable to imprisonment for seven years.

Circumstances of aggravation might, among other offences, include pointing a gun at somebody's head or holding a knife at somebody's throat. To reduce the penalty and to enable a case of aggravated indecent assault to be dealt with summarily is the wrong way to go. The Opposition considers that the Government is not giving the right message in respect of section 323 of the Criminal Code which deals with indecent assault. It also is giving the wrong message in respect of aggravated indecent assault which is caught by section 324 of the Criminal Code.

The legislation, as it was initially conceived by the former Attorney General, is wrong in many respects, no more so than in respect of sexual offences against children and the proposal to enable offenders to be treated more lightly than should otherwise be the case. The Opposition is delighted that that person - the former Attorney General - is no longer the Attorney General and it is pleased that in some respects this legislation has been amended to bring it more in line with community expectations. However, it could go a little further than what is proposed.

I refer now to the proposal to abolish appeals against decisions of magistrates in committal proceedings. Again, this is a matter of balance. In many cases the only people who can afford to be legally represented at lengthy committal proceedings, as well as at trial, are people who are not impecunious. I suspect they are people who have the knowledge and ability to be able to afford legal representation. In this instance, I am not referring to the average criminal offender who would opt to have a committal proceedings to decide whether there is sufficient evidence to determine whether he could be convicted by a jury, if it is properly instructed. However, the right to appeal in criminal proceedings is fundamental. Magistrates do make mistakes, and that is something members should not

forget. While the incidence of magistrates making mistakes is not an everyday occurrence, it is something which frequently occurs and is corrected by courts of appeal. If there is to be a right to committal proceedings to determine whether a court should hear a case, accompanying it should be the right of appeal. If that is not to be the case, consideration should be given to abolishing committal proceedings altogether. I do not advocate that, but this legislation provides for a halfway house which satisfies no real requirements.

Mr Prince: A criminal hearing is a quasi judicial exercise. The Chief Justice has said that the right to criminal proceedings should be abolished.

Mr McGINTY: I am aware of the Chief Justice's view. I am also aware that it will both save judicial time and somewhat streamline the judicial process, but that will be done at the expense of existing rights. When considering the existing rights of citizens, this Parliament should seriously look at abridging those rights. The taking away of the right of appeal against committal decisions, which is what this legislation does, is something which should be done only after serious consideration. The removal of the right of appeal provision will not benefit the legal system to any great degree. If the magistrate makes the wrong decision in the committal and there is no right of appeal, the case will ultimately end up on appeal as soon as the person has gone through a trial with the fundamental defect of having been sent to trial in the first place. The ultimate right of appeal will mean that a lot more time of the courts, the Office of the Director of Public Prosecutions and others will be wasted before the matter is rectified and the right of appeal is taken away at the first stage of the process.

Mr Prince: I am intrigued by the Leader of the Opposition's line of reasoning. It will not be a fundamental defect. If the case goes to trial the only right of appeal could be a miscarriage of trial.

Mr McGINTY: I am not saying that it would impugn subsequent proceedings, but if there is insufficient material to commit somebody to trial and the magistrate gets it wrong, then after the trial either the magistrate or the judge would throw the case out. In other words, a person would have gone through a lengthy legal proceeding which should not have been heard in the first place.

Mr Prince: I see what you mean.

Mr McGINTY: Alternatively, if it is not a trial before a jury and it does not become a question of assessment as a matter of merit of guilt, the matter could be rectified on appeal as a result of the subsequent proceedings. In many cases the right of appeal arising out of a magistrate's decision in committal proceedings acts as a sieve because it takes out of the system those prosecutions which would not have succeeded in any event. It may be false economy to look at taking away the rights of the citizen in that respect. I appreciate it is a matter about which there will be argument. I also appreciate the point made by the Chief Justice in the case of *Parker v Taylor*; that is, the ex officio right of the DPP basically to present an ex officio indictment which will override any decision made by a magistrate in committal proceedings. However, it is an area which the Opposition did not pursue when it was in government because, on balance, it placed greater weight on the existing rights of people who are brought before the courts. To simply sacrifice those rights in the interests of saving a few dollars, or simply sacrificing those rights, is not something that should be done lightly. Therefore, the Opposition will oppose the clause which takes away that right.

This Bill will not fundamentally affect the operation of the criminal law in this State. I have already indicated that in two respects it removes the existing rights of people. Firstly, it takes away the right to serve a person with a notice that he will be brought before a court to be dealt with and, secondly, it takes away the right of appeal in committal proceedings. Those two incursions into the existing rights of citizens are serious matters and represent a backward step. To the extent that this legislation will enable a lesser penalty in a lesser jurisdiction to attach to the offence of aggravated indecent assault, it is not the sort of message that the Opposition would want sent out to the community.

Camp Kurli Murri is an expensive joke and, rather than breathe life into it at this stage of its embarrassing existence, its operation should come to an end. Similarly, the legislation in respect of the right of people to use reasonable force to defend themselves in their homes does not go far enough. If the Government wishes to accept the proposition in the Opposition's policy paper on this issue, it would enjoy bipartisan support. The Opposition has no objection to the tentative step to allow people to defend themselves when there is an intruder in their home. If this legislation is the hallmark of what the Government intends to do in this session in respect of law and order and crime and punishment, the community will be bitterly disappointed.

MRS HENDERSON (Thornlie) [4.20 pm]: The areas of this Bill that I want to deal with concern me. They all touch on issues of enormous importance to the community. However, they are dealt with in such a superficial way as not really to attack any of the reasons behind the problems that have led to the measures that are outlined in this Bill. That is a pity because the public is being given a false impression that we in the Parliament are addressing some of these important issues whereas the major issues are not being dealt with at all. The major issues are still to be resolved and the measures included in the Bill only tinker around the edges.

The first issue with which I want to deal is the removal of a large number of sexual offences from the exclusive jurisdiction of the Supreme Court to the District Court. The Leader of the Opposition has dealt comprehensively with the changes to penalties for certain offences and I will not deal with those. However, this Bill will allow the District Court to deal with major sections of the Criminal Code. I have no doubt that the District Court will be able to deal competently with these matters. However, I am concerned about this Bill removing enormous chunks of very serious criminal matters from the jurisdiction of what is the highest and most important court in our State system and placing them within the jurisdiction of the one next down the ladder. That sends a twofold message to the public. The first is that the Government considers these offences to be less serious than they were previously and the second is that with so many of these offences occurring, the Supreme Court can no longer deal with them and the easiest way for the Government to overcome the problem is to move all of those serious sexual offences to the next level of the court system rather than look at the reasons for the explosive increase in their number.

The first of the offences which is being moved by this Bill from the exclusive jurisdiction of the Supreme Court is offences that come under section 186(1)(b) of the Criminal Code. These offences relate to an owner or occupier of premises or someone assisting in the management of premises inducing or knowingly permitting a person to be on the premises for the unlawful carnal knowledge of a child. That is an extremely serious offence and is the kind of charge that would be brought against someone who operates a brothel and allows children to be used as staff of that brothel. It carries a very serious penalty of imprisonment for up to 20 years where the child is aged less than 13 years. No-one could say that is not a serious matter. That has been taken out of the automatic jurisdiction of the highest court and will now be dealt with by a court which is designed to deal with less serious offences than the Supreme Court. Similarly, the whole of chapter XXXI of the Criminal Code, which deals exclusively with sexual offences, has been so removed.

I will refer to some of the offences in that section in case people are not familiar with them. Section 320 of the Criminal Code, for example, deals with all major sexual offences against a child under 13 years of age. It includes sexual penetration of a child, indecent dealings, procuring a child or inciting someone else to procure a child for an indecent act, or the indecent recording by means of video or other machinery of an indecent act being performed on a child. Those are very serious offences as everyone in the Chamber would agree. Section 321 deals with sexual offences against a child over the age of 13 years but under the age of 16 years. Again these are offences that allow persons to be charged with procuring such children for sexual acts, inciting or encouraging others to engage in such activities, or encouraging children to engage in such activities; any indecent dealing with a child aged between 13 and 16, and any indecent recording of such acts with a child. These offences previously collected, and will continue to collect, penalties of up to 14 years in gaol and where a child is under the care and supervision or authority of the person who commits the offence - a teacher, a scoutmaster or someone else who has authority over the child - the penalty is up to 20 years imprisonment. No-one can argue that we are not talking about offences at the extreme range of seriousness.

Section 321 deals with persons who have sexual relations with a child under the age of 16 years. Section 322 deals with the sexual penetration of a child over the age of 16 and under the age of 18 years. Section 325 deals with sexual penetration without consent. For those people who are not familiar with that offence, that is the old offence of rape. Most people would consider that one of the most serious offences after offences such as wilful murder and murder. Yet this offence along with all the others I have mentioned which were previously in the exclusive jurisdiction of the highest court in the State will now be able dealt with either by that court or a lesser court.

Section 326 deals with aggravated sexual penetration without consent. Under the old terminology, an offence involving a group of people who raped someone in aggravating circumstances such as being armed with a knife or a gun would be an extremely serious offence. Section 327 deals with sexual coercion. Section 329 deals with sexual offences against de facto children. Section 330 deals with sexual offences against persons who are mentally disabled or intellectually handicapped. These are extremely serious offences.

I do not doubt the capacity of the District Court to deal with these matters. However, the message that goes out to the public is that, because there has been a dramatic increase in these very serious sexual offences, the response of the Government is not to tackle the reasons, but rather to say, "There is a backlog in the Supreme Court; we will move these offences to a lesser court to try to relieve that backlog." I would be far more impressed if we had a measure before us today not to take that kind of superficial action to relieve the congestion in the courts, but to deal with the reasons for such an explosion of very serious sexual offences against adults and children. I am concerned about the public perception of the downgrading of the seriousness of those offences by taking them out of the exclusive jurisdiction of the Supreme Court.

As I indicated previously, everyone expects that if someone is charged with wilful murder or murder, they will automatically go to the Supreme Court. Such is also the case for serious cases of fraud. It is indicative that these serious sexual offences have been removed from that jurisdiction because of their numbers and not groups of other offences which other people might regard as less serious than these sorts of offences. There is no question that sends

a message to the public that these offences are now to be dealt with in a court that deals with matters that everyone could describe as being relatively minor, although not as minor as cases dealt with by the Local Court. Nevertheless, some cases are minor by comparison. We on this side of the Parliament have spoken on many occasions about the need to address some of the underlying issues related to these offences.

We have raised repeatedly in this Parliament the lack of funds available for treatment programs for prisoners who have been convicted of serious sexual offences. It is still the case that not all prisoners who have been convicted of sexual offences undergo compulsory treatment programs in gaol. Most prisoners undergo those programs at the end of their time in gaol, and in many cases that means their term of imprisonment is extended to allow them to complete the course. During the last session of Parliament the member for Mitchell raised the very important point that the Government has adopted a policy of concentrating sexual offenders in the Bunbury Regional Prison, resulting in a distorted perception within the gaol of what is normal. That gaol is almost exclusively populated by people convicted of sexual offences on either adults or children. The development of support groups in the prison community can lead to the perception among prisoners that those sorts of offences are not out of the usual, or particularly abnormal. The member for Mitchell expressed grave concern for the children of those offenders who are released from gaol, because they have a history of recidivism. I would like to see legislation which addresses that sort of problem brought to this Parliament, rather than this legislation, on which we will spend several hours of precious parliamentary time, which merely removes a group of offences from one court to another without tackling the underlying issue of why there has been an explosion in the number of these very serious sexual offences.

The second aspect of the Bill I want to deal with relates to the right of members of the public to protect their property. Sections of the Criminal Code that deal with the prevention of offences, and violence in defence of dwelling houses, have been enacted, and the definition of dwelling has been extended to allow the defence of using reasonable force to be used more broadly. It has also been extended to cover offences that are other than arrestable offences. However, I am concerned that what is flagged all the way through the second reading speech is a major review of the issue of people having the right to defend their own property when an intruder breaks into their house. That kind of review was promised 12 months ago and we still do not have it, and the proposals contained in the Bill are very minor and are nothing like that which the previous Attorney General foreshadowed. The Leader of the Opposition has dealt with that, and I will not go over that ground again.

I am concerned that the Minister's second reading speech flags the possibility of a detailed review of those sections of the code that deal with the requirement for either a subjective or objective test in relation to what is reasonable when the person forms the view that they should be able to take steps to protect themselves and their property. If that is foreshadowing that the code is to be amended to remove that objective test, and to allow people to exercise whatever degree of force they believe is reasonable in the circumstances, that is grave cause for concern because that means that the Government is looking at possibly taking the easy way out. If there is a problem, as indeed there is, with the very high number of home invasions and home burglaries, the Government should be looking at why this is the case. It should not be seeking to give people the opportunity to take the law into their own hands and take whatever action they wish, as long as they believe it is reasonable, to confront and accost those persons who break into their home. We should not be encouraging that kind of behaviour. We should be seeking to tackle the cause of Western Australia's outstandingly high level of home break-ins. Despite all the huffing and puffing that the Liberal-National coalition engaged in before the last election about how it would solve this problem, the truth is that the Government knows it has not solved the problem. Crime has not decreased and the level of break-ins in Western Australia remains one of the highest in the country. Why is that the case and what can be done about it? The most obvious reason is that the rate of clean up of those sorts of offences stands at 11 per cent. Most of the persons who commit those offences know that they have an 89 per cent chance they will not be caught and nothing will happen to them. To seek to amend the Criminal Code at some future stage to make it easier for home occupiers to take their own action against invaders is a highly irresponsible response to that problem. The colloquial view that I hear, and I do not have any figures or evidence to support this, is that since the changes to the pawnbroking legislation there has been a slight decline in the number of home burglaries and break-ins and the previous ready source of video recorders, CD players and televisions that were pawned for cash has to some extent dried up. If that is the case, I am delighted. I am extremely pleased that has happened. On the other hand, I also hear colloquially that the converse of that is that service stations, pharmacies and shops have become the soft target for armed holdups. Those people who previously might have sought to burgle homes and take the goods to a pawnbroker are now more likely to be holding up service stations and pharmacies. That is of enormous concern. It shows the impact of making a small, superficial shift which does not tackle the underlying problems.

My conversations with the community police in my area tell me that their view is that something like 90 per cent of people who commit those offences want the cash for drugs. That suggests that until we tackle that problem, we are just shifting the emphasis. I do not believe that seeking to highlight a future review that will give home occupiers the chance to use greater force against those who enter their property seeking to steal will solve the problem, if the problem is people seeking ready cash to provide themselves with drugs. That is the problem we must tackle. I am pleased that we have tackled the issue of pawnbrokers, although I think that needs further work. I was interested in

the comments of a magistrate in South Australia who said he wished that members of Parliament could sit in his courtroom and hear how often Cash Converters is mentioned, to induce them to take some action. Recently we saw cases where some people took strong action against those who had invaded their homes. In two or three cases that action resulted in death; in one case a young boy, in another case an older male. In any event, we should not be seeking to promote or to encourage anyone in the community to think that they are entitled to take that kind of action. I have not been surprised that whenever there have been debates about capital punishment, for example, even those people who support capital punishment have always referred to it as being reserved for the most heinous crimes, such as serial murder. Yet those who promote the notion that people should be able to use any kind of force they like against someone who enters their home, are effectively saying it is okay to kill somebody for burglary.

This Bill takes a very superficial approach to some very serious problems in the community. I hope that the Minister representing the Attorney General will outline to the Attorney General our concerns about changing the kind of reasonable belief a person should have before exercising force. I do not have time now, but I wanted to discuss the fact that the Opposition has flagged its solution. I do not say that we have not considered the problem of home invasion. It is no solution to encourage people to take the law into their own hands and use whatever force they think fit. That aspect has been outlined by the Leader of the Opposition and I will not canvass it again.

[The member's time expired.]

MR RIEBELING (Ashburton) [4.40 pm]: A number of amendments proposed by this legislation cause me some concern. I hope that the Minister representing the Attorney General will be able to allay my fears about some of the changes mentioned in his second reading speech. It appears that the changes in jurisdiction outlined in the legislation are mainly based on an attempt to save costs.

Mr Bloffwitch: To reduce waiting lists.

Mr RIEBELING: By changing jurisdictions? As the member will know, one way to reduce waiting lists is to increase the number of judges. However, the Government appears to have no appetite for that. In this case, instead of sitting waiting at the District Court people would wait at the Court of Petty Sessions. The number of offences committed will not change, because only the jurisdiction will change. The judiciary will be told that certain offences will now be considered not so serious -

Mr Bloffwitch: That is not fair!

Mr RIEBELING: It might not be fair, but that is what this legislation will do.

Mr Bloffwitch: The legislation outlines the differences between the charges. This House has agreed that in certain circumstances it was necessary to address that.

Mr RIEBELING: I do not agree with the member's comments - basically because I do not understand what he said. Currently, the more serious offences are dealt with in the higher jurisdiction and the less serious ones are dealt with in a lower jurisdiction. The effect of this legislation will be to place the serious offences in the lower jurisdictions. Therefore, the judiciary will receive the message that this Parliament considers the offences are not as serious as they once were. That will occur when the jurisdiction is changed. The member for Geraldton appeared to indicate that would not be the case. If it is not the case, the solution would be to increase the number of judges in any jurisdiction in which an offence was to be heard. The Government has not decided to take that path.

One of the most hypocritical aspects is the amendment to section 68 of the Criminal Code. Initially the Government was not very keen on the amendments to the firearms legislation, but it has taken the kudos now and supported those changes. Nationally, it has been stated that in this State we need tougher gun laws. I am sure that members of the National Party would disagree with those sentiments. However, almost at the same time this Government is introducing amendments to section 68 of the Criminal Code, which deals with going armed in public so as to cause terror. On the one hand the Government says that certain firearms are illegal and it wants to reduce the incidence of people causing terror, but on the other hand it seeks to reduce the penalties for people going armed in public to cause fear. If that is not a mixed message to the judiciary and the public, I do not know what is. Perhaps the Minister will be able to explain why it was necessary to reduce the penalties under section 68 -

Mr Prince: A misdemeanour, liable to imprisonment for two years -

Mr RIEBELING: Perhaps the Minister can explain how the tough stance on the new gun laws matches the amendments to the Criminal Code.

Mr Minson: They are not related.

Mr RIEBELING: So, the penalty for using a firearm should not be connected to the firearms legislation! I thought that was the argument run in a national campaign by the Liberal Party throughout Australia -

Mr Trenorden: You are wrong.

Mr RIEBELING: I must have been listening to the wrong television station as John Howard bellowed his support for the new legislation. While he was outlining the national legislation, this Government was proposing reductions in penalties for going in public to cause fear! That is how hypocritical is this Government.

Mr Trenorden: The Criminal Code is applied to people who break the law in a criminal way. The gun laws are all about the control and registration of guns.

Mr Minson: The member for Ashburton is bizarre.

Mr RIEBELING: The Minister is bizarre. That legislation is all about offences and controlling guns; it is about creating penalties for people using guns unlawfully. This section in the Criminal Code deals with that sort of offence. People can roam around with guns, as occurred in Halls Creek recently and in Paraburdoo. If the people involved think that those offences are misdemeanours and should be dealt with in the Court of Petty Sessions, they are wrong. Offences that cause terror and involve firearms should be dealt with in the District Court. Those offences should not involve a summary conviction. A summary offence can be dispensed with by a simple fine or a short term of imprisonment.

The Government indicates its hypocrisy by introducing these amendments, when another piece of legislation will be introduced soon. When will we be debating the gun laws?

Mr Minson: In a couple of weeks, I suppose.

Mr Prince: I think it will be a few weeks yet. Responses to the Green Paper have come in, and they will be attended to. The matter will return to Cabinet, but it will be a couple of weeks before that happens.

Mr RIEBELING: I will be interested to hear what the Minister for Police has to say about people carrying guns in public to cause fear. I am sure he will mention that aspect in his second reading speech on the new, uniform gun laws in October.

Mr Bloffwitch interjected.

Mr RIEBELING: If the member thinks that these offences and the gun laws are not related, I am sorry for him.

Mr Bloffwitch: I did not say that. You said that the national gun laws related to the Green Paper. The Green Paper was around long before the national gun laws were discussed.

Mr RIEBELING: I do not wish to debate that. It does not make sense. The member should make a speech about this legislation, so that we can hear what he thinks.

This legislation is an endeavour to stitch up the lack of support in the judiciary, by changing legislation so that the offences dealt with in the higher jurisdictions - those which cost more to deal with - are removed to the lower jurisdictions to be dealt with by magistrates.

Another aspect of this legislation which concerns me greatly is the proposed abolition of the right of appeal against committal decisions. On numerous occasions, appeals against committals have been successful. Recently a member of this House was affected in that way: An offence was alleged and after many months of trauma the offence went to committal and the magistrate, as magistrates generally do, rubber stamped the committal proceedings -

Mr Prince: You should be careful about that. You have made an adverse comment about the judiciary. I do not think that is the sort of thing you should say. You have impugned the intellectual vigour of a member of the judiciary.

Mr RIEBELING: It has been my experience in years gone by that very little consideration in the committal is given to the merits of the argument. The vast majority of committals go through without much thought, on the basis that what the prosecution puts before the courts is correct and with little argument being considered.

Mr Prince: Hang on! That is the nature of the hearing. It is only the prosecution's case.

Mr RIEBELING: That is right. The Minister is saying that a decision on that is non-appealable. I am saying that recent evidence exists that appeals on those decisions are successful.

Mr Prince: Very rarely. The Chief Justice has said that we should abolish the right of appeal. You can understand why the Chief Justice says there is not much point in having the right of appeal.

Mr RIEBELING: I would take it one step further. If we remove the right of appeal, we should make it a purely administrative decision so that if an incorrect decision is made, an appeal can be made to the Administrative Appeals Tribunal to determine whether that process was correct. We should not take away a person's right to appeal in our legal system. Our whole legal system is based on the right to appeal against a judicial decision. There has always been argument that a committal is not a judicial decision, but an administrative decision. However, our system is structured such that it is considered to be a judicial decision and appealable through that mechanism. If we leave the process, which is suspect, in place, and take away the appeal process, we destroy a part of our justice system.

I agree with the Minister that it makes economic sense to incorporate the changes in this legislation. However, does it make sense when we consider that the justice system is supposed to provide for the people of Western Australia? If we take the law of natural justice from our justice system, what is left? In my view there is not a great deal left if we destroy the basic premise on which the system is structured. In this set of circumstances, if we rely on the infallibility of magistrates to determine the correct decision in this area of law, why not expand it to another? It would cut down the workload.

Mr Prince: There is not an automatic right of appeal. For example, in a trial by jury, there is not an automatic right of appeal from the verdict of the jury. You are fundamentally wrong in what you are saying. We are talking about the quasi administrative system of looking at the prosecution case to see whether it warrants going any further. That is what the preliminary hearing does.

Mr RIEBELING: If that is the problem the Minister sees in the committal system, he should fix it. However, until he does that, he should not alter the solution to the problem if one occurs. Even if only one successful appeal occurs in five years, that person should have the option for that remedy.

Mr Prince: Then the Director of Public Prosecutions issues an ex officio indictment and the person winds up going to trial anyway.

Mr RIEBELING: Possibly. We must then rely on the DPP to do the right thing.

Mr Prince: He is; he is prosecuting people before a jury.

Mr RIEBELING: I thought you just said that the DPP could be relied on to nullify the prosecution if there was insufficient evidence.

Mr Prince: The DPP has the right to either bring an ex officio indictment or to not proceed at all, irrespective of what may occur at the preliminary hearing or what the result of the appeal might be. I think you are making the preliminary hearing into something bigger than it is.

Mr RIEBELING: It is difficult to explain to people who face a committal hearing that what the Minister says is correct; that is, that they should not have to worry about it.

Mr Prince: I have explained it to them; you have not.

Mr RIEBELING: I am positive the Minister has. I have seen lawyers do exactly that. However, if an error is made by a magistrate when considering a committal, a system of appeals should be in place, because it is heard in our court system. Whether it is correctly heard in our court system or whether it should go to an administrative tribunal is a different matter. If the Government set up under this legislation a tribunal of, say, three judges to consider whether evidence involved in a particular case was sufficient to go to the District Court, I would support it.

Mr Prince: We are bound by the rules of natural justice.

Mr RIEBELING: The Government is no longer bound by the laws of natural justice. It proved that in the fines, penalties and infringement notices enforcement legislation in which it legislated specifically to remove natural justice from the principal Act. It is doing that also with summonses. As a lawyer, the Minister would know that, and as a Minister of this State he would no doubt have heard of the problems the fines enforcement procedure is causing and how the denial of natural justice in that legislation is impacting adversely on thousands of Western Australians. It is legislation that was flawed to start with and, in my view, it remains flawed.

The amendment mentioned in the Minister's second reading speech to address the need for justices of the peace or the Clerk of Petty Sessions to sign the summons form is well overdue.

Mr Prince: Do you have any problem with the Supreme Court and District Court jurisdiction change?

Mr RIEBELING: I do not have a problem with that, other than that I think the changes to sections 323 and 324 are ironic. In today's climate the dealing with sexual offences of those types should remain in the higher jurisdiction.

Mr Prince interjected.

Mr RIEBELING: I understand that, but it is not based on whether this Parliament considers those offences serious; it is based on an economic need.

Mr Prince: It is based on the fact that justice delayed is justice denied.

Mr RIEBELING: That is true, but the way to solve that is to appoint another judge, which would cost X hundreds of thousands of dollars.

Mr Prince: That may well occur anyway, but it is not the whole answer to the question.

Mr RIEBELING: No, but it is one of the solutions which does not need to be addressed if -

Mr Prince: It is a little silly having the Supreme Court available to deal only with wilful murder and rape charges and the District Court dealing with absolutely everything else. It is a logical incompatibility.

Mr RIEBELING: I hear what the Minister says and I agree that a number of offences over time go from the higher jurisdictions to the lower jurisdictions as the community develops a numbness to them. I have my doubts whether that numbness has extended to these offences, especially when law and order in our society is such a major political issue. The Government's amendments to the firearms provisions in the Criminal Code relating to people going armed in public so as to cause fear are ill timed and will not be accepted as the general view of the people of Western Australia. The Government should seriously consider withdrawing that amendment until at least after the uniform gun laws are debated in this place because in my view the Minister for Police will say the exact opposite when he stands to second read the new uniform gun legislation.

MS ANWYL (Kalgoorlie) [5.00 pm]: I rise to address a number of matters raised by this Bill. First, I certainly welcome the amendments to the existing Young Offenders Act so that the expensive white elephant sitting in the northern goldfields may be used a little more effectively. I refer of course to Camp Kurli Murri. I note the second reading speech acknowledged that presently the Children's Court to some extent has its hands tied by the extremely limited nature of the present legislation. Juveniles are simply not attending the camp as one would have hoped. Certainly the rhetoric was that Camp Kurli Murri would address the needs of the community for rehabilitation. The whole exercise is meant to be about rehabilitating young people who have committed serious offences and who have been sentenced to periods of imprisonment or detention. The initial legislation did not embody the fundamental principles of sentencing law, which are that all imprisonment and detention is to be a sentence of last resort. The difficulties created by the existing legislation have come about because the requirement has been that the offender's first sentence must be a period of detention. The current amendment will certainly do something to address that problem. I note that some inmates have been at Camp Kurli Murri. I am not entirely sure of the level of success as a result of the use of the so-called boot camp for those young offenders.

During the Estimates Committee I asked some questions. I am still awaiting answers on the precise antecedents and breakdown of the backgrounds of the young men who have been sentenced to attend the work camp. It is interesting to note that few juveniles have used Camp Kurli Murri, but some of the other detention facilities are much better used. In the goldfields a large number of people under 18 have been routinely sentenced to detention. Of more concern are those held on remand who have to be taken down to Perth by road. That creates a very considerable strain for our Police Force. We heard during question time today that sentenced prisoners are carried by the Department of Corrective Services. Juveniles are the responsibility of the general duties Police Force. Therefore, every time a juvenile has to be taken to Perth by a police escort two police officers from a fairly overworked Police Force are involved. The community then has two police officers less for two days each time a juvenile has to be transported to Perth. That is just the remand position. These are not sentenced juveniles; they are yet to receive the court's attention.

The other huge problem this creates is that police are reluctant to make the trip for the short period of time during which the juvenile is to be remanded in custody for a few days. The present legislation provides that youths can be held in police custody for up to 72 hours. Again, the harsh reality confronting those generally young policemen is

that they have to hold juveniles in police holding cells in the Kalgoorlie Police Station. This is hardly a satisfactory situation for anybody involved. Although in some ways it is preferable not to have to make the journey and stretch scarce police resources, at the same time it places an unfair burden on those police officers who have responsibility for those youths in custody for up to 72 hours.

Mr Prince: Police cells are the wrong places in which to hold juveniles. It happens in other country areas as well.

Ms ANWYL: That is true. That is why I raise the matter in the context of Camp Kurli Murri. I have listened with some interest to the speakers before me. We are talking about resources, as so often happens in this place. Here the priorities are wrong. We have a very expensive work camp which is essentially lying idle while on an almost weekly basis, as I know from my own electorate and, as the Minister says, in many other country areas, youths are being held in inappropriate facilities. Rather than Camp Kurli Murri continuing to be propped up to suit the political ends of this Government, the camp should be dismantled and the scarce resources spent in regional areas so that not only the remand problem may be cured but also youths can be held in proper facilities much closer to their families. Then there may be some prospect of rehabilitation. Camp Kurli Murri has been an expensive, unfortunate exercise. As a result of the number of people who have attended the centre, it is debatable whether any real effect has been created. I have serious concerns even with these amendments, given that many young people will be placed in the facility and have no opportunity for contact with their families because of its remote location. As I have said, it is a question of the allocation of resources. I said at the outset that I welcome the amendments, if we are to be stuck with Camp Kurli Murri, because the idea is to make it work. The first thing to do would be to get some young people into it. To date we have had no juveniles there. Having said that, the Government should cut its losses and get rid of Camp Kurli Murri and focus the scarce resources in other regional areas.

In respect of the amendments to the Justices Act and the service by post, again we are faced with the issue of the use of resources. We are talking about police having to serve summonses personally or, alternatively, as is proposed by the amendment, by post. People move around more in some areas than in others. I would hazard a guess that the population of Floreat is much more stable than that of Kalgoorlie and Boulder. If we widen the service by post to take in all simple offences, more and more people will be disenfranchised in the legal system because they will not have any notice that their court hearing is coming up. Only yesterday I had a woman in my office who was completely distraught because she had been advised that a bench warrant was out for her arrest. The bench warrant arises when somebody fails to appear in court.

Mr Prince: For shoplifting?

Ms ANWYL: I understand that it is a simple offence. However, what may appear to lawyers to be a simple offence may be extremely traumatic to someone who is not familiar with such things.

Mr Prince: They should not have committed the offence in the first place.

Ms ANWYL: Perhaps she did not; perhaps she is innocent. Is the Minister forgetting the principle?

Mr Prince: Not at all.

Ms ANWYL: People are served with bench warrants for failure to appear in court, as happened with my constituent. This caused her a great deal of distress and she was in tears in my office yesterday. It appears that the summons had been served by post to an incorrect address. This person was not aware of the hearing and failed to appear in court before the magistrate.

Mr Prince: Did you ascertain why it was an incorrect address? Was it a former address of hers? Had the change not been notified?

Ms ANWYL: That would be the most common situation; namely, a person changes address without notifying the authorities. It appears that the post office simply does not deliver mail to the outskirts of Kalgoorlie. I am waiting for a letter from the post office on this matter.

Mr Prince: Do you live somewhere to which mail is delivered?

Ms ANWYL: Absolutely.

Mr Prince: I am six kilometres from the Albany Post Office and I do not.

Ms ANWYL: The Minister refers to country disadvantages again.

Through no fault of her own, a woman failed to make a court appearance. Notwithstanding that she did not go to the lockup, the potential exists for that to have occurred through no fault of her own. Many people will be disadvantaged by the further expansion of the summons service by post. It is fine to say that it is only a simple offence. However, the reality is that the next step these days, when one is convicted of a simple offence and one is unaware of it is that, for example, one's driver's licence is cancelled. People then run the risk of being charged with driving under suspension. Plenty of those cases also come through my electorate office.

We must determine what we are trying to achieve. We need to save valuable resources but, at the same time, is this done by denying people the opportunity to be told the date and time of their hearing in court? Do we deny them the opportunity to be heard? Do we deny natural justice? It would save money to dispense with many other things, including the need to go to hearings with some such matters. The line must be drawn somewhere. It may be appropriate to draw the line at the stage of saying everybody is entitled to be found and told that he or she must appear in court, thereby avoiding the stage at which licences are suspended. As a result of fine default legislation, I understand that some 100 000 people are in that system presently.

To relate another example: People come into to my electorate office saying that they have been suspended from driving because they failed to make a payment. Sure, those people were obliged to make payment under an agreement they had with the clerk of courts. However, all sorts of situations can arise. It is very easy for us to forget, as we have resources and money in the bank, that many people live week to week on social security payments of one kind or another. However, this fellow lost his licence and the only work he could perform was driving. He could not find work. He could not pay the fine in totality as required before the licence was to be reinstated, and he found himself in a serious catch 22 situation. Again, I witnessed his distress. I suggest that potentially tens of thousands of people are without drivers' licences for all kinds of reasons.

I now address, albeit fairly briefly, the abolition of appeals; that is, the right to appeal against a committal decision. I listened with some interest to the exchanges between the member for Ashburton and the Minister for Health, who has now left the Chamber. The same old story keeps arising; that is, to say, "The Crown or the Director of Public Prosecutions can simply do an ex-officio indictment anyway, so what is the point of the right of appeal against a committal decision?" As a lawyer I represented people and observed many committal cases. A fundamental right to appeal is to be removed. It comes back to the question of whether such rights should be preserved. The possibility of the Attorney General or the Director of Public Prosecutions leaning towards an ex-officio indictment is not the point. Members should remember that committals are held only for an indictable offence; no provision is available for a committal to be held for a simple offence. This reminds me of an appeal I took to the Full Court: One of the presiding judges said that the person would have only a couple of days in gaol, but nobody should spend any time in gaol if they are not guilty of an offence. Of course, people are in gaol on remand - that is unavoidable.

It is easy for us to say that it is only a simple offence, that she was probably guilty of the shoplifting, and that the right can be removed because we could have an ex-officio indictment anyway, but that is not the point. The right of appeal has been embodied in the Justices Act for a long time. Magistrates under the pressure of their daily work, particularly in the busy central law courts or regional courts in which they are required to sit in a large number of jurisdictions, undoubtedly make mistakes from time to time. Instead of going to an expensive jury trial - we all know they are not infallible, and all sorts of possibilities come to mind - people should be able to appeal against a decision in which some error of law occurred.

We are not talking about open slather on committals. Appeals against committal decisions are rare, but that does not justify an abolition of that right, which is a fairly central principle in the criminal justice system. It is very easy for us to say that an ex-officio approach could have been taken. I have known matters in which it was found that the case was not to be answered at committal, yet no ex-officio decision was forthcoming. Thereby, tens of thousands of dollars in legal costs and economic loss were saved. It may be that people are remanded in custody when no surety is available, and so forth. The consequences of a decision of the committal magistrate can be very many and can have a great affect on people's lives. For that reason, it is appropriate to retain the right of appeal against an error of law in a committal finding.

MR BROWN (Morley) [5.20 pm]: The Criminal Law Amendment Bill represents a major reversal by the Government from a very inept Bill previously brought before the Parliament dealing with young offenders. I will demonstrate that this proposal is a major reversal and will indicate why. I will also show why it has happened. It is the result of lack of proper research before the introduction of the first proposal that was considered by this Parliament. This Bill is being considered at a time when the Government has before it a major report on the juvenile justice system and the work camp. However, the Parliament does not have the benefit of looking at that report, and it is being asked to accept changes today which have been the subject of considerable examination by former Judge Kingsley Newman.

Part 6 seeks to change the Young Offenders Act in so far as it deals with the establishment of a work camp. We know

that a work camp was established in Laverton following the promulgation of the Young Offenders Act. It is interesting to reflect on what was said by the Government when the policy decision was first made to establish a youth work camp. It is interesting to reflect on the Premier's comments. I refer in particular to an article that appeared in *The West Australian* on 14 March 1994. The House will recall that at the time there was a by-election for the seat of Glendalough and during that by-election the issue of law and order, particularly juvenile justice, was a significant matter on the public agenda. All the opinion polls indicated that the community was looking for some tough solutions in juvenile justice issues and, therefore, the Government was under pressure to introduce something new and innovative that would at least partially solve the problem. The article to which I refer states -

Premier Richard Court moved yesterday to make the Glendalough by-election a referendum on law and order, announcing the Government would introduce strict military-style camps for juvenile offenders.

"We would very much like to see a strong vote next Saturday to enable us to continue with the tougher stance that we are taking on law and order issues." Mr Court said.

He then revealed the plan for the camps - a commitment which follows last week's announcement of harsh new penalties for violent criminals and Mr Court's public backing for the reintroduction of the death penalty.

Cabinet has already endorsed the military-style camps, details of which will be released today by Attorney-General Cheryl Edwardes.

Mr Court said the camps were intended to bring some discipline back to juvenile offenders.

"The community has had a gutful of criminal activities and as a government we will try all we can to ensure that a tougher stance on law and order works." Mr Court said.

He said the camps would be in remote areas and would target repeat offenders and those convicted of violent assault.

I accept that the journalist who wrote the article quoted the Premier fairly accurately. What was the Premier saying in that article? Firstly, that the Government would establish a military style work camp for hard core, repeat young offenders and it would be for those who had been convicted of violent assault. The Premier made that commitment to the people of Western Australia. The imagery created by his statements at that stage gave the impression of a strict, military, sergeant major style boot camp, in which young offenders would do everything on the double with harsh discipline, vigorous physical exercise, hard work and other things perceived by some to be capable of instilling a sense of discipline into young people. The people of Western Australia were asked to accept that concept. The chief executive officer of this State said the Government would do that.

Of course, we know the reality of what has happened since that time. For example, we know that not one juvenile offender has gone to the work camp. We know that the criteria laid down by the legislation for sending juvenile offenders to the work camp precluded repeat offenders. We know that the criteria laid down in the legislation introduced by the Government at a later stage precluded juvenile offenders who had been previously sentenced to prison. Therefore, without exception, all the things the Premier said were untrue. Nothing he said came to fruition in the Government's legislation.

The Premier stood in this place and said the Government would do these things, but it has done none of them. Either the Premier is incompetent and he did not know what he was talking about at the time but was reacting to the opinion polls, or he knew exactly what the Government would do and he misled the people of Western Australia. It is one or the other. He either deliberately misled the people of Western Australia and told untruths or was simply incompetent in making those comments. It cannot be any other way because nothing he said at the time came to fruition. What is the reason for that? This government policy was announced during the Glendalough by-election and was made on the run without the Government having carried out any research. The Government was simply reacting to the opinion polls.

The establishment of a work camp requires considerable thought and planning. If the Government were concerned about this, it would not be a matter of reacting to opinion polls. If the Government wanted to find a solution to the problem of juvenile offending, it would not announce a policy on the run without having carried out the proper research. What research had the Government done when this policy was announced by the Premier in March 1994? I made an application under the Freedom of Information Act to access the relevant file. I wanted to know what in-depth research had been carried out and whether the Premier was talking through his hat, having taken notice of the opinion polls, or was speaking from a position of substance on the basis of research material. When an application is made under the Freedom of Information Act, a schedule of documents is provided which sets out the contents of the file and the dates of the documents. Sometimes the applicant is given access to all those documents and at other

times access is given to only some of them. What did the schedule of documents on that file indicate? The first 14 pages of the research documents were an evaluation of a high intensity training program - known as HIT - which had been examined some years before 1994 by the former Attorney General and had not been proceeded with. That was the first item on the file. The second item on the file was correspondence about the intensive training program. That correspondence was dated 8 February 1994, which was one month prior to the Premier's statements. A further report, which is undated, conveniently, appears on pages 17 to 34 of the file and is about a wilderness work camp. The file also contains a further paper about the work camp proposal, an explanatory paper, and various discussion papers. It is interesting that all of these papers are undated, but they appear after 8 February 1994. It is amazing that all the papers on this file, which we have sought under the Freedom of Information Act, were prepared in the public sector, yet not one of them is dated. How convenient! The file also contains other papers.

We see that there was a flurry of activity about the issue of the work camp. No thorough research was done. The responsible Government of Western Australia made a major announcement about this major issue, yet no thorough research was carried out. The only thorough research that we think was carried out was that the Premier examined the opinion polls. He did not examine whether this proposal for juvenile offenders would work. He examined the opinion polls and responded to them by way of government policy. Therefore, this proposal was doomed from the very beginning. It would never have worked because it was never thoroughly researched. It was simply a response to public opinion polls at the time of the Glendalough by-election which said the Government needed to take a tougher stand on law and order, and particularly on juvenile justice.

The Government made that announcement, and it could not then shy away from it; it had to go ahead with that commitment, as embarrassing as it was. The then Attorney General, the member for Kingsley, then trotted off to the United States of America and came back with a very wishy washy paper that said, "Perhaps we can do this and perhaps we can do that", and she finally introduced into this Parliament the Young Offenders Bill, which proposed a work camp that was totally dissimilar from what the Premier had advocated in his misleading statement to the public of Western Australia. We were told that the work camp proposal was a good proposal because it had the following elements: Firstly, it would hold only offenders who had not been sentenced to a term of imprisonment previously; that is, there would not be the contamination factor where old hands were mixing with people who came into prison for the first time. This Bill reverses the argument that the work camp would separate first time offenders from other prisoners who were recidivist. The Government has suddenly decided that that is not such a good policy and it does not work so well; it will allow the courts to override it and to put into the work camp people who have previously served a term of imprisonment. Secondly, certain classes of offenders would not be allowed to go to the work camp because they would contaminate the others. This Bill reverses that principle. It says, "That is a nonsense. We will give the courts the authority to override and to forget about that criterion."

We see in this Bill a major reversal of policy, and anyone who has a brain will know that that was always going to be the case, because that policy was a knee jerk reaction. It has been an abysmal failure. The Minister assisting the Minister for Justice told the House today about the overcrowding in Casuarina Prison, where 480 prisoners are in a prison built for 360. What do we find at this work camp, which is the only institution which has been built by this Government and which was built for 30? The last time I asked a question in this place about that camp, it had six offenders in it. The average cost per week of keeping a detainee in the work camp is higher than the maximum cost of keeping a prisoner in maximum security in Casuarina Prison.

The one saving grace about work camps or boot camps in the United States - and they do not pretend that they reduce recidivism rates or deter people from committing crime - is that they are cheaper to run than a maximum security prison. If that is the criterion that is applied here, the Government has failed abysmally, because it costs about \$90 000 a year on current figures to keep an offender in a work camp, compared with about \$60 000 a year to keep one in a maximum security prison.

This is absolutely and unequivocally incompetent decision making. However, we can say that the Government has finally had the courage to sneak in this little Bill, but see the way it did it! The Minister said in his second reading speech that it was a suggestion from the Children's Court. He said, "It is not my suggestion. I think it is working well." It costs us a fortune. It is a joke. It has been an abysmal failure from day one, and it continues to be an abysmal failure. I agree with the member for Kalgoorlie that the Minister representing the Attorney General should have had the courage to say - I have a bit of time for the Minister, the member for Albany - "We are sorry. We apologise to the people of Western Australia for this huge waste, and we now realise that we have made a massive mistake. We should never have gone down this path, and we will go back to the drawing board."

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

Mr BROWN: The other question I wish to ask is: Why are we considering this Bill now given the history of this appalling mess? The Government has spent a considerable amount of taxpayers' money on the work camp review by former judge, Kingsley Newman. The Minister assisting the Minister for Justice issued a press release last week saying that the report is now in his hands and it is being considered by the Government. What are we being asked

to do in this House? We are being asked to consider this Bill when the Government is sitting on a major report paid for by the taxpayers of this State. It will not share with the Parliament that report which may recommend a series of proposals contrary to this Bill. The question must be asked: Are we in fact simply getting this Bill rammed down our throats now before the Government is forced under the Freedom of Information Act to disclose Kingsley Newman's report which may show this legislation as a farce? Even a thick punter with a four inch skull who goes to the ring and repeatedly loses money eventually realises when it is a good time to call it quits and say, "Look, I am not winning here. I will give it away." The skulls of this mob must be a lot thicker because we are still going down this track. One must ask why.

Do members know why we will spend more taxpayers' dollars on introducing different laws and why we do not have the benefit of this report from Judge Kingsley Newman before considering this legislation? It is the issue of pride; of not losing face. The Western Australian public will be pretty disappointed that we are spending considerable resources on taking this step simply so that those involved in making decisions at that time can save face.

Surely with the change of the Minister representing the Attorney General and the new Attorney General making different decisions from the previous Attorney General - we are getting different answers in the Parliament to the same questions - and the new Minister representing the Attorney General here, members opposite would at least say to their colleagues, "You have made pretty bad decisions here; we will not try to say that too much but please do not ask us to endorse them; just let them fade away and we will try to push them under the rug if we can". Unfortunately we have seen Cabinet solidarity working and people prepared to support past poor decisions in the Government's performance concerning this issue.

With those few observations I look forward to debating that aspect and other provisions of the Bill in Committee. I am disappointed that we are doing that at this time because I thought that the change in the composition of the ministry might mean we would be debating legislative proposals based on their relative merits rather than based on trying to save face for past, poor decisions.

MR CATANIA (Balcatta) [5.40 pm]: In my short address on this Criminal Law Amendment Bill I refer to the Minister's second reading speech. It states that the Bill is largely concerned with addressing issues of access to justice. It points to the five areas where that access will occur. Point (1) states that the Bill enlarges the jurisdictions of the District Court in relation to serious sexual offences. As the Minister states in the body of the speech, the backlog of offenders particularly sexual offenders will now be able to be dealt with concurrently in both the Supreme and the District Courts.

This amendment gives the perception that the Government is dealing with a large number of sexual offenders. As a result of this legislation, the District Court will have jurisdiction to deal with a huge backlog of offences.

Mr Prince: The District Court has jurisdiction over most of them already, but a few it does not.

Mr CATANIA: It does not have jurisdiction over sexual offences, but it will have under this legislation.

Mr Prince: It has jurisdiction over most sexual offences but not all.

Mr CATANIA: I agree with the Minister. He stated it in his second reading speech and he is stating it tonight. Rather than considering the reasons so many sexual offences occur and ensuring that there are fewer assaults, the Minister is saying we should expand the District Court's ability to deal with them. I refer to the number of sexual offences that have gradually increased over the past three and a half years.

Mr Lewis: Come on, you are saying we are to blame for the increase in sexual offences.

Mr CATANIA: The Minister is obviously not dealing with the causes. In 1993-94, there were 931 serious sexual offences. In 1994-95 there were 1 088. There was a 21.5 per cent increase in 1995-96.

Mr Prince: How many occurred sometime ago? There is no doubt that in the past 10 years we have had the very healthy result of people reporting things that occurred in the past that would previously not have been reported.

Mr CATANIA: That proves that what I say is correct. There is a staggering increase in the number of sexual offences. The Minister is saying that, as a result of this Government's legislation, we will increase the jurisdiction of the District Court to deal with those charges. That is this Government's reaction to the staggering increase in serious sexual assaults in this State. The Minister knows that a serious sexual assault is one of the most horrendous crimes that can be done to a person.

Mr Prince: That is right.

Mr CATANIA: The only action this Government has taken to deal with this staggering increase - I say "staggering" because the increase from 1993-94 to 1994-95 is 17 per cent and 21.5 per cent in 1995-96 -

Mr Prince interjected

Mr CATANIA: If one set of statistics is a year old, the previous year's statistics will be a year old and the previous year's statistics to those will be a year old.

Mr Wiese: Do you think Germane Greer's recent suggestions will solve the problem?

Mr CATANIA: The Minister should tell me what she said. This legislation deals with the increase in sexual assaults by broadening the jurisdiction of the District Court, instead of implementing compulsory treatment for sex offenders, amending censorship laws, providing training for the judiciary to deal with sexual offences, implementing sexual assault prevention programs, and dealing with paedophiles. Instead of addressing the causes, the Government is making a mere statement - I emphasise the word "mere" - that to deal with the staggering increase in serious sexual assaults, it will increase the jurisdiction of the District Court.

The Minister referred to the protection of oneself and one's property. When the Minister delivered his second reading speech and drafted this amendment there was a community debate about the protection of people and property. He endeavoured to deal with the Criminal Code by providing safeguards and rights under which people legally could protect themselves and their property. The Minister endeavoured to clarify that. Statistics show there has been a staggering increase in burglary and home invasion in the past three and a half years and that Western Australia is the home invasion or burglary capital of Australia. It has one of the highest crime rates of burglary in Australia. Over the past three and a half years it has gone from having a middle rate to having the highest rate in Australia for burglaries. Of course, we have always had the distinction of being the State with the highest car theft rate.

The coalition wants to clarify, as the Minister said in the second reading speech, how people should deal with homeinvasion, rather than ask what are the causes. It should deal with the causes and put in place preventive programs. In the overall equation it should look at the role of the police in all of this: Programs should be put in place to prevent burglaries in the first place; more police should be put on the streets to prevent crime and to catch those who have committed a crime; and a Police Service charter should be introduced to set down minimum standards of the service expected from police when investigating crimes, especially burglary. In addition, the penalties, especially for repeat offenders, should be increased and more rights should be given to the victims of such crimes.

Before the last state election the Government promised to address the problems of victims of crime. Now we find the victims of crime are waiting two or three years to have their cases heard. The Government's only message to two areas that cause the most concern in our community - that is, home invasion or burglary and the exceptionally high trauma and concern thrust on our community, particularly our seniors - according to the second reading speech, is that it wants to make it clear how the protection of persons and property should be addressed.

The Minister did not say, as a responsible Government should say, that the burglary rate has increased to the highest in Australia and that we should ascertain the causes of that increase and legislate to protect people, especially our seniors, and to ensure that more police are available to deter and catch intruders. The legislation does not do that; it merely says that we should deal with this situation by amending section 243 of the code to make it applicable to all offences, instead of only arrestable offences. This change allows people whose home is being invaded to make a decision, if they choose, that they are being invaded for the purpose of an offence, violent or otherwise. They are then able to take whatever action they choose to defend themselves and their property. Rather than making it clear, this legislation is sending the wrong message. This Government should be saying that it is determined to stamp out or to reduce the number of burglaries in Western Australia because it has the highest rate in Australia.

This Bill does not give the message that the Government is determined to tackle crime by way of prevention, thus ensuring that next year one in 12 homes in Western Australia will not be invaded. More than 100 000 Perth homes were the subject of a burglary or home invasion during 1994-95. More than 60 000 of those were reported to police. However, the clean-up rate for those offences - this is not addressed by the legislation - is very low. Only 12 per cent of the reported cases was solved last year.

Mr Minson: How can you legislate for clean-up rates?

Mr CATANIA: Does the Minister want the definition of "clean-up rate"?

Mr Minson: Give it to us.

Mr CATANIA: As stated by the Australian Bureau of Statistics the definition used by the Police Service is the amount of crime that is actually solved. It is as simple as that. It is 12 per cent for burglary.

Mr Minson: You can't deal with it by legislation.

Mr CATANIA: It is not being dealt with in this legislation. It only alters the jurisdiction which can deal with it.

Mr Minson: It cannot be specified in legislation. Don't be ridiculous!

Mr CATANIA: I am not saying that it should be set out; I am agreeing with what my colleague the member for Morley said. The Government should allow this legislation to slide off the Notice Paper and just forget about it. It does not deal with what it is supposed to address; that is, the staggering increase in sexual assaults, burglary and home invasion. The Government is not addressing any of that. This legislation merely increases the jurisdiction of the District Court to deal with those problems. The Government is not saying that it will put more policemen on our streets to walk the beat in an attempt to deter crime; that the penalties should be increased; that next year it will try to reduce by half the number of homes in this State being burgled from the one in 12, a total of 100 000; or that it will reduce by half the number of sexual offences. The Government has not set itself a target. It is only putting bandaid measures in place by increasing the jurisdiction of the District Court.

I refer to the comments of the member for Morley about the power of the Children's Court to sentence juveniles to go to the boot camp. The Government should have let this Bill slide off the Notice Paper because it does not deal with the core of the problem of the increase in the crime rate. According to the words of the police, people in our society in Western Australia are more violent today than they were last year or the year before that. When we are amending the criminal law, we should do so in a way that deals with the problems that exist, rather than tinker at the edges and merely increase the jurisdiction of courts and their ability to send juveniles to boot camps.

Sitting suspended from 6.00 to 7.30 pm

Mr CATANIA: Prior to the suspension I said that the Government and the Minister should be addressing the escalation of crime, particularly sexual assaults and home burglary, rather than increasing the jurisdiction of the District Court to handle this escalation. The Government is really missing the point that crime in Western Australia has increased, and particularly in those two areas. Serious sexual assaults have increased by 21 per cent over the past three and a half years and Western Australia has the highest rate of burglary in Australia. The only reaction by this Government is to increase the jurisdiction of the District Court to be able to handle this escalation in crime. It is doing that rather than addressing the causes, giving the police more resources, and encouraging the police to walk the beat as they do in countries such as the United Kingdom, which has programs to deter crime. This Government's reaction is to tinker at the edges and to say, "We have a problem, our courts are cluttered. We need to deal with our juvenile offenders and we need to expand the jurisdiction of the courts." It should be increasing the penalties severely for horrendous crimes such as serious sexual assaults and it should be promoting the perception that those hoons who commit an assault, particularly sexually assault, will be dealt with more severely. The law should provide maximum gaol terms of up to 20 years. Let us not give any reason for people to believe other than that we will treat them in a very serious and determined way by providing very harsh penalties. Instead of doing that and encouraging the perception that we will be serious about these crimes - and what is probably the most traumatic crime, especially to the seniors in our State, of home burglary and home invasion - the Government has introduced changes to the judicial dealings. It should be introducing initiatives to deal with the causes of the problem.

As I said, the incidence of serious assaults is up 21.5 per cent, common assaults are up 9.2 per cent, robberies are up 17.2 per cent and assaults against police themselves are up 15.8 per cent. The Government's saying that this is how it will deal with this escalation in crime in Western Australia is an indictment of the way it is dealing with law and order in this State. I stress, as my colleagues have stressed before me, that the Government and the Minister should look at this Act and perhaps bring in amendments. If the Minister took the advice of the Opposition, he would let it slide and start afresh in relation to the areas that are concerning the people of Western Australia more than anything else; that is, assaults on the person and home invasion. Those issues should be dealt with not by tinkering at the edges and allowing the courts to deal with them but by introducing penalties, deterrents and a harsher approach to those criminals.

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

Mr CATANIA: The Opposition has made these points time and again and has brought out various discussion papers. Our investigations show, and our constituents have stated to us quite clearly, that the penalties for burglary and home invasion are not sufficient to deter or to deal with those criminals who are prepared to invade our houses, our privacy and our person. This Government is not facing up to its obligations by providing that protection and the perception that the protection is adequate to deal with the escalating crime rate that we are experiencing in Western Australia.

In conclusion, although this Bill makes a number of necessary changes, it does not deal with the causes of crime and how to deter crime in Western Australia. Unless the Government is prepared to deal with that it is no use bringing into this House changes that provide only an increase in the jurisdiction and ability of the District Court to deal with serious sexual offences. As the Minister stated in his second reading speech, it enables the Children's Court to have more flexibility in determining which juvenile offenders can be sent to the Laverton camp. The two centrepieces of this Bill involve tinkering at the edges; it does not deal with the real causes of crime in Western Australia. It will not do anything to deter criminal activity and lower the incidence of crime. The Government should be condemned because, as we have stated many times in this House, it came to the Treasury bench on the back of the law and order issue. During the three and half years that it has occupied that bench it has done very little to address the escalation in crime that police statistics reveal. Those statistics show that Western Australia has one of the highest crime rates in the nation. The Government should be condemned, rather than applauded, for introducing this Bill which does not deal with the major concerns of the Western Australian community; that is, serious sexual offences and the escalation in home invasion and burglary.

MR GRILL (Eyre) [7.40 pm]: As a lawyer I consider that one of the great scandals in Australia today is the terms upon which most citizens have access to the law. Most citizens in this country and this State unfortunately have access to the laws of the land in circumstances which are far from perfect or adequate. When we talk about the law we talk in lofty terms. Certainly, the senior law officers in this State and the Commonwealth talk in lofty terms about the law. However, most of the people affected by the law have access to it in terms which are not equitable. One would expect in Australia, with its wealth and aspirations towards equity, that people who come before the law would have equity before the courts and the law, would have the right to see justice dispensed competently, the financial ability to be represented competently, and would be allowed to have their case dealt with expeditiously. Most members in this House will agree that those standards are rarely, if ever, met. The system of economics and the system under which this country and State operate has excluded many people from the equities to which I have referred. Unfortunately this legislation, in at least one respect, furthers that inequitable situation. It also furthers the disparity between those who are rich enough to be able to afford the law and those who cannot afford the law.

Those inequities are particularly apparent and critical in the criminal arena. It is in the criminal arena where a person's liberty is in jeopardy, as is his reputation. As members will know, an arrest for criminal conviction can change the course of a person's social and economic life. At a grass roots level within the law, people should be able to be brought before the courts in a fair and equitable way and expect competent dispensation of that law. I will refer particularly to the removal of the right of appeal in committal proceedings. This legislation removes entirely that right of appeal to persons who are aggrieved by a magistrate's decision in the Court of Petty Sessions. The right to appeal against the decision of a magistrate has been in the law for a long time. It has been there for good reason and people have had access to it on many occasions for good reason. Among those persons, I rank myself. To remove that right is to inflict an injustice on a number of people who come before the courts. I am aware of the arguments which have been put forward in the Minister's second reading speech and the correspondence which has been entered into over this issue between interested parties and the Attorney General. I will refer later to some of that correspondence.

To sum up the justification put forward by the Attorney General, both in the second reading speech and the correspondence to which I have referred, it seems to stem from the aspirations of the Supreme Court and other law officers to ensure that the law is exercised expeditiously. At the beginning of my contribution to this debate I outlined that one of the objectives of access to the law by the citizens of Australia should be that their cases and the law in respect to them are exercised expeditiously. In endeavouring to ensure that the law in this arena is exercised expeditiously we are in fact throwing out the other objectives that I enumerated. The Supreme Court, in particular, has been critical of the appeal system. It has alleged that the appeal from the Magistrate's decision in a committal proceedings tends to clog up the courts and delays justice.

I refer now to the correspondence which I mentioned earlier. It is from a very well known law reformer in this State, Brian Tennant, JP, who has been involved in the law reform process for many years. I will refer to a letter which he wrote to the Attorney General, Hon Cheryl Edwardes, on 22 November 1995. The Minister's second reading speech in this matter was read in this House prior to that date and I made a copy of it available to Brian Tennant. He had previously expressed to me a concern about the proposal to remove the right of appeal from the Justices Act and the Criminal Code. He knew I had a particular interest in this subject.

After I made a copy of the Minister's second reading speech available to him, he came to Parliament House and jointly he and I composed a letter which he sent under his name to the then Attorney General. The letter commences with "Dear Cheryl" - he addresses her somewhat intimately, but I understand that he has a fairly good relationship with her. The letter reads -

I have read your second reading speech in respect to the above mentioned Bill which is currently before the House.

Whilst I congratulate you for some of the amendments you are making to our laws, I am deeply concerned at the removal of the Defendant's Right of Appeal, against a Magistrates decision to commit them to Trial.

This is an unwarranted erosion of an accused's rights and it appears to be justified by you, on very narrow grounds. You cite the Chief Justice in *Parker V Taylor* in suggesting that the right of Appeal should be abolished on the ground that it could waste scarce judicial resources. That in itself is not evidence and there appears to be no other evidence that the courts are being clogged up with such Appeals.

Your speech also suggests that the DPP's power to present Ex-Officio Indictments, renders ineffective, any order made on Appeal. It is most unlikely that a DPP would exercise that right, in other than very exceptional circumstances. If that process were taken to its logical conclusion you would abolish committal proceedings altogether, on the very same grounds, that is, they could be overridden by the DPP's Ex-Officio Indictment power.

On the other hand, committal proceedings if properly conducted, can act as a sieve, which prevents cases unnecessarily going to Judge and Jury, and thereby actually streamlining and expediting the judicial system. However the proceedings at the Magistrate's level need some proper supervision by the Superior Courts. Without such appeal there is no such supervision.

That is the very core of the argument I am putting forward this evening. Without that appeal there is no effective supervision of the process conducted by the magistrate. I will also be saying later in my speech, if I have time, that, quite often, the process conducted by the magistrate even where there is a right of appeal is defective and in some cases sadly defective. The letter continues -

I am aware unfortunately, that some Magistrate's take a very cavalier attitude towards committal proceedings. One particular Magistrate, boasts, 'that it is a waste of time bringing committal proceedings before him', as he has not yet failed to commit.

I could give the House the name of that magistrate as could a number of other solicitors, lawyers and barristers around town. However, in deference to the profession, I will not give that name. The letter again continues -

There are other Magistrate's that adopt similar attitudes, and without the checks and balances of the Right of Appeal, committal proceedings, which many accused take very seriously could develop into a farce. Our judicial and political system works reasonably well, because of the various checks and balances. I would strongly urge you not to remove this 'Right of Appeal', on the very slender evidence presented to date.

Before I close, I would like to make some comment, on the DPP's unfettered right to present an Ex-Officio Indictment. A number of innocent people, have unnecessarily been put through the trauma and expense of a full Judge and Jury Trial, as a result of the unwise exercise of this unfettered right. In Victoria the DPP has the help of an advisory panel, and I believe that before any removal of an accused's right of Appeal is considered, thought should be given, by you, to the establishment of a prestigious Advisory panel. Such a 'watchdog', could also lead to a more fairer and expeditious judicial system.

Yours sincerely

Brian G. Tennant

The SPEAKER: Order! I did not interrupt the member while he was reading the letter although I thought the first part was a very lengthy direct quote. At the stage I thought I would rise, the member broke off and made other comments. For the benefit of members, it is not appropriate to read long extracts from a book, a letter or the like. If they wish to do that, the practice in the past has been to break the quote with other discussion or comment or to paraphrase it and then come back to it. I think the member just did enough to do that. However, members should take note of that.

Mr GRILL: Thank you for the advice, Mr Speaker. I hope the other members do take it up. I would like now to refer to the reply. It is a fairly short reply so I will not run into the problem to which the Speaker has referred. The reply came back on 18 December from the then Attorney General, Hon Cheryl Edwardes, who said -

Dear Brian -

Once again it was addressed fairly intimately -

Thank you for your letter dated 22 November 1995 concerning the provisions in the *Criminal Law Amendment Bill 1995* relating to the abolition of the appeals against committal decisions.

This proposal was discussed at length with the Chief Justice, Director of Public Prosecutions, the WA Bar Association and the WA Law Society's Criminal Law Review Committee all of whom are supportive of the proposal.

Both Victoria and Tasmania have expressly abolished the right to appeal from committals and ACT legislation does not include a right of appeal from decisions to commit within the exhaustive list of situations where an appeal may lie.

Even though this right of appeal will be abolished, the remedy of declaration will still remain available to defendants where the Magistrate's jurisdiction to proceed to committal is in question or where the information of complaint discloses no offence known to law.

As I indicated to you recently, the Office of the Director of Public Prosecutions, and specifically the Director himself, retains the full confidence of the Government.

Thank you for bringing your concerns to my attention.

The question about evidence that such appeals were clogging up the courts and delaying justice was not covered in that reply. Therefore, as far as I know there is no evidence to support the major contention being put forward by the Government on this issue. Mr Tennant wrote again to the present Attorney General on 27 December 1995 expressing his concern about the legislation once again. I will not read that letter. He received a reply from Hon Peter Foss, the present Attorney General, by letter dated 13 March. In that reply the Attorney General goes through much of the same justification as the previous Attorney General. However, in the fourth paragraph he says -

The Criminal Law Amendment Bill 1995 will completely abolish the right of appeal against a committal decision. A separate remedy of declaration will remain available to defendants in exceptional circumstances

-

There he names the exceptional circumstances where an appeal would still lie and says -

the jurisdiction of a magistrate to proceed to committal can be questioned; it is contended that the information or complaint discloses no offence known to law; or

there are otherwise exceptional circumstances which would justify the intervention of the Courts at that stage.

There is still no justification in that letter for this issue of clogging up the courts or delaying the judicial process. However, it still allows an appeal under exceptional circumstances.

Prior to the suspension for dinner, I spoke to the Minister handling this legislation in this House, Hon Kevin Prince, and I questioned this matter of an appeal. He confirmed that the right of appeal was removed almost entirely and a literal reading of this provision indicates that. I will not go into the detail of this section because that would really involve me in remarks I will make in a Committee speech. However, clause 39 of the Bill amends section 184 of the Act by inserting a new subclause (3) which states -

A decision by justices to commit a defendant for trial may not be the subject of an appeal under this Part.

It appears on the face of it to dispense with an appeal. By way of interjection from the Minister for Aboriginal Affairs, and by inference in the letters I have read from this Attorney and the former Attorney, it would appear there still remains, probably under prerogative writ, some right by way of obtaining a declaration that in exceptional circumstances there remains an appeal.

For some time now the Supreme Court has allowed appeals from a magistrate, where that magistrate has decided to commit a defendant to trial, only in exceptional circumstances. The status quo in the law is that in most circumstances appeals do not lie. I hoped that in amending the law the Government would accept the position where the present de facto situation is codified and appeals remain in exceptional circumstances. However, this provision - the Minister can enlighten us later - seems to go a long way further than that to remove the right of appeal altogether. That appears to be contrary to that which was contained in the Attorney General's letter that I read out a few minutes ago. I am somewhat at a loss to know exactly where the Government stands on this issue; whether it stands by the

advice given to Mr Tennant by the Attorney General in that letter or whether the appeal is being removed altogether. If a form of appeal remains, simply by virtue of the issue of prerogative writ, any defendant who wants to appeal must adopt a very expensive and much more circuitous process that, I suggest, could not be exercised by an untrained defendant in his own right. Many defendants are forced into a situation where they prepare their own documentation in an appeal. I suggest that it would be beyond most defendants to prepare a prerogative writ. I do not know where we are with this legislation, and the Minister might elucidate on that shortly.

I indicated that I had some personal experience with matters of this kind. It is no secret to this House or to anyone in Western Australia that I faced some charges relating to stealing from my campaign account. That was a particularly traumatic period in my life. Unfortunately, that process has not finished, investigations into my personal affairs appear to be ongoing. That episode was lengthy, taking something in excess of two years; it was traumatic for my family. It was also very hard to ascertain from the police, once I was arrested, the nature of the charge. My lawyers wrote to the police officers handling the matter on three separate occasions requesting to know the basis upon which the charge was laid. Letters came back from the police handling the matter - no doubt on advice from the Director of Public Prosecutions - that all would be made clear in due course. Time went by, and matters were not made clear. We reached the day of the committal proceedings and the rationale for the charge was still unclear. We went into the committal proceedings flying blind. During the committal proceedings the very nature of the charge was changed verbally by the prosecutor from the DPP's office in his opening speech. He conceded that it was an impossibility to endeavour to prove that I had stolen money from the donors, and the charge in its framing would need to be changed so that it was alleged I was stealing the money from my campaign committee. My QC and lawyer were taken by surprise, and they expressed that shock and concern to the magistrate.

The argument took place over a day or two, interspersed with discussions with the police which alerted them to matters which entirely exculpated me. However, that is not the point at this stage. We went right through the committal proceedings on the basis that the DPP's office would have a final look at this charge; however, that was on the basis that the original contention by the Crown - namely, that I had stolen from the donors - was no longer valid and the nature of the charge would be changed. Notwithstanding the fact that the crown prosecutor made that absolutely clear to the magistrate, and my QC then acted on that information and argued the case on that basis, the magistrate in her competence - I could use another word - found there was a case to answer on the very basis of the proposition abandoned totally by the crown prosecutor at the commencement of the proceedings. That was an astounding situation. My understanding was, for a whole range of reasons, that the DPP's office was informally reviewing the whole matter and would withdraw the charge. Time moved on and that did not happen. I was forced into appealing to the Supreme Court knowing that the Supreme Court would not entertain an appeal unless one could prove exceptional circumstances. The court had no problem in finding exceptional circumstances.

That was the first hurdle I had to overcome in the appeal. The appeal process is in two phases; firstly, one must obtain leave to appeal where one must satisfy the judge of the Supreme Court there are exceptional circumstances; and, secondly, the argument in the appeal itself. In the final analysis we did not need to go to the second stage because the DPP withdrew the charge in the interim - that was after some months. It clearly demonstrated that the competence that we look for in the Magistrate's Court was not there. I believe people should be protected in that situation. The only possible way in which people can be properly protected is to allow an appeal.

I would not have had that right of appeal if this legislation had been in place at that time. In the face of that clear potential for injustice where unfortunately the State needs to rely on magistrates at a lower level who are not always as competent as they should be, we need to fall back on the right of appeal. I know that the Government may argue that the DPP will exercise that right to appeal in a de facto sense - that is, in the sense that the DPP would review the case - however, I do not think that is always true. Unfortunately, a de facto informal appeal in those circumstances is an appeal from Caesar to Caesar; that is, the very people who are prosecuting are the people who will exercise that discretion at the end of the day. I realise that the Director of Public Prosecutions has very wide discretion in respect of the issue of indictment. However, there are certain fetters on that discretion. This process of appeal is a major fetter. I do not believe the DPP would proceed with a case or issue an indictment where the Supreme Court had found that there was no case to answer. If the DPP did, he or she would have to justify himself or herself in explicit terms. It is a check and balance, and a fetter on the open discretion.

In the absence of some overwhelming evidence that in fact these types of appeals are clogging up the courts or delaying justice, the Government should not go down this path. If it wants to go down this path, it should take the halfway house I have mentioned and follow the advice given to Mr Tennant by the present Attorney General in the letter to which I have referred - namely, to retain the right of appeal in exceptional circumstances.

At dinner I made an informal plea to the Minister handling this matter. I do not know if he has the ability to take up that matter. I wish he could. If he cannot, I hope he can refer it to the Attorney General for some discussion later on.

Mr Prince: I shall.

MR D.L. SMITH (Mitchell) [8.12 pm]: This Bill amends the Criminal Code in a number of respects. It is disappointing to me that when Bills of this kind are brought before this House we have very little explanation of the background to them and on what research the decisions regarding changing the code are based. In this case the second reading speech runs to just over three pages of *Hansard*. If one wanted to know the research that lies behind the amendments, one could find no evidence of any research in the second reading speech. Indeed, the explanations given for some of the amendments are almost trite. When dealing with an area as important as the Criminal Code in relation to law and order, due process and the presumption of innocence when people come before the courts we deserve much more than this from both the Minister and the Government.

The second paragraph of the second reading speech lists five principal objectives of the Bill. The Minister's speech includes a sixth objective, extraterritorial jurisdiction. One page of the three pages of *Hansard* is devoted to the question of extraterritoriality - not to other matters referred to in the first five objectives. The first objective relates to the backlog of cases in the Supreme and District Courts. We are all aware of the grave backlog of cases in both courts. Indeed, we are seeing examples of that with Mr Bond's trial only just having been completed even though the events and background of the trial arose more than four years ago. It is a great pity that cases of that kind, and of the kind that are to be heard in February, can hang around in the District or Supreme Courts for four or five years before being brought to finality. It is an illustration of the grave backlogs in our Supreme and District Courts.

I remind the House of what I have said a number of times both when in government and since this Government took over. If we want to deal adequately with the backlog of cases in the courts, the first requirement is to ensure that we keep up the number of judges required both at the Supreme and District Court levels. This Government is being miserly about new appointments and both increasing the number of judges and doing something real about dealing with the accommodation problems that the District and Supreme Courts have to ensure an adequate number of courts in which the judges can sit. That backlog is creeping into the magisterial courts. We need a couple of extra appointments at magisterial level - one of which should be based in Bunbury. I will return to that point shortly.

The solution, in part, for tackling the backlog comes under two headings in this Bill. One is that the cases that previously could be dealt with only by the District or Supreme Court are now to be dealt with by the District Court or the Magistrate's Court. In effect they are being made available for summary trial and being dealt with summarily at the Magistrate's Court level. That is an important change because in a way it will be seen by some people as downgrading the seriousness of some of the offences being dealt with. For instance, a number of sexual offences under the Criminal Code previously have been the sole province of the Supreme Court. They will now be dealt with by the District Court. A number of sexual offences previously the sole province of the District or Supreme Court will now be dealt with summarily. As a result, the penalties for some of those offences have been reduced for the offences which are dealt with summarily. That has given rise to substantial disquiet in the community, and the impression that this Government in a way is soft on sexual crime. That is not the impression we should be creating. I would like to see in the second reading speech some explanation regarding why those offences were chosen to be included in those which can be dealt with summarily to try to reduce the workload of the Supreme and District Courts. I would like to know how many of those sorts of charges are dealt with each year by the District and Supreme Courts. How many of them are dealt with on a plea of not guilty? How many days of court time does each category of offence take up? There is no such analysis in the second reading speech. I doubt whether there is a substantial analysis of that kind which I think should lie at the heart of the changes aimed at trying to reduce the backlog. The question must be asked whether there might have been other categories of offences that could have been dealt with more appropriately by remitting them to the jurisdiction of the Magistrate's Court rather than tackling this line of offence.

The vast majority of offences still are offences against property - breaking and entering, stealing and the like. It is true some stealing offences can be dealt with summarily but many offences which should be dealt with summarily are not, because of the value limitations involved in the decision about whether they can be dealt with by the Magistrate's Court. Quite often, an offence involving \$12 000 or \$13 000 arises from simple facts and is not likely, in many cases, to lead to imprisonment, but still must be transferred from the Magistrate's Court to the District and Supreme Courts to be dealt with because of the value limitations that are included in the code that define what offences can be dealt with summarily. The Government would have done much better by looking at the upper limit of values and examining whether most simple breaking and entering, without violence to a person - or when no-one was home - could not be dealt with summarily. That would have given us a much greater saving in District and Supreme Court time, rather than unexplained changes being made in relation to a number of sexual offences. We must recognise that as we devolve the more serious sexual offences from the Supreme Court to the District Court, it will result in more work for the District Court. We must recognise also that as we devolve to the Magistrate's Courts the sexual offences and other offences that are dealt with by this Bill, the workload of those courts will increase.

I want to use this opportunity to remind the Minister handling this Bill that Bunbury is desperately in need of a second

magistrate to be permanently based there. The magistrate there is exemplary. He covers all the jurisdictions in a special way - from matrimonial to civil to criminal. He works himself very hard. However, very often visiting magistrates attend Bunbury, with all the problems that visiting magistrates create through part-heard matters and the like. Bunbury has reached the stage at which a second magistrate could be based there. If in the initial stages it is found that there is not enough work to do, he could do relief work in the metropolitan area or relieve other country magistrates who are on holidays, for example.

Mr Prince: I am aware of the circumstances you describe. I am more than happy to take them up with the Attorney General.

Mr D.L. SMITH: That may involve some re-examination of the available accommodation at Bunbury. It is a sad fact that in Bunbury the District Court and Supreme Court sit almost continuously.

Mr Prince: And the Family Court.

Mr D.L. SMITH: Yes. A number of trials in the Supreme and District Courts have received national notoriety because of the nature of those cases. It is time we considered whether in some of the larger regional centres - I identify Bunbury and Kalgoorlie as the first two that should be considered - the workload of the District Court has reached the stage where there should be resident District Court judges who are able to deal with the matters and who could perhaps do some of the country circuits that are required in other areas of Western Australia. Essentially, I would like to see in this Bill an identification of exactly what the workload of the Supreme Court and District Court is at present; what kinds of offences they are involved with; and how many of those offences lead to imprisonment and how many do not. On the basis of that I would like the Bill to have gone out for community consultation on whether the community would have an objection if some of the categories of offences that currently must go to the Supreme Court or District Court were devolved downwards. If this Government had invited public comment on whether cases for these sexual offences should be devolved downwards with lesser penalties, I do not think that by and large the community would have been happy with the outcome that has been presented to this Parliament as a *fait accompli*. However, I believe a number of the other matters that occupy so much of the Supreme and District Courts' time could be transferred downwards.

Another area in which we should consider reform is in guaranteeing almost that people who plead guilty to offences at the earliest possible time but who then must be passed on to the District Court or the Supreme Court for sentencing will not be imprisoned at the first plea of guilty and that the imprisonment will not start until the Supreme Court or District Court deals with them. If there were a statutory guarantee of that, many of the matters that lead to pleas of not guilty, for no other reason than people are concerned that their clients may be held in custody until they are dealt with by the Supreme or District Court, would simply dry up.

Mr Prince: There is an element of judgment in the sense that one can always advise one's client that the prospect of going to gaol is almost inevitable and that it is better to go to gaol because credit is taken on the sentence.

Mr D.L. SMITH: I believe in many cases people are pleading not guilty and must go through the committal stages for no reason other than they think there is a risk of their client going to gaol pending the plea of guilty and finally being dealt with by the superior courts. That happens in many cases where there is little likelihood of a sentence of imprisonment being imposed by the Supreme or District Courts. It is one area we will have to deal with delicately and with all the concern we should have for the community's protection. However, at present complexities are involved in the decision both as to whether to plead guilty at the earliest possible opportunity or to enter a plea of not guilty and change that plea en route to the District or Supreme Courts at a later stage. It is an area the Minister, the Government and the courts should examine to see whether we can seek reform.

Members do not need the personal experience of the member for Eyre to be concerned about the provisions relating to the defendant's right of appeal against a magistrate's decision to commit him for trial. In the criminal justice area I become concerned whenever we start talking about restricting the right of appeal of people who have been dealt with by the criminal process. We should still have some regard for the fact that people should be presumed to be innocent until they are proven guilty. That should include serious consideration at magisterial level about whether a person should be committed. There is a tendency for overworked magistrates almost to say on occasions that people seem to have a fairly solid defence, but that in the end they will have the opportunity to argue that defence before a judge or jury, so they will commit them anyway and leave them to make that argument in that other arena. I am not saying that this is a deliberate thought process of the magistrates; however, in my view there is a varying degree of attitudes among the magistracy. Some of them think that on this sort of matter they should not make a decision when there is not enough evidence to send the person to trial, and that even though it is a relatively weak case, it should go up and the judge and jury can deal with it in the appropriate manner when it gets there.

In those cases where the magistrate makes a mistake and commits to trial when there should not be a committal,

especially in more technical areas of the law, it is an essential protection that the person who is aggrieved by a magistrate who makes a wrong decision should be given every opportunity to have that decision reviewed at the Supreme and District Court level as expeditiously as possible. I am seriously concerned about the changes that are being proposed in relation to that right of appeal. As has already been said by, I think, the member for Kalgoorlie, it is not enough to say that if the magistrate rules the wrong way, the Attorney General can take out an ex officio indictment. Indeed, it is an argument against doing what we are doing here. If a magistrate makes a decision with which the Director of Public Prosecutions is unhappy, he or the Attorney General has the opportunity to issue an ex officio indictment; they are not worried about magistrates making an incorrect decision. However, if the mistake is not against the Crown, but against the accused, that person has no opportunity to have that decision reviewed.

Mr Prince: You are demonstrating a singular lack of faith in the trial process.

Mr D.L. SMITH: If a person on the facts and on the law obviously has a substantial defence to a case, it should be dealt with by the magistrate at that level, rather than being put through the expense, cost and trepidation of a trial.

Mr Prince: I am sorry but I think you are fundamentally mistaken in your view of the preliminary hearing. No defence is offered.

Mr D.L. SMITH: The preliminary hearing is an opportunity to test the evidence.

Mr Prince: It tests the prosecution case, and that is it.

Mr D.L. SMITH: Yes, and in the process it sees whether even on the prosecution case alone an adequate defence can be made out and no committal to trial should be made.

Mr Prince: No.

Mr D.L. SMITH: The process is what the Americans call a grand jury indictment.

Mr Prince: It is not.

Mr D.L. SMITH: It is. Evidence is supposed to be examined to see whether a sufficient case is made to warrant going to trial. In my view that process should be retained. On the very rare occasions when there is an appeal against the decision of the magistrate as to whether there is sufficient evidence, that right of appeal should be retained. Again, if we were arguing this in terms of the efficiency of the courts, where is the information in the second reading speech of how many appeals were made from such rulings last year, the year before and the year before that? I doubt whether more than three or four appeals of that kind, if that many, are made each year. By eliminating that right of appeal the Minister will not be saving much on procedural expediency but he will be seriously affecting the rights of the individual who would satisfy most magistrates that there was insufficient evidence to commit that individual for trial.

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

Mr D.L. SMITH: I have two areas of concern, one of which deals with the question of persons protecting themselves and property. This Government has been in office now for nearly four years, yet this legislation is only tinkering with the rights of people to protect their person and property. The Minister had the cheek in his second reading speech to say that a detailed review is to be undertaken in the longer term of the provisions of the code relating to the subjective/objective test to be applied concerning people's rights to protect themselves. He is not saying that a detailed review is underway or that one will be undertaken in six months; what its terms of reference will be; or when the amended legislation might be before the Parliament. All he is saying is, "We are tinkering with it now and the detailed stuff we need when examining this whole question of the rights of people in protecting their homes against intruders or themselves or their families against people who may be threatening violence is to be left to some future time."

Mr Day: What do you think should be done which is not being done?

Mr D.L. SMITH: The review should have been undertaken and completed by now. This Bill should be dealing with matters which will be the subject of a detailed review. It is not good enough for a Government elected on a law and order platform to protect the community to come before this House just prior to an election and say, "We have thought about it, but it is too hard and we will have a detailed review after the election. That will be one of the promises we will take into the next election."

Mr Day interjected.

Mr D.L. SMITH: As has been said by the Minister, the current subjective tests are very difficult for the general public to understand. We must have a better codification of the tests to be applied by individuals when deciding whether to take action to protect themselves and in what circumstances they might be found guilty of an offence. It is a difficult area with which I have struggled. We do not want to encourage people to be vigilantes or have them shooting people simply for entering a property to ask for a drink of water. However, there are valid issues when someone has entered through a window and has a brickbat in his hands. What are people's rights to prevent that person? The tests in the legislation at the moment are very subjective. The issue must involve community consultation because we must understand the community's view about tests. We must have tests which are easy for the community to understand so that when we have completed the drafting we can go back to the community and say, "These are the rules which will apply. Can you handle them if you are trying to make a decision when a burglar is in a room with you and your wife or the like?" It is time we stopped talking about this sort of issue and got on to the detailed work to make sure these rules are clear so that people are able to protect themselves in proper circumstances but not able to take the law into their hands and harm people when that should not be occurring.

Another area is the question of the juveniles, the Young Offenders Act and the power of the Children's Court to sentence juveniles to the work camp at Laverton. The member for Morley has dealt with this issue at some length. I do not want to repeat much of what he had to say. The work camp was introduced without very much forethought as a platform for the Glendalough by-election. It is clear from the way it was rushed out and the lack of explanation forthcoming from the Attorney that the decision was made on the run. No-one had a clear idea of how it would work. The Government later spent in excess of \$1.5m setting up the Laverton camp and came to the Parliament with the legislation, which was debated at length. We on this side said constantly that under the criteria of the work camp the Government would not get many people up there. That has proved to be the case. The Laverton work camp has not played any role in having an impact on juvenile crime or young offenders in this State. It has been a very costly capital and recurrent cost exercise. With this Bill we have a degree of tinkering with that naive scheme, which will have no substantial impact on the level of juvenile crime or the rehabilitation of juvenile offenders. It is time, if the Government is serious, that it acknowledged that this idea of work camps is wrong and that the money spent on the work camp should be spent on proper rehabilitation and training programs within the institutions in which juveniles are already being held in the metropolitan area. We all know that our success rate with recidivists among juveniles, especially serious repeat offenders, is not very substantial. We must review our whole detention system for juveniles to ensure that a much stronger rehabilitation ethic exists in those institutions than is currently the case. That will require substantial expenditure of money which could be found simply by abandoning the whole work camp concept. All juvenile institutions used to have a method of getting young people out into country areas for three and four week programs as part of their sentence to an institution in Perth. A number of those programs were quite successful. They gave those juveniles a real opportunity to build up their self-esteem and social skills by dealing with the people who took them on bush trips and other people who went with them. Those sorts of casual experiences for appropriate groups are much better than remote work camps, which have proved to be a complete failure.

The other matters dealt with by this legislation purport to be procedural problems experienced in bringing people before the court. It deals, among other matters, with the question of arrest and summons and the ways in which summons and return dates of summons can be changed. I do not argue with any of that - it is really peripheral stuff. It will not result in changes to the workload of the courts, but it will save some paperwork that the police and court staff currently handle when service is not effected prior to the return date. I do not argue with the changes, although I am concerned about the method of service and other such matters.

One must always ensure that if a person is brought to court for a traffic or criminal offence, a guarantee is given that the summons was properly served and that the person properly understands the detail of the charge. In that way he or she can decide whether to plead guilty by post or to turn up in court. We will comment in detail on these points during the Committee stage.

Finally, how successful has this Government been in law and order? I was interested that another attitudinal study was presented to the Parliament by the Premier relating to some polling the Government conducted in June of this year. This is the fifth wave of polling the Government has done on various issues, including law and order. If one compares the result in the metropolitan area of the past and the fifth wave of polling, one sees there is no discernable change; that is, it appears that the people in the metropolitan area are neither concerned that crime is getting worse, nor have any appreciation that the Government has done anything about it. However, in the country areas the reverse is very much the case: The fifth wave of polling demonstrates that country people feel not only that this Government has not brought crime under control, but also that crime under this Government is out of control. People in country areas are increasingly worried about the level of crime in their communities. This should signal to the Government that more police officers and rehabilitation and youth programs are needed in country areas. Also, we must consider the kind of preventive programs needed in country communities to allow country people to go back to the former secure feeling that crime is a city problem, not one with which we must live every day.

MR PRINCE (Albany - Minister for Health) [8.42 pm]: In responding briefly to the second reading debate, I thank members for their contributions. A succession of speakers - I think six - raised a number of matters. I shall refer to

the longer and more detailed speech of the Leader of the Opposition as the opposition lead speaker in the second reading debate. In dealing with matters in the order he raised them I trust it will cover most of the points raised by members opposite.

First, he raised the question of a subjective/objective test in respect of a defence of a person on property. The test is under review at the moment by the Crown Solicitor's office. As the member for Mitchell said, it is conceptually and pragmatically a difficult area which requires a certain amount of thought before any substantial change is made. Work is being done now in that regard, certainly not with any undue haste, and it will be carefully considered before the matter is brought any further forward.

Regarding the question of home invasion, the amendment proposed in this Bill is to change the definition of "dwelling-house" to "dwelling" with a consequential minor change in understanding which simply will bring the matter into line with the common understanding of dwelling as a place which people inhabit.

The substantial change to the section of the code is to permit a householder to suspect reasonably that a person will commit an offence, regardless of whether it is a simple offence, a misdemeanour or an indictable offence. It is a technical application which is important to lawyers. Most people have no idea of the distinction. In this context, to a large extent the distinction is totally artificial. The householder should be satisfied that the person entering his or her house is doing so with the intention of committing an offence, regardless of whether it is indictable. The householder should be satisfied that an act of a criminal nature is intended to be perpetrated, and that is the reasonable conclusion which the householder must satisfy before using reasonable force to prevent that occurrence. That is the proposed change in this Bill.

Regarding home invasion, as it is generally termed, the drafting under way at present to amend section 401 of the Criminal Code, as announced, intends to create new offences of burglary in places of ordinary human habitation with a maximum penalty of 18 years' imprisonment; provide that burglary committed in circumstances of aggravation is to receive a maximum penalty of 20 years' imprisonment; and provide a penalty of imprisonment or detention in an approved centre when the person has two or more previous burglary convictions. That information has been made public. It is in hand and it will be introduced in a little while into the Parliament by the Attorney General. That proposal is similar to that which the Labor Party has put out in some of its policy documents. In some respects it goes further.

What is spoken of here was drafted last year and was intended to correct a technical distinction which could have application in a particular case. It was intended to fix up that technical distinction while the home invasion question was looked at in a more overarching way.

A report was prepared by Judge Kingsley Newman regarding camp Kurli Murri. The Ministry of Justice is in the process of assessing the report, and in due course no doubt it will be considered by Cabinet. Amendments to the Young Offenders Act, which have been in existence for some time and are before the House, will give discretion to superior court judges and the President of the Children's Court to determine which juveniles can be considered for placement in the camp. That amendment was considered to be desirable last year. It is part of the legislation before the House, and it is a pity it was not here and dealt with a great deal sooner. However, that is the intention and effect of the amendment before the House. Members raised the greater question of camp Kurli Murri, the background and future of which is not really the subject of the legislation before the House. However, I can understand members taking the opportunity to canvass those matters. The legislation is simply to empower the Children's Court President, Deputy President and superior court judges to have greater discretion in the use of the facility.

With regard to summons by post, I listened with interest to the remarks of a number of speakers in this area. The member for Kalgoorlie recited a personal experience of one of her constituents. All of us who have been in legal practice would have a similar experience we could relate with past clients or present constituents. Nevertheless, in excess of 100 of our laws provide for summons to be delivered by post. For example, under the Electoral Act, Firearms Act, Health Act and Fisheries Act summonses are sent by prepaid registered post that is certified. I accept there are difficulties in some parts of the country where mail is not delivered as it is in suburbia. Were it within my power, mail would be delivered wherever the person lived as it is in suburbia. I reiterate an interjection I made to the member for Kalgoorlie: I live six kilometres from the post office in Albany and I do not have a mail service, a sealed road or a reticulated water supply. I appreciate the point made by the member for Kalgoorlie that in some circumstances the service of summons by post is problematic at worst, but a significant number of Acts provide for that currently. This is an extension of that and is probably a much better way of dealing with the matter rather than bench warrants being issued.

With regard to sexual offences under sections 321 and 322 of the code, they were in the original version of the Bill as presented in the other place and the clauses were removed by the Attorney General during debate in the Legislative Council in May or June this year. Much has been said about summary hearing and, to a certain extent, perhaps

unintentionally, in a misleading sense. Summary hearing can occur only when a magistrate considers the circumstances of the offence are such that he or she can deal adequately with the alleged offence presented in the Court of Petty Sessions. The magistrate must be satisfied that the alleged offence can be dealt with by the court. If the magistrate is not satisfied, given that the penalty able to be imposed by a magistrate is less than that which can be imposed by a superior court, the magistrate should not deal with the matter and it should be referred to the superior court. This empowers a magistrate with the discretion to consider the seriousness of any particular allegation or, on a plea of guilty, the facts of any case before him or her. This discretion exists in many other areas of criminal law, and most magistrates in my opinion take it very seriously. If the offence is not so serious that the magistrate must send it to the higher court but decides to deal with it, that can happen only at the election of the person accused. There is significant protection of the community both by the magistrate having that imperative to be satisfied that he or she can deal with the matter adequately, and also by the accused person electing to be so dealt with. It may be that the accused will elect to be so dealt with but the magistrate decides not to do so because of the seriousness of the offence. There are other examples of this superior court and summary jurisdiction where that happens quite frequently. It is highly unlikely that any Court of Petty Sessions would impose a different penalty for minor offences than would have been handed down in the District Court. If a magistrate determined to impose a penalty that would be significantly less than that imposed in the District Court, the magistrate must determine in the first place whether he or she can adequately deal with the matter. Summary jurisdiction does not reduce the penalty for the offence; it simply enables any case to be dealt with summarily where the circumstances permit.

With regard to the right of appeal, I listened with interest to the comments on this matter and particularly to the member for Eyre, who referred to his personal experience. I make a number of observations. First, no-one doubts that the Director of Public Prosecutions has the ability to issue an ex officio indictment, irrespective of the decision of the magistrate either to commit for trial or not commit for trial, and in my experience does so reasonably frequently, and not in the form the police originally preferred. The DPP can issue an ex officio indictment in those rare occurrences where the magistrate has not committed for trial. In one case in which I was involved the matter was thrown out of committal, the Director of Public Prosecutions issued an ex officio indictment in exactly the same terms and lost the trial. I grant that it does not happen very often, but it happens sometimes. The DPP also has discretion to present a nolle prosequi before the superior court if an indictment has been issued, and the power and right not to proceed. The member for Eyre's case is one in which the DPP has decided not to proceed. Where a person is charged with an offence that can be dealt with only in petty sessions - in other words, it does not go through the filter which is the preliminary hearing or committal process - the person accused knows nothing about the charge other than that written on the complaint or summons. The person accused cannot necessarily find out anything about the evidence to be presented other than by grace and favour from the police or by order of the magistrate at some stage with regard to the particulars of the case, which is usually not a complete statement of what can be alleged and brought in trial. The vast majority of cases are dealt with in petty sessions, and the process is such that the accused person appears to a large extent unknowing of the strength of the prosecution's case or the details of it. That system of justice has been in place for a long period and, by and large, it works well.

Why is there a preliminary hearing? It is purely and simply a filter so that cases where there is no ground to proceed to a superior court do not go further. The test is that the magistrate must decide whether or not a reasonable jury, properly directed, could convict. It is not the same as any other form of prima facie decision making process. It is certainly not a trial of an issue, but is a hearing at which a magistrate determines, on the evidence he or she hears, whether a properly directed jury could reasonably convict. It is at best a quasi-judicial exercise and, as such, one questions whether there should be any form of appeal because it is nothing more or less than a filter. Given that the DPP, now constituted as a separate and independent body - quite rightly - has the power to issue ex officio indictments, one must wonder whether there is any point providing that right of appeal. I refer to some of the matters I mentioned in the second reading speech. Committal proceedings do not finally determine the matter. The DPP may present an indictment, notwithstanding a discharge in committal. The High Court has recently stated that that power of the DPP to present an ex officio indictment renders ineffective any order made on appeal. It is all very well to talk about the power and right of appeal, but an order on appeal does not prevent the DPP from issuing an ex officio indictment. Consequently, there is little point in an appeal. Scarce judicial resources are wasted in hearing and determining appeals, the outcome of which may be overridden by the DPP. Although arguments are made that the appeal process is a check and balance on the way in which magistrates behave and on the alleged capriciousness of some magistrates, the way in which our laws and processes have evolved the DPP's powers, as remarked on by the High Court and the Chief Justice of the Supreme Court, render the whole question of appeal problematic and of little value. There have probably been very few appeals. They have mostly been for accused people with great material wealth, or access to it, who can afford expensive legal representation and have been able to argue these matters. They are not taken up by the overwhelming majority of people who appear in criminal courts. In other words, it is proposed to abolish the appeal that exists under section 184 of the Justices Act, which is of course an appeal granted by Statute and not by any other way.

This does not abolish the remedy of a declaration, which is still available where a magistrate's jurisdiction to proceed is in question, nor does it abolish the ability to go to the higher court where the information presented to the Court

of Petty Sessions or the complaint discloses no offence known to law. Those grounds for appeal are preserved and still exist, and whether they are taken by prerogative writ or otherwise is the procedure. The right of appeal, as it were, that exists under section 184 of the Justices Act will be prescribed. As I said, on balance the right of appeal is of little value, other than in perhaps extraordinary cases where people have the means to do so, probably for reasons best known to themselves.

The Director of Public Prosecutions said in his statement on prosecution policy and guidelines that he must be satisfied, if he proceeds with an indictment, that there is prima facie case, that there are reasonable prospects of a conviction, and that the public interest will be served in proceeding with the indictment. A magistrate, in determining on a preliminary hearing, does not have to consider those things. He has to consider only whether a reasonable jury properly directed could convict - not would - and in doing so he almost inevitably hears only the prosecution case, and then not necessarily all of it.

It is a filter process, it works effectively as a filter process, and I see no great problem in principle or in practice in removing the appeal. In fact, the indictment process is totally new in respect of the processes starting with the charge. Both Victoria and Tasmania have expressly abolished the right of appeal from committal; the Australian Capital Territory legislation does not include the right of appeal; and the Northern Territory, Queensland and England allow appeal but only on very restricted grounds.

With respect to the change in jurisdiction for some sexual offences from the Supreme Court to the District Court, for all purposes there is no difference, and I point out to the member for Thornlie that the penalties remain the same. We are dealing with a trial by a judge and jury, whether in the Supreme or District Court; and with the changes in jurisdiction over the years, that jurisdiction of the Supreme Court at first instance, which it has exclusively, has been confined to the most serious of aggravated sexual assault charges and wilful murder. Virtually everything else can be dealt with in the District Court; whether it is dealt with in that court is determined by the availability of judicial resources. Therefore, there appears to be a very artificial distinction in the sense that only some sexual offences, and wilful murder, must be dealt with in the Supreme Court, but everything else, including, for example, offences which relate to illicit drugs, which can command sentences of up to 20 years, is dealt with in the District Court. District Court judges in the country on circuit often have temporary commissions as Supreme Court judges to deal with what would otherwise be exclusive matters in the Supreme Court, because it is expedient to do so, because it gets the administration of justice moving, and because people will be brought before a court to face their accuser and to have their trial earlier than would otherwise be the case. I have no problem in saying that the quality of the judgments and judges in the District and Supreme Courts in this regard is exactly the same.

Most sexual offences are already dealt with in the District Court, and the amendments will simply allow the District Court to have a concurrent, not an exclusive, jurisdiction with the Supreme Court in dealing with exceptional and extreme sexual offences.

With regard to treatment programs in prison, I am informed that the Ministry of Justice has received additional funding and it is being used, in part, to provide programs and to reduce recidivism, and some of those funds are being used to provide additional programs for sex offenders. I have mentioned already that the objective/subjective test in one of the chapters of the Criminal Code is being looked at by the Crown Solicitors' office. The whole issue is being discussed through the model Criminal Code officers' committee, which has been looking at the matter for a considerable time.

The member for Ashburton raised section 68 of the Criminal Code - going armed in public so as to cause terror - and said that it did not seem to be appropriate that there should be a summary conviction. I point out again the remarks that I made earlier about summary penalties. It can apply only where the magistrate is satisfied that he or she can deal with the matter adequately and where the accused person elects that the matter be dealt with summarily. The magistrate must take into account the interests of the public, and particularly the circumstances of the case, in deciding whether an adequate penalty can be handed down, before he or she can deal with the matter summarily, and if not so satisfied, the matter must be dealt with in the District Court on indictment. I thank members again for their contribution.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Ainsworth) in the Chair; Mr Prince (Minister for Health) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Sections 12 and 13 repealed and sections substituted; transitional provision -

Mr D.L. SMITH: Clauses 5 and 6 deal with the question of extraterritoriality. Can the Minister give some examples of prosecutions which have not been able to take place in Western Australia as a result of the current provisions, and at what sorts of offences is the Minister aiming by these extensions?

Mr PRINCE: It could apply to anything, but I suppose the most obvious example is drug trafficking, where the conspiracy to import and perhaps to sell drugs in this State would more than likely be hatched outside the State, and probably outside Australia, yet the offence is then committed in this State. It can also involve people in this State. In that sense, it is sought to amend the code to overcome what is regarded as a technical problem of extraterritoriality. No doubt it was not a problem of this nature when Samuel Griffiths wrote this in the 1890s.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Section 68 amended -

Mrs HENDERSON: I appreciate that in a series of sections of the code summary conviction penalties are being inserted. I acknowledge the Minister's previous comments that this does not necessarily mean that the offence will require that it be treated in that way. However, why was this offence of going armed in public so as to cause terror singled out? With most of the other offences discussed by the Minister in his second reading speech one can imagine very minor circumstances in which an offence could occur which might not be described as being the worst end of the spectrum. However, an element of this offence seems to be to cause terror. Will the Minister give some examples of cases where the judiciary has indicated it would be appropriate to treat it by a summary process?

Mr RIEBELING: I referred during the second reading debate to this clause which amends section 68. It is beyond me why the Government is proposing amendments to a section which deals with people armed in public when over the past few months, since the massacre in Tasmania, that type of action has been the attention of intense media focus. I think some of the polling indicates that about 80 per cent to 90 per cent of the public think this type of offence is among the most serious examples of antisocial behaviour in our community. Part of the reason for a national push for uniform gun legislation is generated by offences of this nature. I find it unbelievable that the Government is persisting with this amendment to take this offence out of the more serious range and put it within the jurisdiction of the Court of Petty Sessions when everything else it is doing is in the opposite direction.

As I said, the Minister for Police may find it very difficult to make a second reading speech for his uniform gun laws after this Government has watered down the penalties in section 68 of the Criminal Code. I ask the Minister to consider seriously withdrawing this amendment to the Criminal Code so that offences of this nature can be dealt with only in the superior jurisdiction. I would be interested to hear the Minister's reasons for the apparent double standard the Government is portraying in this legislation.

Mr D.L. SMITH: This amendment intrigued me because section 68 of the code relates to misdemeanours for which the penalty is two years' imprisonment. Although I am the first to admit that I am a long time out of the jurisdiction I thought it was a matter already capable of being dealt with summarily. If the only intention of the proposed amendment is to enable it to be dealt with summarily, I do not quite understand why we are doing it. Surely a magistrate dealing with a matter of this kind should have the discretion of using the two year penalty in any event. In some cases, such as those referred to by the member for Ashburton, six months does not seem an adequate penalty for a matter being dealt with summarily where it involves a situation that has caused terror to individuals. I am also intrigued with the general amendments. Again it is a question of my having been out of the jurisdiction for too long. Is there an enabling provision somewhere in these amendments that says that all of these matters may now be dealt with summarily, or is that implied in some way? How do we get from simply providing for a summary penalty in addition to another penalty and how does that necessarily give us the power to deal with these before the Magistrate's Court?

Mr PRINCE: I take on board what has been raised by the member for Ashburton who came in a moment ago and unfortunately did not hear what I said earlier about summary matters. I will therefore repeat it: We will not downgrade the offence simply by providing for a summary penalty. It is still capable of being dealt with by the higher court. The code provides that where a case can be dealt with summarily the magistrate must be satisfied that he or she can deal with it adequately, and the accused person must elect. These provisions are in some of the offences provided by the Misuse of Drugs Act. Even where the accused elects, the magistrate may say no. It will therefore go to the higher court.

I refer the member for Mitchell - there is no charge for the free legal advice - to section 5 of the Criminal Code on summary conviction on indictable offences for the process of how this happens.

Mr D.L. Smith: Why is it required by misdemeanours?

Mr PRINCE: There have always been crimes, misdemeanours and simple offences in the Criminal Code - crime being the most serious form of criminal act, the misdemeanour or the middle ranking and simple offence at the other end.

Mr D.L. Smith interjected.

Mr PRINCE: Originally virtually all crimes could be dealt with only on indictment, although many obviously can be dealt with summarily these days. The distinction is to some extent disappearing. By and large misdemeanours can be dealt with in either way, and simple offences usually only in the Court of Petty Sessions. For the origin of this amendment one goes back to the Murray report on the Criminal Code, which I have in front of me. This is now quite old and compares provisions in the Firearms Act of carrying a pistol at night and altering firearms and so on and refers to two years imprisonment, discharge of a firearm so as to cause fear, punishable by a maximum of \$400 or six months imprisonment or both and hence a recommendation that there should be an ability to deal with the charge under section 68 summarily. This of course was proposed before the events of Port Arthur and before, thankfully, Australia adopts uniform gun laws, which is a problem for Queensland, New South Wales and Tasmania, and before a change in perception in some of the community with respect to firearms. This section does not refer only to firearms. Being armed does not necessarily mean one is carrying a firearm. One can be armed with some other implement, whether it be a baseball bat, the traditional blunt object, a knife -

Mr Wiese: Screwdrivers are very common.

Mr PRINCE: The screwdriver, as the Minister for Police reminds me, is a common weapon. The question is whether in any circumstances imprisonment or some other penalty is called for. In the circumstances, should it be something that will be dealt with summarily? The member's comments have merit. I intend to take the matter to the Attorney General to discover his views and those of the Cabinet. I hope to be able to come back with an answer on this matter because it predates in drafting and in conception the events that occurred tragically in April. It may be that I will come back with some other answer in respect of this proposed amendment.

Mr D.L. SMITH: There are two elements to the nature of the penalties for summary conviction. One is the test that magistrates must follow in examining whether they can adequately deal with the matter of penalty. With offences of this kind, when we simply set a maximum for summary conviction at six months, most magistrates would come to the conclusion that it is not an adequate penalty and, therefore, it should be referred to the superior courts.

Mr Prince: Yes.

Mr D.L. SMITH: Whereas, generally speaking, if a conviction is likely to lead to imprisonment of less than three years, in most cases they are matters in which magistrates should have jurisdiction to impose. There are two aspects for this offence: First, with the current penalty being two years, for some cases that is not adequate, and we should be looking at increasing the capacity of the superior courts to imprison for longer periods. If the real intent is to encourage some of these matters to be dealt with summarily, we should be allowing a higher maximum sentence to be imposed by the magistrates to ensure that magistrates do not come to the conclusion that it is so low they will not deal with it.

Mr PRINCE: I take the point. I will repeat my remarks on this section, which obviously has the connotation offirearms. I understand the member's point. I will take the matter to the Attorney for re-examination in short order.

Clause put and passed.

Clause 8: Section 74 amended -

Mr D.L. SMITH: Again section 74 deals with "acting in a way to intimidate or annoy any person, or threaten, or break or injure a dwelling-house". I do not have a problem with the current maximum penalty for that. The second part is ". . . with intent to alarm any person in a dwelling house, discharges a loaded firearm", or commits other breaches of the Act. One year is no longer an adequate penalty even for the Supreme Court to deal with when someone is firing a firearm outside a house with the intention of alarming the people within the house. Whether it occurs in the day time or night time, in some cases even two years would not be appropriate. In this case we should be looking at the provision again and asking ourselves whether this is a matter which can be dealt with summarily by the Magistrate's Court. Will it be dealt with by the Magistrate's Court on all occasions? Why are we not

increasing the penalty appropriate for cases referred to the Supreme Court, and having a lesser penalty for cases dealt with summarily? In cases dealt with by magistrates, discharging a firearm outside a house with the intent of alarming people inside should carry - even in the Magistrate's Court - a maximum of two years whether the event occurs in the day or at night.

Mr PRINCE: I note the comments by the member regarding section 74 of the Criminal Code, but the Bill before the Chamber dealing with that section merely seeks consequential amendments to the expression "break or injure a dwelling house" in subsection (1) by substituting "enter or damage a dwelling"; and in subsection (2) by deleting the words "dwelling house" and substituting "dwelling". These are consequential amendments as a result of the revised definition of "dwelling" in section 11 of the code. Simply because we changed the definition of "dwelling", this is a consequential amendment. The member is addressing the substantive section of the code and asking why the penalty is relatively small, in his view; and should it not be higher. This Bill does not seek to change the penalties relating to section 74. The member's point may be valid. Perhaps it is a debate for another day when legislation comes before this Chamber seeking to amend that section.

Mr D.L. SMITH: I am not so out of touch that I cannot read legislation. I understand the intent of the amendment. The rest of the Bill is looking at the question of what matters can be dealt with by Magistrates' Courts, and what can be dealt with summarily. I think that on occasions these kinds of offences can be dealt with summarily, but, while reviewing this section by amending the definition of "dwelling", it is time to consider whether the penalty is adequate. If the penalty is to be uplifted, it should be clear that there is some alternative penalty for summary conviction, especially in relation to threatening to break the outside of a house or tearing off a door, for instance. It does not warrant someone going to the Supreme Court to be dealt with.

Mr Prince: The District Court.

Mr D.L. SMITH: Or the District Court to be dealt with summarily. These conjunctive clauses deal with serious and not so serious offences, and when considering the definition of a dwelling we should rectify the entire clause rather than deal with one aspect of it.

Mr PRINCE: That presupposes, of course, that everyone would agree with the member that there should be a substantial increase in penalty for standing outside a house and yelling out that one will break open the place. It is an example of an offence contrary to section 74(1).

Mr D.L. Smith interjected.

Mr PRINCE: Has the member been reading the Murray report on the Criminal Code?

Mr D.L. Smith: Not for some time.

Mr PRINCE: He said about 12 or 13 years ago that the penalties were not adequate and should be more substantial. Whether or not I agree with the member regarding his proposal on this section of the code - the offences it creates and the penalties it imposes - it is not the subject before the Chamber. Perhaps it could be, but I suspect it is far more appropriately dealt with in legislation that deals with the rights of home owners to be protected not only in their homes but also outside, from threats of intimidation. That matter might be subject to debate when we bring to this place legislation proposing changes relating to crimes of home invasion.

Clause put and passed.

Clause 9: Section 150 amended -

Mr RIEBELING: Not being a lawyer, I was of the view that the maximum penalty in the Court of Petty Sessions jurisdiction was three years' imprisonment and that a misdemeanour was dealt with in the Court of Petty Sessions. The reasons for this amendment to the penalty provisions of section 150 indicate that it will be a summary conviction: The penalty is imprisonment for one year or \$4 000, whereas the old penalty was three years. I thought the Court of Petty Sessions could impose a three year penalty under that section.

Mr Prince: No.

Mr RIEBELING: What is the maximum sentence in the jurisdiction?

Mr Prince: It depends on the particular offence under the particular Act. I suppose there is a general statement of three years, but I am sure there are exceptions.

Mr D.L. Smith: My recollection was that misdemeanours carrying a penalty of three years could always be dealt with by the magistrate.

Mr Prince: That is probably with respect to lore as opposed to law. As a rule of thumb, it is a good one. I have the same view on practice; however, it is not difficult to find examples where that does not occur. Under section 150 of the Criminal Code such an offence has never been able to be dealt with summarily, notwithstanding that it is a misdemeanour and carries a penalty of three years. No general rule has said that, although it has been the practice. Under section 3 of the Criminal Code there are three categories of offences - crimes, misdemeanours and simple offences. Crimes and misdemeanours are indictable - full stop. Therefore, they go to the District Court or Supreme Court.

Mr RIEBELING: The Minister said earlier that the changes to the jurisdiction did not necessarily say to the judiciary that Parliament thought these offences were of a more trivial nature than they once were. I beg to differ with that. I think this amendment gives a clear indication to the judiciary about those sections of the Act that are being amended. The Minister's second reading speech indicates that the jurisdiction in which a number of trivial offences will be dealt with is being changed so that the Court of Petty Sessions can deal with them summarily. When looking at the intent of the changes to the legislation, a Court of Petty Sessions may be led to believe that due to the penalties that will now be imposed, these offences are of a less serious nature than they were prior to these amendments. When considering the three year term that was once the maximum penalty under section 150, which is now one year, the average man in the street would think there had been a 300 per cent reduction in the degree of seriousness in the mind of this Government.

Mr PRINCE: There is a fundamental misconception in what the member for Ashburton has just said.

Mr Riebeling: In your view.

Mr PRINCE: No, in the law. The member is fundamentally wrong in what he has just said. Under section 150 of the Criminal Code the offence of removing property under lawful seizure is a misdemeanour and the offender is liable to imprisonment for three years - full stop. That is the category of offence and that is the maximum punishment provided by law. If an accused person so elects and the magistrate considers that he can deal adequately with the offence, the circumstances of which are before the court at the time, a magistrate may deal with it - he does not have to. If a magistrate does so, a maximum of one year in prison or a fine of \$4 000 can be imposed. That is not degrading or demeaning this.

Mr Riebeling: Prior to this amendment the maximum penalty was three years. After this amendment the maximum penalty summarily introduced is one year.

Mr PRINCE: No. Prior to this amendment the maximum penalty was three years; after this amendment the maximum penalty will be three years. There was previously no ability to have a summary conviction.

Mr Riebeling: That is the fundamental change. This offence has gone from being dealt with only in lower jurisdictions so that the penalty in the lowest jurisdiction brings with it a maximum penalty.

Mr PRINCE: That is right, but the maximum penalty remains the same for the offence. Where a magistrate considers he or she can adequately deal with it, and the accused person elects, it may be dealt with - not "shall" or "must". There is no reduction in seriousness or in the maximum penalty. There is a range of circumstances in the facts of any case, some of which may be appropriately dealt with in the Magistrate's Court and some of which are appropriately dealt with before a judge and/or a judge and jury. Particularly on a plea of guilty for facts which are at the lower end of the scale it is surely appropriate to empower the magistrate to deal with it if the magistrate considers that is appropriate, because it is administering justice more expeditiously, which is beneficial for the community in which the offence has been committed. It is also beneficial for the person before the court. As the member and I both know, the time it takes for a charge to be processed through a preliminary hearing or not, and to proceed through the Magistrate's Court, the Director of Public Prosecutions, indictment, the next District Court, and a circuit in the country or a session in the city is such that it can be a long time before the person can plead guilty, if that is his intent, before a District Court judge. Surely it is more beneficial for the community that, if the person is going to plead guilty or is going to be dealt with for factual circumstances that are at the relatively low end of the scale, he should be able to be dealt with much more quickly. That can be done in a Magistrate's Court.

Mr D.L. SMITH: Offences under sections 150 and 151 are the kinds of events that should always be dealt with by the Magistrate's Court. They are not the sorts of matters that should ever go to the Supreme Court. The penalties - that is, the length of imprisonment being dealt with in the Magistrate's Court - should stay as they are.

Mr Prince: Would you be in favour of summary jurisdiction for three years and \$12 000?

Mr D.L. SMITH: Yes.

Mr PRINCE: I am not. I understand the point made by the member for Mitchell. The legislation before the Chamber does not propose that.

Clause put and passed.

Clause 10: Section 151 amended -

Mrs HENDERSON: This raises an issue that was raised in part by the member for Mitchell on a previous clause. Although the Minister indicated that the myriad sections of the Criminal Code with which we are dealing tonight, which are wide and varied, have been looked at only in relation to whether they should be dealt with summarily, two sections stand out; that is, sections 151 and 172. Section 151 deals with obstructing officers at the courts of justice and section 172 deals with resisting public officers.

As I read the proposed changes to both of those, the penalties are increased substantially. They do not just allow for them to be treated under different jurisdictions. The penalty in proposed section 151 of the code has gone from one year or a fine of \$200 to a penalty of two years. Similarly, in proposed section 172 the offence has been changed from a misdemeanour to a crime with the penalty of two years increasing to three years. They are very substantial increases - 100 per cent in one case and 50 per cent in the other. I ask the Minister whether this means that all of the other many sections of the code that we will deal with tonight have been evaluated as to whether the penalty in general should be increased, or are these two sections that deal with matters relating to officers of the court or public officers in general the only ones where this matter has been considered? If that is the case, why have those sections relating to someone resisting a public officer, for example, been considered in relation to whether the penalty is adequate while all of the other matters with which we are dealing - that is, indecent dealings, indecent assaults, setting man traps, summary trial of stealing and all those sorts of things - address only the question of whether they should be dealt with summarily?

Mr PRINCE: I take that which the member for Thornlie has raised seriously. She might recall that in the Criminal Law Amendment Bill that we dealt with last year we increased the penalties for assaults on a public officer, being a police officer, prison officer or other public officer. Sections 151 and 172 should have been dealt with at the same time. Clearly it was an unintentional oversight because they do deal with public officers who are acting in the course of that office. The fine in section 151 is a penalty that has not been looked at, I suspect, for well over 20 years.

Mrs Henderson: Perhaps it is similar to the one the member for Mitchell raised.

Mr PRINCE: That is possible. Imprisonment is one thing; a fine is something that is overtaken by inflation and so on.

Mrs Henderson: You are also altering imprisonment under section 151.

Mr PRINCE: Yes, I know. It is going from one year to two, but that is in line with the philosophy behind the amendment about assault on a public officer which we dealt with last year in the Criminal Law Amendment Bill. It recognised there should be a greater degree of protection as far as the law can ever protect public officers in the execution of their duties. We changed the assault provisions. As I say, these two are part and parcel of that philosophy, that idea, that principle that was then before the Chamber which probably should have been dealt with then but were, as a result of an oversight, overlooked. That is why there is an increase from one year's imprisonment to two and, with respect to the summary conviction ability, an increase from \$100 to \$2 000.

Section 172, to which the member has alluded, again follows from the amendment we put through last year. The offence has been changed from a misdemeanour to a crime. It increases it in stature in the definition of "offence" in the Criminal Code. The imprisonment penalty goes from two years to three years with the summary conviction penalty going to 18 months or \$6 000. They follow on from the work we did last year on assaults on a public officer.

Mr RIEBELING: I ask the Minister to explain what I think is a bit of a problem with section 151. The Minister explained how in the first part of the amendment the length of imprisonment is done away with, as is the fine, and a maximum period of imprisonment is imposed. That is probably the right way to go. Then, when dealing with the summary jurisdiction, we go back to the quaint, old system where a fine must be mentioned because it is within the jurisdiction of the Court of Petty Sessions. Why is it that in the superior jurisdiction the fine is done away with, even though the capacity to fine is still there? The maximum penalty is imprisonment. Why in the lower jurisdiction is there a need to impose what the Minister said is a penalty, which due to inflation and in time will be seen as inadequate and will require amendments, when we have seen that the period of six months in the original legislation

has endured the test of time and remains the same? The point is that magistrates and justices, when reading this legislation, will know that is the maximum penalty and, as with judges, should have the opportunity to put into the monetary penalty the inflationary impact without having it set out in this manner. I applaud the Minister for taking it out of paragraph (a) of the amendment. It does not make sense not to take it out in paragraph (b) for exactly the same reasons for which I have applauded the first amendment.

Mr PRINCE: Because it is taken out in clause 10(a), which amends section 151 of the code, it follows that we now regard any form of interference with a public officer in the execution of his duty as more serious than was the case before. The option of a fine is removed and the imprisonment that is capable of being imposed goes from 12 months to two years. To provide for a summary conviction penalty -

Mr Riebeling: The fine provision has not been removed as a maximum penalty. People can still be fined. It does not mention immunity.

Mr PRINCE: All the sentencing options are open where a sentence of imprisonment is specified. It is simply saying that it is not an either/or situation; this is the maximum that can be imposed under the provisions of the Sentencing Act, which has yet to be proclaimed because these amendments must go through for that Act and the other piece of legislation to make sense. It is saying that it is more serious than an either/or situation; the penalty is two years' gaol. The Parliament is saying that the people consider that is an increase in seriousness with respect to this offence. If it is to be dealt with summarily, a sum of money must be specified because that is the way the Court of Petty Sessions operates. I speculate that some day someone will be brave enough to say that one month in gaol equals a certain amount of money and all that will need to be done from time to time is to change the amount and all fines will be updated automatically. Of course, that will not necessarily apply because there will always be some cases where a high fine is seen to be appropriate to the circumstances of the offence, particularly one that involves greed, where imprisonment may not be the most appropriate form of penalty, but a very heavy fine may be. For example, in the drugs area and perhaps the misnomer of what some call the white collar crime area, to fine someone an enormous amount of money will be a far more effective penalty upon that person than any time in gaol.

Mr Riebeling interjected.

Mr PRINCE: The member knows what I am talking about. We can find exceptions. The general rule at the moment is that six months' imprisonment is worth \$2 000. Of course, that will become out of date. We hope we never end up with what we have at present, at least under section 151 of the code, where it provides for six months' imprisonment or a fine of \$100. That would probably have been a bit low even in 1972 when I started to practice.

Mr Riebeling: I do not disagree. The imprisonment provisions in that section have passed the test of time. You haven't amended it for six months.

MR PRINCE: We do not need to.

Mr Riebeling: The only thing that has not is the fine. Why leave it there? What you are saying about no provision for fines is not right. If the maximum penalty is six months in the Court of Petty Sessions, that is the maximum penalty.

Mr PRINCE: No, one must specify it in the Court of Petty Sessions but not in the District or Supreme Courts.

Mr Riebeling: Where there is a provision for imprisonment it is also a maximum fine, unless it specifically says otherwise. It does not have to be imprisonment.

Mr PRINCE: I beg to disagree with the member.

Mr RIEBELING: I thought I understood what the Minister said right until the end of his comments. He is saying in reference to an offence that if it is a misdemeanour and dealt with in the District Court under section 151, the penalty will be two years imprisonment.

Mr Prince: It is a maximum of two years or any of the other sentencing options open under the Criminal Code or the Sentencing Act.

Mr RIEBELING: That is what I understood, and that is a fine as well.

Mr Prince: That is right. I was talking about the Court of Petty Sessions.

Mr RIEBELING: The same sentencing options are available in the Court of Petty Sessions.

Mr Prince: But there is a limit to the fine.

Mr RIEBELING: There is a limit to the fine, but the maximum penalty is defined by the Act. In this case, six months is the maximum penalty, but a fine of even \$1 000 or \$2 000 would be considered a penalty less than the six months imprisonment.

Mr Prince: The parity at the moment is that \$2 000 is roughly worth six months.

Mr RIEBELING: The parity does not matter. I am saying that when one mentions a term of imprisonment as the maximum that does not rule out other options, and it has not.

Mr Prince: In the Court of Petty Sessions it does not because the Sentencing Act applies. However, the ability to impose a fine must be given in the Criminal Code otherwise the Court of Petty Sessions cannot impose a fine. The District Court and the Supreme Court have the power under the Criminal Code to impose a fine. However, the Court of Petty Sessions can impose a fine only where it is given that power.

Mr RIEBELING: When did that come in?

Mr Prince: It has always been there.

Mr RIEBELING: It has always been the case that the Court of Petty Sessions does not have the same sentencing options as the District Court. Why does the court call for pre-sentencing reports and the like?

Mr Prince: If we have imprisonment and no option to fine, one always has the option of probation, unless one is caught by section 106 of the Traffic Act or some of the provisions of the Child Welfare Act. If there is provision for imprisonment, probation is an option, and section 19 of the Criminal Code can also be used - section 663.

Mr RIEBELING: Some magistrates would be very interested to hear that.

Mr Prince: I think some clerks of court might be.

Mr RIEBELING: The actual offences under the Criminal Code that are dealt with summarily

Mr Prince: All contain a provision stating "and a fine of . . ."

Mr RIEBELING: Where in this legislation, in referring to imprisonment, does it say that it is a mandatory penalty?

Mr Prince: There is no mandatory penalty.

Mr RIEBELING: If it is not a mandatory penalty, other options are available to the court.

Mr Prince: Yes, both under the Criminal Code and the Sentencing Act.

Mr RIEBELING: And the Justices Act and various other pieces of legislation.

Mr Prince: They will be codified in the Sentencing Act as and when it is proclaimed, which is dependent upon this legislation's being passed in this House. Imprisonment, fine, probation, bond and so on are all sentencing options.

Mr RIEBELING: And they have been for some time.

Mr Prince: Yes, but the Court of Petty Sessions cannot fine unless it is given the power to fine. If the section that creates the offence simply says "imprisonment", the Court of Petty Sessions can look to the power, for example, to impose probation, which is consensual. However, it has no power to fine unless it is given the power. Under the law, the Supreme Court and the District Court have the general power to fine.

Mr RIEBELING: That is why the Minister is saying that all of these provisions need a monetary clause.

Mr PRINCE: That is exactly right. I do not necessarily think that it is a good thing or the right way to go today, particularly when we have high inflation as we did during the 1980s. These provisions get out of date so fast and the legislative process is so slow that we can still end up with a \$100 penalty 20 years after it should have been changed. However, it is the structure of the Criminal Code and other Acts that create criminal offences, whether they be crimes, misdemeanours or simple offences. We would have to change the whole structure of criminal law in some very clever way to overcome the problem to which the member is referring. Perhaps that is for a future day.

Mr Riebeling: Yes, when we get back into power in February.

Mr PRINCE: Members opposite sat on the Murray report for 10 years, and I will never let them forget that.

Mr D.L. SMITH: I cannot let the Minister get away with the comment that we sat on the Murray report for 10 years. We actually implemented quite a substantial part of that report. I suggest that he look at the legislative program at that time and the speeches made by the Attorney in relation to it. If he does so, he will find that he is quite wrong. I am re-educating myself as I go. I have just read the Justices Act in relation to section 20, which states, in effect, that it can be dealt with by a magistrate for any offence, act or omission if such an offence, act or omission is not by the Act declared to be treason, felony, a crime or a misdemeanour. Many of the jurisdictional problems we are running into and are attempting to correct could be fixed by making a more substantive amendment to section 20 and going through the Criminal Code and removing this notion of a misdemeanour. It could be simply left to the discretion of the magistrates as to whether they should deal with the cases summarily or send them up. The vast majority of the cases that go to the Supreme Court or the District Court do not attract penalties in excess of three years of imprisonment, and in some cases the maximum penalty is not even of that magnitude.

It is unfortunate that we are, in effect, adopting a Murray approach, where we go through every individual offence and change penalties and the like. What we are looking at in these amendments is trying to expedite the handling of these matters. It appears that that is hamstrung by the fact that many of these actions are still called misdemeanours when they should be called offences. That would leave the option of the magistrate's dealing with them or including a general provision that if the magistrate did not feel he could impose an adequate penalty, he could send the case to another place rather than having all of these cases still entrenched in the other place. We are continuing on a path that really will not bring fundamental change or the savings in time and process that we are seeking to achieve, by not tackling the more fundamental issue of the nature of these offences and whether they should be dealt with summarily or by the Supreme Court or the District Court.

Mr PRINCE: I will pass on the member's remarks to the Attorney General.

Clause put and passed.

Clause 11: Section 172 amended -

Mr D.L. SMITH: Section 150 deals with the enforcement of an order of the court. Section 172 concerns generally resisting or obstructing a public officer, which of course includes a police officer. We well know that the vast majority of cases of obstructing a police officer are dealt with under the Police Act and attract a substantially lesser penalty than is considered appropriate under these provisions. When the offence is no more than resisting or obstructing a public officer in the discharge of his duty, the case should always be dealt with by a Magistrate's Court. In some cases it may require a slightly higher maximum penalty than is required here, but the vast majority of cases probably warrant a fine, and a small fine at that.

Mr RIEBELING: The Minister commented that \$2 000 approximately relates to six months. Does the Minister realistically think it is an appropriate scale? This clause provides for 18 months' imprisonment or a \$6 000 fine. If faced with the option of paying \$6 000 or being sentenced to 18 months' imprisonment, I know which one I would choose. The fines and imprisonment do not relate well because the longer the prison option the more obvious is the difference. Most people would think that \$6 000 was quite an investment if it enabled them to stay out of prison for 18 months.

Mr PRINCE: The matter raised by the member for Mitchell follows on from the changes we made last year to the offence of assaulting a public officer. They increased the status of the offence from a misdemeanour to a crime.

Mr D.L. Smith interjected.

Mr PRINCE: I am not talking about an individual but the concept we introduced last year which is demonstrated by the changes to that section dealing with assaulting a public officer which states that people in public office have the right to be protected so far as possible through penalties for in any way interfering with them, particularly by assault. Sections 151 and 172 of the Criminal Code probably should have been amended, but by an oversight were not. The offence of resisting public officers not only applies to police officers. I refer the member to the definition of public officer in the definitions of the Criminal Code. It includes a police officer, any person authorised under written law to execute or serve a process, a public service officer within the meaning of the Public Sector Management Act, a municipal officer and any other person holding office under or employed by the State, whether for remuneration or not.

Mr D.L. Smith interjected.

Mr PRINCE: It would very much depend on the circumstances of the case. I am simply making the point that public officers are not just police officers.

Mr D.L. Smith interjected.

Mr PRINCE: We debated it last year and these are largely consequential amendments. The member for Ashburton raised the matter of fines. Parliamentary counsel has a scale of three months' imprisonment or a \$1 000 fine, six months or \$2 000, one year or \$4 000, 18 months or \$6 000, two years or \$8 000 and three years or \$12 000. It is an escalating scale.

Mr Riebeling: Your reading is not appropriate.

Mr PRINCE: In that case we will be back next year with amendments.

Mr D.L. SMITH: I reiterate that my experience is that section 172 of the code is almost never used because more appropriate provisions enabling these things to be dealt with summarily are contained in legislation conferring powers on officers. In the case of police they are contained in the Police Act. Simple obstructing should not be in the code but somewhere else, or if it is to remain it should be able to be dealt with summarily on all occasions with the current maximums. Nothing more than that is warranted.

Mrs HENDERSON: When we were dealing with this issue some time ago during the debate, the Minister indicated it was a follow-on from the changes made last year. The concern expressed by a number of people on this side of the Chamber is that the Government obviously gives high priority to this issue. Last year it brought into effect legislation concerned with offences against police officers. However, as the Minister made clear tonight, this could include Westrail officers, the local council ranger and a wide range of people who could be obstructed in the course of their duties. Obstructing them in their duties could be as simple as refusing to open a front door when they called to collect a library book. Publicity was given recently to some local councils where people are called on to collect overdue library books. However, I recognise that we are talking about a maximum here and that discretion would be provided to impose a much lesser penalty. Nevertheless, my concern is what this indicates about the Government's priorities. The Minister has said the Government is concerned about home burglaries. That issue is not before us tonight and will not be for some time, yet this issue of public officers is of sufficient importance to be dealt with in a Bill which is ostensibly dealing with summary offences. The Government has taken the trouble to insert the necessary changes. Although they are harsh, I recognise they are part of the same program the Government brought in last year. The Government could have taken the trouble while going through the appropriate sections of the code to bring in its signalled changes on burglaries and home invasions. That gives a clear message to the public about the Government's priorities when drafting legislation.

Mr Riebeling: It is in caretaker mode.

Mr PRINCE: Nonsense! This matter was drafted and introduced in November last year. For one reason or another it is now before this Chamber. I wish it had been a lot sooner.

With regard to the point made by the member for Thornlie, yes, certainly, municipal officers are included. One could have the circumstance of a ranger who takes possession of dogs involved in some particularly vicious attacks. From the point of view of the safety of the public the ranger needs to do that. If the owner of the dogs obstructs or resists that public officer, it is an extremely serious matter and in the interests of the public the officer should be protected by Statute.

Mrs Henderson: There is a provision where he could shoot the dog.

Mr PRINCE: If the owner prevents the officer from carrying out his lawful duty, the officer needs to have protection. This applies particularly to corporate identities which are providing a publicly essential service, such as Western Power or AlintaGas. Officers of corporations, municipalities, councils, committees and similar bodies established by law are protected by the legislation. They are not police officers, therefore the Police Act does not apply.

Clause put and passed.

Clause 12: Section 184 amended -

Mr D.L. SMITH: This clause deals with a peculiar section of the code in the sense that it refers to acts between males which constitute gross indecency but, for example, does not deal with two heterosexuals having intercourse in public

view. It also attempts to make the same offence actually committing the act of gross indecency in a public place and an attempt to procure the commission of such an offence in a public place. Frankly, the nature of those two offences are so wide apart - that is, carrying out an act of gross indecency and that of simply attempting to procure it - that they should be separate offences with separate penalties. In any event, we should be looking at the question of whether we can de-sex the provision anyway; that is, making an act of gross indecency or the act of heterosexual intercourse in a public place subject to the same sort of penalty.

It surprises me that the notion of gross indecency in a public place should be dealt with by the Magistrate's Court, yet the provision states that a penalty of one year's imprisonment or a fine of \$4 000 is the maximum penalty a magistrate can consider. I have some hesitation in allowing the first leg of the offence in section 184 to be dealt with by a magistrate. If they are to be dealt with by magistrates, they should have available the sorts of maximum penalties currently provided in that section of the code so we can deal with those matters with the seriousness which the public expects. Again, we should look at separating the nature of the offence in section 184 and de-sexing them so that a heterosexual act and what is commonly called an act of gross indecency between males are treated similarly. If they are to be dealt with by the Magistrate's Court, the maximum penalty a magistrate can impose should be more than that considered by this amendment.

Mr PRINCE: I note that this section was inserted in the Act in 1989, I think in legislation of a past Parliament in relation to sodomy in a general sense. Some members who were here at the time may be familiar with that.

Mr D.L. Smith interjected.

Mr PRINCE: The member for Mitchell was here when it was passed. All of these provisions before the Chamber will insert provisions to permit summary convictions again when the magistrate considers that he or she can adequately deal with the factual circumstances of the case, and the accused person so elects. The range of penalty is one year's imprisonment or \$4 000, which is in line with the usual range of penalties used by parliamentary counsel in drafting legislation. It is simply a matter of inserting the summary conviction process.

Clause put and passed.

Clause 13 put and passed.

Clause 14: Section 243 amended -

Mrs HENDERSON: I again raise the question of substantive changes compared with changes which just lead to matters being dealt with by magistrates. The amendment to section 243 seems to be a substantive change. The change alters the nature of the offence. Therefore, it makes it lawful for any person to use any force necessary to prevent the commission of an offence. Presumably, that broadens the kind of offence which allows a person on reasonable grounds to use the kind of force to prevent any act being committed. It broadens the opportunity for someone to take action when someone of unsound mind is committing violence to a person or property.

Does this mean that a review was conducted of some sections of the code? Are there examples of situations in which people could have acted with force if this requirement had not been in the code that force may be used to prevent only the kind of offence for which a person may be arrested without a warrant? What has given rise to concerns about people of unsound mind committing these offences by which a wider scope was given to a person using force? It seems to be an ad hoc approach. Nothing in the second reading speech indicated any history behind this change. Were complaints made or examples given of this provision causing problems in the community generally? Has there been consultation with groups representing the mentally ill or others? Can the Minister enlighten us to the background of this change? What sort of offence are we talking about which requires the scope to be broadened for force to be used to prevent an offence being committed?

Mr PRINCE: The proposed amendment both to sections 243 and 244 of the Criminal Code arises from the Government's commitment to provide a criminal system which satisfies, and is seen to satisfy, the needs of the community, to ensure effective legislative operation, and particularly to clarify criminal legislation regarding the rights of people to protect themselves and their property.

The proposed amendment will give statutory effect to a number of the recommendations of the Murray report of 1993. The amendment to section 243 gives effect to a recommendation Mr Justice Murray released to enable the use of force to prevent the commission of an offence as opposed to only an offence for which the offender may be arrested without warrant. It is an old, and these days a highly technical, distinction which is not understood even by lawyers. It is more appropriate to say that force can be used to prevent an offence, regardless of whether it is subject to arrest by warrant. I refer to my comments to the Leader of the Opposition concerning indictable and non-indictable offences. A right should be available to use force for prevention of an offence, whether indictable or not. A person

confronted by the need to use reasonable force to prevent the offence is not really in a position to decide whether the offence will lead to the person being arrested with or without a warrant. That person should be able to ascertain quickly whether the behaviour is of a criminal nature and, consequently, the person will be able to act appropriately with reasonable force. That is the background and intent of this amendment and that to section 244. It is part of the commitment of the Government to reform and to make people's right to protect themselves more clearly seen and understood.

Mr BROWN: Section 243 of the Criminal Code reads -

It is lawful for any person to use such force as is reasonably necessary in order to prevent the commission of an offence which is such that the offender may be arrested without warrant; or in order to prevent any act from being done as to which he believes, on reasonable grounds, that it would, if done, amount to any such offence; or in order to prevent a person whom he believes, on reasonable grounds, to be of unsound mind from doing violence to any person or property.

This Bill seeks to delete from that provision the words, "which is such that the offender may be arrested without warrant." It also makes a small grammatical change.

I understand from what the Minister said, that while this is a recommendation from the Murray review to ensure that the code reflects appropriate practice, the amendment will not markedly change in any way the current rights that a person has to defend himself or his property. If the Criminal Code is to be changed in a marked way, perhaps the Minister will outline that change in detail. I understand from his remarks that, because the words used are of a technical nature and are understood by few people, the rights currently available under this section of the Criminal Code for people to use reasonable force will not be altered markedly by this change. Notwithstanding that this is a recommendation of the Murray report, have there been any instances in which people have used reasonable force to prevent the commission of an offence where the offender may not be arrested without warrant and, if so, was any action taken against the person for using such force to prevent the commission of an offence?

I am aware of publicity given to circumstances where a person has gone beyond the use of reasonable force, but in any event that does not appear to be changed by this amendment. This clause does not change the test of reasonable force, but it does change the circumstances under which force may be used. In considering the wording of the clause, one may argue that reasonable force could be used in a variety of circumstances. I understand that the circumstances will not be substantially changed by this amendment. Will the Minister indicate what effect this amendment will have on the average person?

Mr D.L. SMITH: The section of the Criminal Code, as amended, needs some explanation. Is it permissible to use such force as is reasonably necessary to stop a person from speeding in a motor vehicle, to stop a person from taking undersized crabs or to prevent a person from keeping more than three cats in a household? Why are those sorts of provisions dealt with in the Criminal Code? I understand the need to take out the notion of offences for which an offender may be arrested without warrant. It may be better to include in this clause the category of offences for which a person can be arrested without a warrant. It appears that the Bill is allowing people to use reasonable force to prevent people from committing trivial offences in a situation that has nothing to do with the Criminal Code. It extends to a range of things which were not meant to be covered. If it is meant to relate only to offences established under this code -

Mr Prince: It is not.

Mr D.L. SMITH: - it would be a separate issue. It is drawn so widely that there is more than a faint chance that we could be made to look ridiculous in some cases.

Mr PRINCE: Clearly, it does not apply only to this code. The case involving the Geraldton Fishermen's Co-op occurred a long time ago. With regard to the point raised by the member for Mitchell, it really is a matter of clarity. My adviser and I have been trying to think of the factual circumstances that could arise. We thought of the offence of driving with a blood alcohol exceeding 0.05 or 0.08 per cent. In that circumstance a person may be about to commit an offence and it is lawful to use such force as is reasonably necessary to prevent the commission of that offence. Notwithstanding that neither of those two offences would be capable of being dealt with under section 243 of the Criminal Code as it stands, surely that is desirable. There may well be other categories of offences.

The fact is that there is a technical distinction in the law as it stands between offences which incur imprisonment - therefore, that person can be arrested without a warrant - and those which do not. If a list is made, who will read it before they find themselves in the circumstance of simply trying to prevent someone from committing an offence? We are trying to clarify what people want; that is, they can use such force as is reasonably necessary to prevent the commission of an offence.

Mr D.L. Smith: You will encourage busybodies.

Mr PRINCE: I doubt that we would encourage any more than we currently have. If the object of the exercise is to prevent the commission of criminal acts -

Mr D.L. Smith: Offences of any kind.

Mr PRINCE: If we are trying to encourage people not to commit offences, surely that is a desirable result.

Mrs HENDERSON: I must admit that when I expressed concern about how wide this provision will become under this Bill, I had not thought of offences beyond the scope of this code. The Minister's comments concern me. I will give an example of one of my constituents whose neighbour has been chopping down his trees. My constituent has been extremely distressed by this and has been to the police trying to get the person charged with criminal damage. The police have refused to get involved. Under this provision, that person could take the law into his own hands. I am concerned that that is the effect of this. If a person believes that the person is committing an offence - that is, if he or she believes that damage is being done to the property by someone leaning into the property with a chainsaw, which is what was done - we could be encouraging people to use whatever force is necessary to prevent the commission of what he or she believes to be an offence.

Mr Prince: It must be reasonable force as an objective test.

Mrs HENDERSON: It is an objective test of what is necessary to prevent the offence. If the offence is leaning over the fence and cutting off the branches of someone's tree that are totally within that person's property, then using whatever force is reasonably necessary might be the force that is necessary to stop the person continuing with the axe or the chainsaw. I understand the reasoning behind it and I think the Minister is on much stronger ground when he is dealing with the dwelling house and indictable offences. However, this is drawn so widely that I can imagine the kinds of disputes one could have anywhere, including at Trigg when people take abalone illegally. Anyone could take it into his or her head to use whatever force was necessary to prevent a person from committing that offence or cutting down the trees next door. I am not sure we want to be in a position where, under the guise of providing people with the opportunity of protecting their property, we are extending into that realm. I do not think that was the intention when this matter was publicly discussed and debated. There was reasonably widespread public support for giving people clear information about what sort of force they could use legally. However, I do not think it extended to these sorts of matters.

Mr PRINCE: As far as I am aware, it has been the law for at least 100 years that a person can use reasonable force to prevent the commission of an offence where the offence that is about to be committed is one that can carry a gaol term.

Mrs Henderson: That relates to serious matters. These are trivial matters.

Mr PRINCE: There are significant numbers of offences for which there is imprisonment. There are some for which there is not. It is a technical distinction. They are all offences. All we are doing is saying that a person has the right to use reasonable force to prevent the commission of an offence.

Mr D.L. Smith: Regardless of what the offence is?

Mr PRINCE: An offence is an offence against criminal law. With regard to defence of a dwelling house, there is no doubt that the public strongly requires and demands, and the Government agrees it should have the right to use, reasonable force to prevent the entry of a house by someone who is attempting to enter the house with intent to commit an offence.

Mrs Henderson: I said there is no question about that.

Mr PRINCE: I know. The public would have no doubt about that and the public would have no doubt about this one either. Reasonable force, that is judged objectively, is able to be used to prevent the commission of an offence, whether it be an offence that is liable to arrest with or without warrant. We are removing the technical distinction.

Mr D.L. SMITH: I am not keen on sections that distinguish between people of unsound mind and people of sound mind. The last few words state "in order to prevent a person whom he believes on reasonable grounds to be of unsound mind from doing any violence to any person or property". I would have thought that it would be reasonable to use reasonable force to prevent any person from doing violence to someone and that the requirement to form the opinion that a person is of unsound mind in this context is unnecessary and superfluous.

Mr PRINCE: One would have to look into history to find the origin of this provision because I suspect it is unchanged since the code was written. If a person wished to take an axe to his shed in his backyard, that would be his right. However, if someone of unsound mind did it to someone else's shed, one would reasonably expect that the person could exercise reasonable force to prevent that from happening.

Mrs Henderson: The first part would prevent that anyway.

Mr PRINCE: I am saying that, in relation to the first part, one can do whatever one likes to his or her property. However, in relation to the second part, I can prevent a person by using reasonable force. I grant that this is something that needs to be looked at in its context. The section creates two offences. To that extent I think it is probably something of a historical anomaly that requires looking at. Certainly from the point of view of preparing new mental health legislation I shall have this in mind. I will also bring it to the attention of the Attorney General.

Mr BROWN: Constituents frequently raise the issue of their rights to defend themselves and their property. In so far as that is concerned, where they have reasonable grounds for believing an offence will be committed, this amendment provides no substantive change to sections 243 or 244. Perhaps the Minister will indicate if there is any substantive change to the rights of householders in that respect.

Mr PRINCE: The member for Morley may have been out of the Chamber when I spoke in the second reading response on the question of home invasion. That is a matter that is presently the subject of new legislation being drafted, the substance of which was announced some time ago and which will be introduced into the House very soon. That will provide for changes to the Criminal Code, particularly to section 401 to create a new offence of burglary in a place ordinarily used for human habitation. That will carry a maximum penalty of 18 years' imprisonment. Second, it will provide that the penalty for burglary committed in circumstances of aggravation will attract a maximum penalty of 20 years' imprisonment. Third, it will provide a penalty of imprisonment or detainment in an approved centre where the alleged person has two or more previous convictions. With regard to what a person can do to protect himself, the Criminal Code provides that a person may use such force as is reasonably necessary to prevent an assault on himself or on another person, particularly if that person is caring for another individual. Section 243 provides that it is lawful for a person to use such force as is reasonably necessary to prevent the commission of any offence. We are clarifying the offence which can trigger the ability of the individual to be able to use reasonable force to prevent the commission of that offence in regard to the defence of a dwelling house. It says that it does not have to be an indictable offence that a person believes on reasonable grounds will be committed inside his house. Any offence that could be committed inside the house is enough to trigger the ability for the person to be able to defend the house as long as there is reasonable grounds for believing the person will commit an offence of any nature. That is extending the right of the householder to protect himself - I am speaking about the amendment in clause 15 dealing with section 244. That will be the law when these amendments are passed.

Mr BROWN: I am interested in the Minister's comments because my constituents constantly ask me what the change means. They want to know whether it increases their rights. The legislation currently states that a person must have reasonable grounds for believing an offence will be committed, and if he has those reasonable grounds, he is able to use such force as is reasonably necessary. That provision will not be changed when the Act is amended. My constituents are most concerned about what action they may legally take if they wake up in the middle of the night and find someone standing beside their bed. They ask whether the Government has changed the law in any substantial form with regard to their homes and their circumstances.

As far as this amendment is concerned, the answer seems to be that it has not. The Minister has not explained in a way I can understand the substantive change that affects my constituents in that situation. This matter is raised with me every time I speak to people about burglaries and break-ins. They want to know their rights and I do not want to mislead them on this point. That is why I am keen to have on the *Hansard* record a statement from the Minister indicating exactly how those rights are changed in that circumstance by this amendment. In my view the amendment does not change those rights one iota.

Mr Prince: You are wrong.

Mr BROWN: Perhaps the Minister will place on the record in simple terms how those rights are changed, so that I can give a copy of *Hansard* to my constituents and they will clearly understand the change that has been made.

Mr PRINCE: I assume the member for Morley is talking about section 244 of the Criminal Code.

Mr Brown: No, section 243.

Mr PRINCE: The member gave the example of a dwelling house which is dealt with in section 244.

Mr Brown: I am referring to section 243.

Mr PRINCE: At the moment under sections 243 and 244 the person must be about to commit or intend to commit a serious offence which can land him in gaol or enable a policeman to arrest him on the spot without a warrant.

Mr Brown: That is burglary.

Mr PRINCE: No, the member should have read section 244, particularly the last line which states "whom he believes, on reasonable grounds, to be attempting to enter the dwelling-house with intent to commit an indictable offence therein". Not many people would question whether the person was intending to commit any indictable offence before deciding whether they could use reasonable force to stop it. They would ask themselves whether the person was on their property with any lawful right, and whether that person was committing, or was about to commit, some offence with some criminal intent. It comes down to that. Section 243 is similar. There is a distinction in both sections. In section 243 it must be an offence that would enable arrest without warrant, which is a technical distinction between an offence that can be punished by prison as opposed to one that cannot. An indictable offence can be dealt with by a District Court or Supreme Court judge and, in certain circumstances, by a magistrate. It is a highly technical distinction which should not be in the code, bearing in mind the way in which the world works. When people see another person about to commit an offence, they should not have to think about distinctions like this and, by and large, they do not. A person wants to be able to act reasonably, not excessively, to stop an offence being committed or, in the case of section 243, to stop an act which would amount to an offence. When section 244 is amended, people will not have to form a reasonable belief about whether the person has an intent to commit an indictable offence in their home. They need ask themselves only whether he has a lawful excuse for being on their property. If they wake in the middle of the night to find somebody standing beside their bed, of course he will not have a lawful excuse for being there and it is reasonable to conclude that he is about to commit an offence. Therefore, the householder can use reasonable force. That is a substantive change in the law as it is written, and home owners, under section 244, and people in the home and elsewhere, under section 243, will have significantly more protection in the law with respect to acts they take to prevent the commission of an offence and to defend their own homes. The member obviously was not in the Chamber when I said earlier that legislation is being drafted now to deal with home invasion.

Mr D.L. SMITH: I have no problem with the proposed amendment to section 244 and I support it in its entirety. However, I am disappointed that the Government is not dealing with the whole issue of home invasion now rather than at some time in the future.

However, in the Government's desire to do something about invasion of the home and people protecting themselves, it has proposed to amend section 243 in a most unfortunate way. I place on record that the proposed amendment to section 243 will very much encourage busybody interference in minor matters. It will lead to situations in which violence is likely to be done by one person to another because of interference in the belief that an offence is being committed. It is especially dangerous in situations involving neighbours, because the nature of the offence is not defined in any way, nor are the place or relevance of the offence to the person seeking to intervene and prevent the offence. I have no objection to removal of the words relating to arrest without warrant because that is meaningless to the general public. However, the section should at least specify that the nature of the offence involves some danger to the person or property of the person intervening or a person or property of a person who is a member of his household. It should be a narrow range of offences where clearly the person intervening thinks there is danger to him or his property, or the person or property of a loved one. I probably would not have a problem where there is a real risk of harm to a member of the public, which would cover the Minister's example of the person who is about to drive away when he is clearly incapable of driving and a person wants to take the keys or take him from the driver's seat of his car. There is no such restraint and a consequence will be to encourage busybody interference in minor matters. In some situations that will lead to more violence in the community because people will take umbrage at that interference. I encourage the Minister and the Attorney to have a serious look at what they have done to section 243 to see whether it can be amended to confine the nature of offences in which one can intervene to categories where there is a danger to oneself, a loved one, one's property, the property of someone for whom one is responsible, or to the health and wellbeing of a member of the public.

This clause is so broad that the Minister will encourage self law enforcement in situations where it is capable of creating division and dissension in the community that will lead to more acts of violence, which are the sorts of things we are trying to prevent by this sort of legislation.

Mr PRINCE: If one were to take the line indicated by the member for Mitchell so that it was limited to a threat to those categories outlined by him, one would have a broad scope. However, that would also visit onto this section the problem of deciding whether the threat fitted within certain parameters. An offence is a criminal act and criminal law is a series of statements of minimum standards of behaviour that are expected of everybody. This clause will empower people not to worry about technical distinctions which are largely meaningless to most people. It will tell them what they really think should be the case; namely, if they see someone about to commit an offence, they can intervene. If someone breaks into their house, they do not have to worry about the nature of the offence the person

may be about to commit. The fact that someone is in their house and about to commit an offence of any nature means the householder can defend his or her house with reasonable force.

Mr D.L. Smith interjected.

Mr PRINCE: We have run the two together. The member for Morley and the member for Thornlie, among others, raised the matter during debate, and I have dealt with both of them together. That should be the law, so that people are able to defend their own homes, themselves and others in society as and when they see an offence about to be committed.

Mr BROWN: I was particularly interested that the Minister referred to this as a technical distinction. What is the practical effect of this change? Given the technical distinction that has precluded individuals from using such force as is reasonably necessary to prevent the commission of an offence which was not an offence for which an offender may be arrested without warrant, can the Minister advise me of any case where action has been taken against a person by the authorities based on that person taking force that they considered reasonably necessary against a person who they thought was going to commit an offence which was not an offence for which they could be arrested without a warrant? I do not know of any case where that has happened. Have there been any cases of that nature that show the practical effect of the change that is now being made?

Mr PRINCE: I have no example in the papers before me or in my mind. However, there is undoubted confusion in the public mind as to what are people's rights and powers. These amendments clarify the right to use reasonable force to prevent the commission of an offence. That is a substantive change and the Government is committed to it. That is what these amendments before the Chamber will do.

Mr BROWN: I do not accept there is clarity, because members of the public ask me to define what is reasonable force and reasonable ground. Of course, we all know the difficulties of that. I have asked the Minister for Police and various others to issue pamphlets to give some guidance on these matters. That has fallen on deaf ears. I do not accept this will provide greater clarity. I accept that it will remove a technical impediment. My constituents want greater clarity than is provided in this clause. I do not know how that can be provided. Obviously the test of what is reasonable in all of the circumstances is a test that must be applied to each circumstance, the nature of the action being taken by the person who is alleged to have committed an offence and the action taken by the person who is using reasonable force against the person to stop him committing that offence. That is what I hear from members of public who are not lawyers and who do not profess to know the intricacies of law. I do not have any difficulties with the words the Minister is seeking to delete, but I do not accept the statement that by deleting this we will have greater rights and clarity.

Mr PRINCE: Whether the member accepts it or not, that is the case. It does give greater clarity; it does empower people and they can work out whether someone has gone too far.

Clause put and passed.

Clause 15: Section 244 amended -

Mr D.L. SMITH: I support the changes being made to section 244 for the reason that there are still two substantial constraints in this provision with regard to the householder: It must be to prevent the forcible entry of the dwelling house, and the entry must be with the intention to commit an offence. I am not sure whether we should still retain the requirement that it be a forcible entry which must be restrained. One change that I probably would support is to remove the requirement that there be forcible entry. It seems to me that if a person enters another person's house, it does not matter whether he has broken into the house through a locked door or window, or whether he has entered through an open door or window. If the person enters a house with the intention of committing an offence, the householder should have some rights with regard to restraining that person. The Minister has left enough there with regard to still requiring the householder to form the view that the entry is for the purposes of committing an offence in the house and, to that extent, all of my concerns about section 243 certainly do not apply to section 244. However, in the review that is currently being undertaken, I encourage the Minister to look at whether this section should still require forcible entry or whether any entry should be protected against.

Mrs HENDERSON: The Opposition has indicated in no uncertain terms that it supports this provision. The Minister has made it clear that this is an interim change which will pave the way for further changes with regard to a possible new offence of home invasion. I presume that the Minister will address the kinds of issues that were raised by the member for Mitchell when he introduces these new amendments in the future. In my view, it is very important to retain the objective test that people must act and hold their belief on reasonable grounds.

The other issue that was raised by the member for Mitchell is more difficult; namely, to establish that the person

intended to commit an offence. The removal of the requirement that the offence that was intended to be committed must be of a particular kind certainly makes it easier for the householder, but I understand from the cases that have come forward so far that it has been most difficult to establish that intent on the part of the person who had taken the action, and that has led to some of these cases failing. Will one of the changes that the Minister hopes to make with regard to the home invasion offence be to remove the requirement to establish that the person intended to commit an offence; and, if so, how broadly will that be drawn with regard to the behaviour that it will cover? Will it cover, for example, a person who is just on the premises, or a person who has made some physical effort to enter the premises or is inside the building without lawful reason? How will the question of intent be dealt with?

Mr PRINCE: I appreciate the questions raised by the member for Thornlie. I am not in a position to advise the member because I act for the Attorney General in this Chamber and the matter is being handled in his area. The member will have to wait for the legislation to be introduced.

Clause put and passed.

Clause 16: Section 305 amended -

Mr D.L. SMITH: This is a technical amendment to follow through on the amendment to the definition of "dwelling-house", but section 305 will still allow people to set spring guns, mantraps or other engines at night for the protection of the dwelling house. We should not encourage the setting of any spring gun or mantrap at night. I do not know what an engine is.

Mr Prince: It is an engine calculated to destroy human life or inflict grievous bodily harm.

Mr D.L. SMITH: We must ask ourselves whether in this modern age we should tolerate the last part of that section.

Mr PRINCE: This is a consequential amendment to delete the words "dwelling-house" and substitute the word "dwelling".

Clause put and passed.

Clause 17: Section 322A amended -

Mrs HENDERSON: Mr Chairman, I have no doubt that you have found when you go doorknocking that people will always complain to you about government departments going along and digging trenches along the road, and they will say that one week they dug a trench and put down a deep sewerage pipe, then covered it over and bitumenised it; the next week they dug a trench for telephone cable; and a week later they dug another trench. I get the feeling that is exactly what we are doing here tonight. We are changing some sections of the Criminal Code with regard to summary offences, but obvious problems which could have been fixed up at the same time have been ignored, and the Minister is saying, "Hang on; we will do one job here tonight, and we will have to come back with another Bill." Some of these problems could have been fixed up at the same time.

The issue that is dealt with in this clause is the offence of a male sexually penetrating another male. We dealt previously with gross indecency with regard to this offence occurring in public. This offence relates to male persons dealing indecently with other male persons, in particular juveniles, so presumably it is dealing with this kind of behaviour in private. The issue that is raised here, and which has been raised on many occasions, is that to use the age of 21 for an adult is totally out of step with almost every other piece of legislation with which we deal.

This matter came up in 1989 when amendments were made to remove from the Criminal Code those sections which made homosexuality and homosexual acts in private unlawful. That was changed but in such a way that it remained an offence for adult males between the age of 16 and 21. That obviously puts it completely out of line with the age of consent for heterosexual activity and means that all those young men who make a choice after the age of 17 or 18 to have homosexual relations with other young men are caught by this provision. A great deal of water has passed under the bridge since 1989 and the general community believes this is highly discriminatory towards young men.

The general response by the police to this issue is that they almost never charge anyone with this section of the code, particularly young men over the age of 18 who are adults in every respect, except in relation to this homosexual activity. There is no question that this should have been amended. It is here before us tonight and it would be a simple matter to change the age of consent from 21 to 18 and bring it in line with the age of consent for heterosexual males. As I said, the analogy with the notion of government departments digging up the road many times to do a single task is not lost in relation to the Criminal Code. Every time we deal with the Criminal Code we deal with only one specific issue. There are many things that need fixing. We have identified at least half a dozen in the course of the debate this evening. I ask the Minister to talk to the Attorney about this issue. It is long overdue and it is my

understanding that this form of discrimination against young men contravenes some of our international obligations. It is high time we amended this and changed the age of consent for males to 18, which is what it should be.

Mr PRINCE: The matter before the House is the insertion of a summary conviction penalty of two years or a fine of \$8 000 in two parts under section 322A of the code, which I note was inserted in the code in 1992. The Law Reform (Decriminalization of Sodomy) Act of 1989 states in its preamble among other things -

... the Parliament disapproves of sexual relations between persons of the same sex;

... the Parliament disapproves of the promotion or encouragement of homosexual behaviour;

... the Parliament does not by its action in removing any criminal penalty for sexual acts in private between persons of the same sex wish to create a change in community attitude to homosexual behaviour;

in particular the Parliament disapproves of persons with care supervision or authority over young persons urging them to adopt homosexuality as a lifestyle and disapproves of instrumentalities of the State so doing.

As I understand it, that is the law of this State in summary form in relation to these matters. If the member for Thornlie wishes to debate that law and principle, I suggest she wait for substantive legislation to come before the Chamber or she raise it in her own time. What is before the Chamber at the moment is a summary conviction penalty in two parts under section 322A.

Mrs HENDERSON: At various stages of debate on the Criminal Code this evening people raised issues where they believed that the code was out of date. This is one of those and in that respect it is no different from matters such as that of people going armed in public to cause terror, which several people indicated in the debate this evening they thought was out of date particularly in view of the incident at Port Arthur. There was also the issue related to people of unsound mind.

Mr Prince: Those issues are much older than this. This was enacted in 1992.

Mrs HENDERSON: I am not questioning whether those provisions are older. They are matters which are not summary offences. They were raised by people in this Chamber to alert the Minister to sections of the code that should be given consideration. I think that the member for Mitchell raised an issue earlier about firing a shot to cause distress outside a building. On each occasion the Minister indicated he would give the matter some consideration. His response to this matter was qualitatively different. The response he gave by quoting from the preamble of the 1989 Act was inappropriate. That preamble relates to the notion of promoting or proselytising a lifestyle. I raised none of those issues. I merely raised the fact that the age of adulthood as set out in this provision of the law is quite out of step with the age of adulthood in almost every other Act, as the Minister well knows. The issue concerns one section of the community which is subjected to an abnormal, archaic and outdated age of adulthood.

Mr Prince: I will take that away.

Clause put and passed.

Clause 18: Section 323 amended -

Mr D.L. SMITH: My comments relate to clauses 18 and 19. Clause 18 gives the power for indecent assaults to be dealt with summarily and for the penalty to be applied by the justices to be two years. As to section 323, I do not have any problem with them being dealt with by justices. However, in some cases, especially for repeat offenders, the two years will prove to be inadequate; it should be at least three years. Indecent assaults accompanied by circumstances of aggravation under section 324 should never be dealt with summarily. They should always be dealt with by at least the District Court.

Mrs HENDERSON: Despite the Minister's comment tonight that by making some of these offences able to be dealt with summarily the intention of the Government is not thereby to signal a lessening or downgrading of the offence, ultimately that is the message that will be heard by the public. I am concerned about both clauses, but I am particularly concerned about the second offence of aggravated indecent assault. As was mentioned previously this evening, those circumstances of aggravation could range from something extreme and quite serious to something far less serious. In any event it signals that it is more than just an indecent assault. I noted that in the other place there was some debate about these offences ranging from bottom pinching upwards. That may be the case and it may be seen as the bottom of the range. As has been previously indicated, that ranges from a very minor offence to something that could be extremely serious. That kind of offence, particularly in circumstances where there is aggravation by other persons being present or whatever, should not be dealt with in this way. The Opposition will

vote against that amendment. I notice in the debate in the other place the Opposition strongly objected to two other matters being treated in this way. The Government agreed to remove those amendments. I am surprised it did not agree to remove the amendment to section 324, but we will express our strong opposition by dividing on it this evening.

Mr PRINCE: I note what the member for Mitchell said regarding the summary penalty being three years rather than two. However, as I have said on a number of occasions this evening, where in the opinion of the magistrate he should not deal with a matter, whether it be because of the facts before him or the circumstances of the offender, he should go therefore to the higher District Court where the greater penalty is able to be imposed. I suggest that if magistrates and justices had any doubt at all they had appropriate power to deal with anything coming under either of these two sections of the code, they would remit to the higher court for further action. I thought the only time this summary conviction penalty was likely to arise would be with alleged offences at the very lower end of the scale, of either indecent assault or aggravated indecent assault. I do not intend there to be any downgrading of the seriousness of these two offences, and nor does the Government. It is merely a matter of giving the ability to deal with the least serious circumstances of these offences at the Magistrate's Court in order that there be expedition for the benefit of the public as well as the offender.

Mr D.L. SMITH: We must maintain the strongest possible image in the community that any indecent assault will be dealt with most severely in the courts. If there is to be summary jurisdiction for offences under section 323, we must preserve the right of the magistrates to impose, even for what might be termed minor indecent assaults, penalties at the heavier end of the scale, or at least have the threat of those penalties being imposed at the heavier end. For that reason I believe it should be three years. For indecent assaults that are accompanied by aggravation we must convey an even stronger message; that is, they are so serious that they will never be dealt with by the Magistrate's Court, but always by the District or Supreme Courts and they will carry penalties of the kind that currently apply - up to seven years.

Clause put and passed.

Clause 19 put and a division taken with the following result -

Ayes (27)

Mr Ainsworth	Dr Hames	Mrs Parker
Mr Blaikie	Mr Johnson	Mr Pandal
Mr Board	Mr Kierath	Mr Prince
Mr Bradshaw	Mr Lewis	Mr Shave
Dr Constable	Mr Marshall	Mr W. Smith
Mr Court	Mr McNee	Mr Tubby
Mr Cowan	Mr Minson	Mrs van de Klashorst
Mr Day	Mr Omodei	Mr Wiese
Mrs Edwardes	Mr Osborne	Mr Bloffwitch (<i>Teller</i>)

Noes (17)

Ms Anwyl	Mrs Hallahan	Mrs Roberts
Mr Brown	Mrs Henderson	Mr D.L. Smith
Mr Catania	Mr Kobelke	Mr Thomas
Mr Cunningham	Mr Leahy	Dr Watson
Dr Edwards	Mr Riebeling	Ms Warnock (<i>Teller</i>)
Dr Gallop	Mr Ripper	

Pairs

Mr C.J. Barnett	Mr Graham
Mr Nicholls	Mr M. Barnett
Dr Turnbull	Mr Marlborough
Mr House	Mr Grill
Mr Trenorden	Mr McGinty

Clause thus passed.

Clause 20 put and passed.**Clause 21: Section 378 amended -**

Mr D.L. SMITH: I have no problem with the first amendment, which is to carry through with the redefinition of dwelling. However, I have some problem with the second of the amendments which will effectively increase from \$4 000 to \$10 000 the amount that can be dealt with summarily. In my experience this is the restriction that gives most cause for angst in the Magistrate's Court. We had an example today where effectively someone involved in an offence involving several million dollars received a total sentence of three years. Many kinds of offences are analogous to stealing: Although the amounts on paper are substantial, when the facts of the situation are considered, they are matters that could be dealt with adequately by the Magistrate's Court. Simply raising it from \$4 000 to \$10 000 is playing with the issue; it should be at least \$50 000. It should be left to the discretion of the magistrates whether they believe they can adequately deal with it or whether it should go to the higher court. It may require the capacity of the magistrates to impose a higher penalty than they are capable of imposing. However, it seems that many offences of stealing and the like that go to the Supreme and District Courts go there unnecessarily and only because the amounts involved are in excess of the current limits. If they are simply increased to \$10 000, it is just trifling with the issue. If we really want to be confident that what we are doing will have a substantial effect on the workloads of the District and Supreme Courts, it should be changed to \$50 000 and left to the discretion of the magistrates as to whether they believe they can adequately deal with the matter or not.

Mrs HENDERSON: This is another example of our dealing with something slightly different from just an amendment to allow the Magistrate's Courts to deal with a section of the code. I had hoped to raise a similar question in relation to section 338 where the change relates to the definition of stalking. No doubt if I had raised that the Minister would say we are dealing only with allowing the Magistrate's Court to deal with some of these matters; yet it is a very urgent matter where one of the magistrates has pointed at length to the problems involved in establishing intent in the offence of stalking. That was an urgent matter that we could have dealt with tonight. We could have deleted that part at the beginning of section 338(d) dealing with intent.

Mr Prince: The magistrate remarked on that only recently. This started back in November last year.

Mrs HENDERSON: I appreciate that it takes time for such things to be drafted, and so on, but in the same way as the Minister has amendments on today's Notice Paper it could have been put on the Notice Paper. It was a matter that caused enormous community discussion. I recollect it caused the reprimand of a magistrate because of his very insensitive comments regarding someone who had been stalked, and the difficulty of proving intent. We have seen a number of cases where people had been stalked for years; yet - because they were unable to prove intent to cause physical or mental harm - the much heralded legislation was almost useless. We could have dealt with that tonight. The Opposition would have been more than happy to accommodate the Government in getting its changes through. However, under the punishment of stealing, the changes do not fall strictly into the category as do some others we have dealt with tonight. It seems there is no clear demarcation between the areas where the Government has been prepared to move - such as in relation to public officers - and those where the Government has made public announcements, such as on stalking, and indicated it is prepared to move, but it is not taking the opportunity tonight. I do not wish to put the blame on the current Minister. It is not his Bill. It is the Attorney General's Bill. I hope the Minister will report to the Attorney General that when these Bills come forward we are more than happy to deal with a range of issues. We consider the stalking issue to be urgent and important and we would have been more than happy to deal with it tonight.

Mr PRINCE: I will pass on those comments. By amending section 378(5)(b) of the code, the increase in value from \$4 000 to \$10 000, it has the effect of increasing the value of property and bringing into line with current values the increase in the jurisdiction of the Court of Petty Sessions. At the moment anything worth more than \$4 000 takes the offence out of the jurisdiction of petty sessions; and \$10 000 is a reasonable figure for matters to remain in the Court of Petty Sessions. Anything over that we consider the public would require should go to the higher court, so we have fixed on \$10 000 at this time.

Mr D.L. SMITH: I rose too early to refer to the Magistrate's Court. I take this opportunity to raise it under this heading because it is relevant to the later ones. More importantly, the provision under section 378 and special punishments generally, reflect that somehow we still hold the property of individuals and of the State much higher than we do the person. We often seem to deal with offences against property much more seriously than is required, and certainly much more seriously than is the practice as far as sentencing authorities are concerned. It is a very long time since anyone involved in any offence under subsection (5) received a penalty anywhere near 14 years. It is time we started to properly identify for the community and the judiciary that we regard offences against the person and against public order much more seriously than we have previously. On the other hand, the penalties which relate to property issues should begin to reflect the attitude of the judiciary and be consistent with the sentences imposed by the judiciary rather than some of the cases illustrated in this section. For instance, this provision imposes a sentence

of imprisonment for up to 14 years for the stealing of anything from a public office in which it is deposited or kept, regardless of value. In relation to most of those things the court would never consider imposing penalties of that order and in most cases the public would not require that penalties of that order should be imposed. We should be reviewing all these provisions relating to stealing and break and enter to enable as many of those offences as possible to be dealt with by the Magistrate's Court and to impose adequate penalties when it is so dealt with. In cases where magistrates think they cannot impose an adequate penalty either because of particular circumstances or the prior history of the offender, in most cases they should be sent up. However, by and large we occupy a lot of the time of the Supreme and District Courts on many matters where community expectations on penalties are not met by the judiciary. We as a Parliament should not preserve the notion that somehow these horrific penalties apply, when in practice they are not applied.

Mr PRINCE: I take issue with the member's remarks regarding the seriousness with which we regard assaults, particularly on the person as opposed to property offences.

Mr D.L. Smith: Don't put words into my mouth. Assaults on a person are matters that we should be considering. The penalties for such an offence should be high.

Mr PRINCE: They are, because we changed them. Section 317A of the code refers to assaults with intent to commit or facilitate the commission of a crime; assaults with intent to do grievous bodily harm; and assaults with intent to resist or prevent lawful arrest, and the penalty is imprisonment for five years. For assault on a public officer performing a function of his office or employment or assault on a person performing a function of a public nature; assaults on a person acting in aid of a public officer; and assaults on a driver or person operating or in charge of a vehicle travelling on a railway, a ferry, etc, the penalty is 10 years. That is, it has been increased from five years to 10 years. We did that. Those are changes that this Government has made in recent times in recognition of the fact that those forms of assault are seriously regarded by the public - and so they should be.

Mr D.L. Smith: It has not gone far enough. Penalties relating to property offences in some cases are still too high.

Mr PRINCE: I doubt that the member would find most people would agree with him that 14 years for stealing something from inside a house is an unreasonably high maximum penalty.

Mr D.L. Smith: When was the last time a penalty of that order was imposed?

Mr PRINCE: I could not say, but the fact that it is 14 years is an indication to the judiciary that is what the public requires for that offence; namely, it warrants a maximum of 14 years. This Government will not contemplate reducing it.

Clause put and passed.

Clause 22: Section 395 repealed -

Mrs HENDERSON: This amendment was not mentioned in the second reading speech. Why is this being repealed? Is it because it is considered to be covered by the section on assault with intention to commit robbery?

Mr PRINCE: Section 395 of the code is repealed because what it covers is actually now covered by section 317A, which relates to assaults with intent, including assault with intent to commit or facilitate the commission of a crime, and it attracts five years' imprisonment.

Clause put and passed.

Clauses 23 and 24 put and passed.

Clause 25: Section 426 amended -

Mr D.L. SMITH: My comments in relation to the value of things that can be dealt with summarily are applicable to section 426. I repeat, even in my recent experience in the Magistrate's Court it is these constraints in relation to value that impose quite unnecessary barriers on matters that could adequately be dealt with by the Magistrates' Courts. Simply moving the values, as the Government has, does not achieve the sorts of changes that are appropriate. It is under this heading in relation to the value of the goods under subsection 2A, where the amount could have been increased to \$50 000 because there are occasions when property does not change hands at all. There may have been an attempt to steal or present a dud cheque where there was never very much likelihood of the offence succeeding. However, a number of those matters finish up having to go to the superior courts. They do not lead to terms of imprisonment in excess of what the magistrate is capable of imposing or should be capable of imposing. If the

Government is seriously looking at shifting a substantial part of the workload out of the District Court and the Supreme Court to the Magistrate's Court, that could best be done in relation to property offences. That would not result in any reduction in the severity of current penalties, especially if the magistrates were given the capacity to impose higher penalties. There would still be the opportunity, wherever a magistrate thought it appropriate that a higher penalty was required, to remit the matter to the superior courts.

Mr PRINCE: The first amendment brings offences under section 388 of the code under the regime of summary trial in section 426, which is a minor change. In relation to the other matters that have been canvassed by the member for Mitchell, we disagree. We considered it quite adequate to increase the value of property from \$4 000 to \$10 000 and from \$400 to \$1 000 in the appropriate subsections of section 426. The public expects that property offences will nonetheless be treated very seriously. We are increasing values and jurisdiction in the Court of Petty Sessions in line with changes in values in the community generally.

Clause put and passed.

New clause 26 -

Mr PRINCE: I move -

Page 11, after line 20 - To insert after clause 25 the following new clause to stand as clause 26 -

Section 437 amended

26. Section 437 of the Code is amended -

(a) by inserting after "fish" where it first occurs the following -

"(which term includes crustacean)"; and

(b) by deleting "a fine of an amount equal to the value of the fish taken or destroyed, if any, and \$10 in addition." and substituting the following -

"imprisonment for 2 years or a fine of \$8 000."

Mrs HENDERSON: I ask the Minister to outline the reason for the amendment.

Mr PRINCE: It is intended to amend section 437 of the code so that it will also apply to crustaceans. At the moment section 437 deals with fish in any water which is on private property. We are dealing with fish in private places. The amendment to include crustaceans also applies to marron. Marron farming is becoming an increasingly popular livelihood, particularly for farmers. According to the information that I have obtained from talking to many people involved in this activity it is often the farmer's spouse who is handling those matters. It is becoming an important part of farming income. There is also now a significant number of commercial farmers of marron and other forms of freshwater crustacean engaged in this very lucrative but delicate export industry, particularly to Japan. This is a growing part of aquaculture in the State. Hence, these creatures, which perhaps in the past have not been seen to have such a large commercial value - although many have obviously enjoyed them from a food point of view for many years - are of growing importance and it is appropriate now to amend this section so that it relates not only to fish but also to crustaceans.

New clause put and passed.

Clause 26 put and passed.

Clause 27: Section 512 amended -

Mr D.L. SMITH: I have no problem with summary procedures being introduced for the offences under sections 512 and 514. However, given the range of values and the like that are possibly involved in these offences, the summary penalty should be imprisonment for three years or a fine of \$20 000 in appropriate cases. I do not see any problem with magistrates imposing heavy fines where the value of the property is substantial. In some cases the penalties that are provided for would simply result in magistrates having to remit some matters to the Supreme Court and the District Court when it is probably not necessary for no other reason than they cannot impose heavier penalties than those provided for here.

Clause put and passed.

Clauses 28 to 30 put and passed.

Progress reported.

House adjourned at 11.51 pm

QUESTIONS ON NOTICE

RECREATION FACILITIES FUND GRANTS

Committee

362. Mr D.L. SMITH to the Parliamentary Secretary to the Minister for Sport and Recreation:

- (1) Who or what committee is involved in approving or recommending sport and recreation facilities fund grants?
- (2) Who is on that committee?
- (3) On what date did that committee finalise its recommendations to the Minister?
- (4) On what date did the Minister and/or his office receive these recommendations?
- (5) Did the Minister accept all of these recommendations?
- (6) If no to (5) above, which grants did the Minister -
 - (a) add;
 - (b) delete?
- (7) Did the Minister release any of these recommendations to -
 - (a) government members of Parliament;
 - (b) opposition members of Parliament;
 - (c) independent members of Parliament,ahead of the Minister releasing details of the grants to the applicants or the local government authority and/or the general public?
- (8) If yes to (7) above, which Members and which grants were involved and in each case on what date did the Minister provide that prior information?
- (9) What was the purpose of such early release?
- (10) With respect to each of the local government areas in the South West and Peel Regions -
 - (a) what grants were applied for;
 - (b) who applied;
 - (c) what amount was applied for;
 - (d) which were approved in full;
 - (e) which were approved in part;
 - (f) which were not approved in this funding round at all?
- (11) Was an application made by the Harvey Shire for a grant for a swimming pool at Australind?
- (12) If yes, when was the application made and how much was applied for?
- (13) What decision has been made as to what funding is to be granted in the current funding round?
- (14) If no allocation has been made, how did the Minister determine the priority for swimming pool grants for -
 - (a) Busselton;
 - (b) Waroona;
 - (c) Margaret River;
 - (d) Australind?
- (15) When will the next opportunity arise for any State Government or Sport and Recreation Fund

grants for the Australind pool?

- (16) Can the Minister assure the House that the Australind pool will be funded in that next funding round?
- (17) Has any application been made by the Bunbury City Soccer Club for a grant or other financial support from the State Government in each of the years -
- (a) 1993-94;
 - (b) 1994-95;
 - (c) 1995-96?
- (18) If yes, what was the application when was it made, how much was applied for, and what was the result?

Mrs PARKER replied:

The Minister for Sport and Recreation has provided the following response -

- (1) The Minister for Sport and Recreation appointed a committee to assist with a review of all applications for CSRFF grants and make recommendations to him.
- (2) Mrs Yvonne Rate Chairperson
Mr Ken Hamilton
Mr Ron Alexander
Mr David McCann
Mr Joe North
Mr Hallam Pereira
Mrs Wendy Pritchard
- (3) 6 February 1996.
- (4) 7 February 1996.
- (5) No.
- (6)(a)
- | | |
|---|----------------------------------|
| Kununurra Royal Agricultural Show Society | Ablution block |
| Mandurah & Districts Hockey Association | Synthetic surface |
| Peel Football League | Admin: facilities |
| Pilbara Pursuit Jet Boat Association | Security fence & ablution block |
| Scarborough Sportsmens Club | Pavilion extension |
| Shark Bay Bowling Club | Bowling green |
| Shire of Waroona | Swimming Pool |
| Shire of Wickepin | Town Hall (grant value restored) |
| Shire of Yilgarn | Community Centre |
- (6)(b)
- | | |
|---------------------------------|--|
| City of Cockburn | Recreation Centre |
| City of Rockingham | Baseball reserve |
| Kalamunda & Districts | Basketball & Netball Recreation centre |
| Nungarin Golf Club | Golf Tee up-grade |
| Shire of Bridgetown-Greenbushes | Recreation centre |
| Shire of Narembeen | Reticulation |
| Shire of Swan | Baseball Park |
| Town of Cambridge | Swimming Pool |
- (7) Yes.
- (8)-(9) Government members of Parliament were informed between 7 and 12 March 1996 to announce on behalf of the Minister to the various applicants who were successful in securing grants in the second CSRFF triennium.
- (10) (a)-(f) **See appendix A [page 4244].**

- (11) No. However, the Leschenault Community Recreation Association did make an application.
- (12) The Regional Officer of the Ministry of Sport and Recreation assessed the grant request for \$1.135m on 17 November 1995.
- (13) Applications for the third CSRFF Triennium will be opened in July 1996 by the Ministry of Sport and Recreation.
- (14) (a)-(d) Margaret River and Busselton were both recommended for funding in the first triennium, however, Busselton was rejected. In the second triennium, Busselton's application was recommended again and was subsequently approved.

In comparative terms, the Waroona pool required only \$450,000 to commence. Whereas, funding of \$1.135m was needed for the Australind aquatic facility to proceed.

Significant factors in support of the application included:

- (i) the unallocated funds in the CSRFF account which were well short of the requirement for the Australind pool could be allocated to fund the smaller Waroona swimming pool project, thereby satisfying yet another of the four swimming pool requirements of that region;
 - (ii) the swimmers at Australind being closer to Bunbury would not be so disadvantaged by travel to a pool when compared to swimmers in Waroona who would have to travel far greater distances to use such a facility.
- (15) In July 1996 when the third CSRFF triennium grant applications are opened.
 - (16) No.
 - (17) (a)-(c) No application has been made by such club.
 - (18) Not applicable..

TAXI FARE EVADERS- APPLICATION OF CRIMINAL CODE

372. Mrs HALLAHAN to the Minister representing the Minister for Transport:

- (1) Was the Minister for Police advised of the Minister for Transport's advice conveyed to me in a letter dated 29 November 1995, that section 409 of the Criminal Code may be applied to taxi fare evaders as an interim measure?
- (2) If yes, how was this information conveyed and on what date?
- (3) If no, why was it not conveyed?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) Yes.
- (2) A copy of the correspondence which was sent to the member was forwarded to the Minister for Police on the same day.
- (3) Not applicable.

ASSESSMENT OF THE SKILL REQUIREMENTS OF MAJOR WESTERN AUSTRALIAN RESOURCE DEVELOPMENT PROJECTS - COMPLETION DATE

583. Mr RIPPER to the Minister for Resources Development:

- (1) Has the joint Department of Training and Department of Resources Development study

"Assessment of the Skill Requirements of Major Western Australian Resource Development Projects" been completed?

- (2) If not, when will it be completed?
- (3) When will the document be released to the Parliament or publicly?

Mr C.J. BARNETT replied:

- (1) Yes.
- (2) Not applicable.
- (3) The report was released on 27 May 1996.

POLICE NEWS - POLICE OFFICERS' PAY SCALES LAG BEHIND OTHER STATES

539. Mr CATANIA to the Minister for Police:

- (1) Does the March issue of *Police News* state that the Western Australian police officers lag behind the pay scales in other States?
- (2) Does the Minister accept this position?
- (3) If yes to (2), why?
- (4) If no to (2), why not?

Mr WIESE replied:

- (1) Yes.
- (2) No.
- (3) Not applicable.
- (4) Police officers were granted a salary increase of 10 per cent effective from 3 May 1996 with a further increase of 7 per cent available in April 1997, subject to the achievement of agreed performance outcomes. The base salary rates of WA officers are the highest in Australia. These rates are as follows -

Rank	3 May 1996 \$ Per Annum	30 April 1997 \$ Per Annum
Commander Grade 1	86,000	91,190
Commander Grade 11	81,555	86,745
Commander	81,555	86,745
Chief Superintendent	79,624	84,690
Superintendent Grade 1	76,400	80,987
Superintendent 11	72,074	76,661
Superintendent	72,074	76,661
Inspector Base Rate	63,669	67,721
Senior Sergeant (Country Resident OIC)	53,929	57,360
Senior Sergeant	51,729	55,020
Sergeant (Country Resident OIC)	47,667	50,701
Sergeant	45,467	48,361
Senior Constable (Country Resident OIC)	43,267	46,021

Senior Constable	41,067	43,681
Constable First Class	38,317	40,756
Constable		
Fifth year & thereafter	36,007	38,299
Fourth year of service	35,017	37,246
Third year of service	34,027	36,193
Second year of service	32,817	34,906
First year of service	32,817	34,906
Recruits in training	25,834	25,834

NOTE: Aboriginal police aides and police Cadets have received the same quantum salary increase as police officers. Non-sworn officers in the WA Police Service have received a 12 per cent salary increase and will be eligible for a further 5 per cent after 12 months.

URANIUM MINING

611. Mr BROWN to the Minister for Energy:

- (1) Did the Minister issue a media statement on 5 March 1996 supporting moves to scrap the three-mine uranium policy?
- (2) Has the Minister and/or the Government supported moves to mine uranium in Kakadu National Park?

Mr C.J. BARNETT replied:

- (1) Yes.
- (2) The mining of uranium in Kakadu National Park is a matter for the Northern Territory and Federal Governments.

PAWNBROKERS AND SECONDHAND DEALERS ACT

653. Mr CATANIA to the Minister for Police:

- (1) Will the Minister advise if he intends amending the Pawnbrokers and Secondhand Dealers Act to ensure the identification of persons to whom unredeemed goods are sold by a pawnbroker under section 41 of the Act as to when goods are sold by a secondhand dealer under section 43 of the Act shall be conducted in no less a systematic manner than that prescribed under the provisions of section 39 of this Act?
- (2) If not, why not?

Mr WIESE replied:

- (1) No, there is no intention to amend the Act along the lines suggested at this stage.
- (2) It is considered that the legislation does everything possible to ensure that all the goods acquired by the pawnbroker/secondhand dealer are legitimately owned and acquired by the business proprietor. If the goods sold are legitimately acquired and owned it is considered that there should be no further imposition on the business operator which could restrict or hinder the ability to legitimately sell legally owned goods to the purchaser. Similarly, it is considered that such an imposition would be unfair and unsupportable imposition on the purchaser of goods which are legitimately purchased when such a requirement is not imposed on a person who purchases goods from almost any other business.

CROSS-CULTURAL TRAINING PROGRAMS - GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

681. Mrs ROBERTS to the Minister for Resources Development; Energy; Education:

- (1) What cross-cultural training programs have been undertaken by respective departments, offices or instrumentalities within the Minister's responsibility?
- (2) Who provided the training?
- (3) When was it undertaken?
- (4) Are any other cross-cultural training programs planned?

Mr C.J. BARNETT replied:

Department of Resources Development

- (1) Departmental staff have attended Aboriginal cultural awareness raising programs/workshops as required.
- (2) Curtin University
Department of Minerals and Energy (The Training and Development Group)
Ministry of Justice
- (3) Ongoing.
- (4) Cross-cultural training/awareness raising will be provided to staff as required.

The Department has prepared and published a booklet "*Working with Aboriginal Communities - A Practical Approach*" which deals with cultural issues. This booklet has been distributed widely within Government and the community.

Office of Energy

- (1) None.
- (2)-(3) Not applicable.
- (4) No.

Western Power

- (1) Western Power has not undertaken any cross-cultural training programs.
- (2)-(3) Not applicable.
- (4) No.

AlintaGas

- (1) AlintaGas has not undertaken cross-cultural training programs.
- (2)-(3) Not applicable.
- (4) AlintaGas Equal Employment Opportunity Management Plan contains several strategies dealing with training and development within which cross-cultural training may be included.

Education Department of Western Australia

- (1) None.
- (2)-(3) Not applicable.
- (4) Yes, the Education Department in conjunction with the Aboriginal Education and Training Council.

Department of Education Services

Secondary Education Authority

(1)-(4) None.

- Office of Non-Government Education

(1)-(4) None.

- Education Policy Coordination Bureau

(1)-(4) None.

Country High School Hostels Authority

(1)-(4) None.

CROSS-CULTURAL TRAINING PROGRAMS - GOVERNMENT DEPARTMENTS AND AGENCIES

688. Mrs ROBERTS to the Minister for Police; Emergency Services:

- (1) What cross-cultural training programs have been undertaken by respective departments, offices or instrumentalities within the Minister's responsibility?
- (2) Who provided the training?
- (3) When was it undertaken?
- (4) Are any other cross-cultural training programs planned?

Mr WIESE replied:

Police Service:

- (1) The Western Australia Police Service has provided formal Aboriginal cultural training and more recently, multicultural training programs to its members.
- (2) This training has been provided by both private and government bodies with Aboriginal support. The original training was provided by MacFarlane Research Pty Ltd. However, subsequent providers include Aboriginal representation from the Special Government Committee on Police, Aboriginal and Community Relations and a Ministry of Justice group. Multicultural training is provided in two forums including an open learning course provided by the North Metropolitan College of TAFE and the Police Academy's Aboriginal and Ethnic Programs section. The latter was previously provided by the Department of Immigration and Ethnic Affairs.
- (3) Aboriginal Cultural Training

October 1992 - November 1993	MacFarlane Research Pty Ltd
November 1993 - December 1995	Special Government Committee on Police
	Aboriginal and Community Relations
	Ministry of Justice
December 1995 - current	
Multicultural Training	
July 1995 - current	Cultural interaction - North Metropolitan College of TAFE
1992 - October 1995	Department of Immigration and Ethnic Affairs
October 1995 - current	Aboriginal and Ethnic Program - Police Academy
- (4) No further cultural training programs are planned at this time as existing programs are being reviewed.

WA Fire Brigade Board

In the context of the WAFBB delivery of services to the community there is limited need for cross-cultural training for fire fighting staff. The major focus of WAFBB training is on fire suppression and the technical and operational aspects of such training.

- (1) No cross-cultural training programs have been undertaken.
- (2)-(3) Not applicable.
- (4) No.

WA State Emergency Service

- (1) Cross-cultural training in the Aboriginal culture has been provided to selected staff.
- (2) The training was provided by community liaison officers of Aboriginal descent employed by the WASES to enhance emergency management in remote Aboriginal communities.
- (3) Provided on an on-going basis as required.
- (4) No other cross-cultural training programs are being planned.

Bush Fires Board

- (1) Bush Fires Board staff have participated in awareness sessions during EEO plan implementation.
- (2) The programs were delivered at State HQ and regional offices by the Human Resources Officer.
- (3) Spring and summer of 1995.
- (4) Staff have requested further training/awareness sessions which will be conducted during 1996.

CROSS-CULTURAL TRAINING PROGRAMS - GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

690. Mrs ROBERTS to the Minister for Health; Aboriginal Affairs:

- (1) What cross-cultural training programs have been undertaken by respective departments, offices or instrumentalities within the Minister's responsibility?
- (2) Who provided the training?
- (3) When was it undertaken?
- (4) Are any other cross-cultural training programs planned?

Mr PRINCE replied:

HEALTH DEPARTMENT OF WESTERN AUSTRALIA

- (1)

ABORIGINAL HEALTH

I have recently launched a \$260 000 Aboriginal Awareness Education and Train the Trainer program in the WA health industry. An initiative of the Aboriginal Health Division of the HDWA, the program targets front line staff in more than 40 locations across Western Australia.

BENTLEY HEALTH SERVICE

- At orientation/induction by experienced Multicultural Access Contact Officer for all new employees each month.
- Individual training/discussions in the workplace especially Community Health.
- Promotion of appropriate literature in departments; for example, cards and Interpreter user.

Circulation of workshops/seminar material.

BUNBURY HEALTH SERVICE

An introductory session to facilitate the raising of issues pertaining to the provision of health care to indigenous Australians has occurred. This initial session being part of a structured educational program that the Bunbury Health Service is undertaking.

CENTRAL GREAT SOUTHERN HEALTH SERVICE

The cross-cultural training programs which have been undertaken in this district include a 'Noongar Hospital Services Awareness Meeting'.

CENTRAL WHEATBELT HEALTH SERVICES

One two day Aboriginal Cross-Cultural Training Program for Health Workers.

EAST KIMBERLEY HEALTH SERVICE

- In June of 1996 the Health Service held a two day cross-cultural workshop coordinated by Mr Ross Johnston of Bushwork Consultants formerly of Aboriginal Affairs Planning Authority, Perth, for medical officers, nurses and allied health staff involved in service delivery to remote Aboriginal communities.
- In August 1996 workshops will be held for all staff in accordance with the HDWA statewide program by InTouch Training Consultancy.
- Informal cross-cultural awareness is provided by two senior aboriginal health workers on an ongoing individual needs basis and by the use of educational videos. Staff are encouraged to learn about cross-cultural issues by listening to Aboriginal clients and by interacting socially. Informal two-way learning is increasingly successful in the remote communities of Kalumburu, Oombulgurri and Warmun.
- Consideration is currently being given to the organisation of workshops run by the senior Aboriginal health workers and members of local Aboriginal communities.

EAST PILBARA HEALTH SERVICE

Workshops held in Port Hedland, Roebourne and Broome.

EASTERN WHEATBELT HEALTH SERVICE

A cross-cultural program was held in Merredin for the Eastern Wheatbelt Health Service.

FREMANTLE HOSPITAL

Cross-cultural awareness training program which consists of two parts -

- (a) communication and multicultural issues facilitated by Fremantle Migrant Resource Centre;
- (b) Aboriginal cross-cultural awareness facilitated by the Training and Development Group.

GASCOYNE HEALTH SERVICE

Gascoyne Health Service has held crosscultural training in the Gascoyne at Onslow and Carnarvon. Also some members of staff attended workshops in Geraldton.

GERALDTON HEALTH SERVICE

Geraldton Health Service held a seminar in July 1995, the focus of which was -

- (a) To develop basic skills in communicating with people from non-English speaking background.
- (b) To develop a basic knowledge of Government and community resources for people from minority cultural backgrounds.

GRAYLANDS HOSPITAL

- (a) A cross-cultural awareness workshop.
- (b) A Workplace English Language and Literacy Program, designed to enable individuals to 'communicate within a multicultural organisation'.

KING EDWARD MEMORIAL AND PRINCESS MARGARET HOSPITAL

KEMH/PMH Multicultural/Multifaith Committee conducts monthly awareness raising sessions on various cultures and issues associated with a multicultural society. A multicultural awareness raising session is included in the orientation program. The Aboriginal Liaison Officer conducts awareness raising sessions with new residents and registrars and student nurses, and speaks with other staff of the hospital on request. An Aboriginal Health Interests Group is developing to consider strategies to address issues relating to Aboriginal health and the welfare of families attending the hospital. Multicultural women health study day was conducted on 9 August 1995 and a cultural issues study day was conducted on 7 December 1994. The monthly sessions of Aggression in the Workplace includes a component pertaining to multicultural issues. The language services coordinator continuously trains and raises the awareness of employees regarding different cultures and needs and other associated issues. A multifaith centre has been set up which includes a Muslim prayer room. The permanent opening of the prayer room is imminent. A cultural resource volunteer scheme for Chinese patients and their families was set up in 1995 and is to be extended to Vietnamese patients.

LOWER GREAT SOUTHERN HEALTH SERVICE

Cross-cultural training has been provided to both Community Health staff and hospital staff based in the Lower Great Southern Health Service.

LOWER NORTH METROPOLITAN HEALTH SERVICE

Contact was made with Lower North Metropolitan Health Service on 26 March 1996, by:
 InTouch Training and Research Consultants
 Duncraig House
 56 Duncraig Road
 APPLECROSS WA 6152
 Principal Di Potter.

The correspondence indicated the above had received the contract to provide the cross-cultural training and requested a contact person nominated by the Health Service. This was provided on 2 April 1996. No further communication has been entered into.

AVON HEALTH SERVICE

Cultural Awareness Program.

NORTHERN GOLDFIELDS HEALTH SERVICES

Aboriginal Health and Culture.
 Aboriginal Culture and Language.
 Aboriginal Health.
 Multicultural Access Program.

ROCKINGHAM/KWINANA HEALTH SERVICE

- (a) Multicultural awareness study day - 13 October 1995.
- (b) Ongoing monthly staff updates on multicultural issues.
- (c) 2 day cross-cultural training workshop organised for July 1996 for a wide range of Rockingham/Kwinana Health Service staff.

ROYAL PERTH HOSPITAL

- (a) Aboriginal Cultural Awareness Skills Training Course: This was a two day workshop covering broad aspects of the Aboriginal culture and to facilitate a better understanding and awareness of their heritage.
- (b) Handling Multicultural Diversity: As part of the Hospital's ongoing equal employment opportunity

training and strategy, the hospital provided a two day workshop in respect to managing a multicultural work force and the associated equal opportunity issues.

SIR CHARLES GAIRDNER HOSPITAL

SCGH has conducted cross-cultural training programs for hospital staff since 1991.

SOUTH EAST COASTAL HEALTH SERVICE

Cross-cultural training programs are conducted either through group education, promotional material such as videos and relevant publications and included in the staff orientation packages.

UPPER GREAT SOUTHERN HEALTH SERVICE

Thirty four people attended Aboriginal Awareness Cross-Cultural Training arranged by Community Health for HDWA employees.

WANNEROO HEALTH SERVICE

- (a) Annually, a lecture is given at the hospital to staff on differing cultural needs, and discusses such issues as the Telephone Interpreter Service. A folder with appropriate multicultural information is available in each hospital unit, and updated on a regular basis.
- (b) A forum for all community nurses is taking place on 6 June 1996.
- (c) Annual leadership in Health Promotion workshop.
- (d) Nurses from Koondoola, Hainesworth and Girrawheen attend the multicultural nurses contact meetings held three monthly at Mirrabooka at which guest speakers update staff.

WARREN/BLACKWOOD HEALTH SERVICE

A total of 63 attended one of three, two hour workshops conducted within the Warren Blackwood Region by Mrs Chalker.

WEST KIMBERLEY HEALTH SERVICES

Nil in the last 12 months.

PUBLIC HEALTH

An informal seminar on Aboriginal cultural awareness was provided in-house to Health Promotion Services - Public Health - staff. A three day cross-cultural train-the-trainer course, "Understanding Aboriginal Culture" was attended by Health Promotion Services (Public Health) staff who were working with Aboriginal people.

An employee working in the alcohol program area attended a training program called "Working with Aboriginal People in the Area of Alcohol and Other Drugs".

WESTERN HEALTH AUTHORITY

The previous purchasing authority, the Western Health Authority staff and General Managers in the Western Health Authority attended a cultural awareness training program.

WESTERN HEALTH SERVICE

Accredited Aboriginal cross-cultural education for employees in the Western Health Service.

WEST PILBARA HEALTH SERVICE

A cross-cultural training program was formally undertaken by the West Pilbara Health Service at Roebourne in November 1994. Some cross-cultural training introduction is covered in the orientation of nursing staff members, and is continued on an ongoing basis in a self directed learning manner.

(2)

ABORIGINAL HEALTH

InTouch Training Consultancy under a 12 month contract.

BENTLEY HEALTH SERVICE

Bentley Health Service inhouse - Robyn Sterrett
External - Health Department consultant.

BUNBURY HEALTH SERVICE

Kurangkurl Consultancy.

CENTRAL GREAT SOUTHERN HEALTH SERVICE

The training was provided by the Katanning District Hospital for the Aboriginal people of the district.

CENTRAL WHEATBELT HEALTH SERVICES

Coastal and Wheatbelt Public Health Unit - Northam.

EAST PILBARA HEALTH SERVICE

The workshops were conducted by three Aboriginal employees of the Health Department -

Katie Papertalk	Aboriginal Liaison Officer.
Kevin Clark	Substance Abuse Officer.
Michael Dann	Project Officer

The awareness sessions are conducted by Katie Papertalk and Kevin Clark.

EASTERN WHEATBELT HEALTH SERVICE

The program was provided by Di Potter and Irwin Lewis of InTouch Consultancy.

FREMANTLE HOSPITAL

- Communication and Multi-Cultural Issues (facilitated by Fremantle Migrant Resource Centre).
- Aboriginal Cross-Cultural Awareness (facilitated by The Training and Development Group).

GASCOYNE HEALTH SERVICE

In Onslow Mr Brian Hayes, Chairperson, Onslow Health Advisory Group who is of Aboriginal descent.

In Carnarvon Mr Echo Cole, Aboriginal Health Promotions Branch also Mr Fred Clinch, Aboriginal Health Worker.

In Geraldton "In Touch" given by Di Potter and Irwin Lewis.

GERALDTON HEALTH SERVICE

Derek DeCruz - Private Consultant and RHSET Grant Cross Culture Training. Organised by Jo Lewis, Staff Development Educator, Geraldton Health Service.

GRAYLANDS HOSPITAL

- (a) Provided by Mr Petar Skrmeta, Multicultural Liaison Officer, in conjunction with the Staff Development Department, Graylands Hospital.

- (b) Provided by Graylands Hospital, in conjunction with TAFE.

KING EDWARD MEMORIAL AND PRINCESS MARGARET HOSPITAL

The training and awareness raising has been conducted by expert professionals in their relevant area of expertise.

LOWER GREAT SOUTHERN HEALTH SERVICE

The training was provided by Carol Petersen, a local Aboriginal identity, along with officers from the Community Health Service, Albany Regional Hospital, and the Community Employment Service.

AVON HEALTH SERVICE

Aboriginal Health Division.

NORTHERN GOLDFIELDS HEALTH SERVICES

Kalgoorlie Regional Hospital.
Industry Training Centre, Kalgoorlie College.
Aboriginal Liaison Officer, Kalgoorlie Regional Hospital.
Multicultural Access Officer, Kalgoorlie Regional Hospital.

ROCKINGHAM/KWINANA HEALTH SERVICE

Training provided by a combination of -

External consultants.HDWA multicultural liaison officer.
Internal staff development and multicultural contact staff.
Curtin University Aboriginal Health Studies staff.

ROYAL PERTH HOSPITAL

- (a) InTouch Training and Research Consultants provided the training.
- (b) Annie Goldflam Consultancy provided the training.

SIR CHARLES GAIRDNER HOSPITAL

The hospital's interpreter coordinator and experts invited from the community.

SOUTH EAST COASTAL HEALTH SERVICE

Health services staff - including Community Health Nurses and Aboriginal Health Workers - Health Department interpreters.

UPPER GREAT SOUTHERN HEALTH SERVICE

Carol Peterson of Aboriginal Awareness Cross Cultural Training Services.

WANNEROO HEALTH SERVICE

- (a) Multicultural officer.
- (b) Multicultural Access Unit.
- (c) Aboriginal Health Workers.
- (d) Guest speakers.

WARREN/BLACKWOOD HEALTH SERVICE

Mrs May Chalker, BA Human Services.

WEST KIMBERLEY HEALTH SERVICES

Not applicable.

PUBLIC HEALTH

- (a) Three Aboriginal employees who were working within Public Health (Health Department).
- (b) An Aboriginal business training group called InTouch Training.
- (c) WA Alcohol and Drug Authority.

WESTERN HEALTH AUTHORITY

InTouch Training conducted by Di Potter and Irwin Lewis.

WESTERN HEALTH SERVICE

Di Potter and Irwin Lewis from "InTouch" Consultants.

WEST PILBARA HEALTH SERVICE

The training that was conducted in November 1994 was presented by the Staff Development Team of the HDWA Regional Office in Port Hedland.

(3)

ABORIGINAL HEALTH

The program is currently underway and will cover some 3 000 members of the health industry including staff from WA Public hospitals, community health centres, the RFDS and St John Ambulance.

BENTLEY HEALTH SERVICE

Inhouse orientations third Monday of each month.
External - Health Department Consultant 1995.

BUNBURY HEALTH SERVICE

14 and 15 March 1996; also 21 and 22 March 1996.

CENTRAL GREAT SOUTHERN HEALTH SERVICE

It was run on 12 September 1995.

CENTRAL WHEATBELT HEALTH SERVICES

18 and 19 March 1996.

EAST PILBARA HEALTH SERVICE

The workshops were undertaken in 1994. The awareness sessions as part of orientation are conducted monthly.

EASTERN WHEATBELT HEALTH SERVICE

The program was held on 1 and 2 April 1996.

FREMANTLE HOSPITAL

Program offered three or four times a year to all staff (generally in February, May, August and November).

GASCOYNE HEALTH SERVICE

- (a) Onslow September 1994 and May 1995. Held twice each year.
- (b) In Carnarvon 6 and 7 November 1995.
- (c) In Geraldton 6 and 7 December 1995.

- (d) In Geraldton 4 and 5 March 1996.

GERALDTON HEALTH SERVICE

December 1995.

GRAYLANDS HOSPITAL

- (a) This program commenced on 22 April 1996 and continues on 2 and 15 May and 7 and 20 June 1996 respectively.
- (b) This program commenced in May 1995 and terminated in December 1995.

KING EDWARD MEMORIAL AND PRINCESS MARGARET HOSPITAL

Monthly multicultural sessions are scheduled throughout the year; other sessions are conducted on a regular basis (that is, orientation, new employees) and other sessions are conducted on an ad hoc basis.

LOWER GREAT SOUTHERN HEALTH SERVICE

The training has been undertaken on a number of occasions in the last 12 months.

AVON HEALTH SERVICE

April 1996.

NORTHERN GOLDFIELDS HEALTH SERVICES

September 1991.
June 1995, July 1995, August 1995.
Monthly, ongoing. Part of Induction Program.
Monthly, ongoing. Part of Induction Program.

ROCKINGHAM/KWINANA HEALTH SERVICE

Monthly updates with -
External consultants.
HDWA multicultural liaison officer.
Internal staff development and multicultural contact staff.
Curtin University Aboriginal Health Studies staff.

ROYAL PERTH HOSPITAL

- (a) 12 and 13 September 1995.
(b) 13 and 14 November 1995.

SIR CHARLES GAIRDNER HOSPITAL

The cross-cultural training of staff has been ongoing since 1991.

SOUTH EAST COASTAL HEALTH SERVICE

The actual dates are many and varied. The process has been ongoing for many years.

UPPER GREAT SOUTHERN HEALTH SERVICE

Two day seminar conducted on 5 and 6 December 1995.

WANNEROO HEALTH SERVICE

- (a) Annually - last one 20.3.95. (b) Possibly annually.
(c) Annually.

(d) Monthly.

WARREN/BLACKWOOD HEALTH SERVICE

9 January 1996.

WEST KIMBERLEY HEALTH SERVICE

Not applicable.

PUBLIC HEALTH

1994 and June 1995.

WESTERN HEALTH AUTHORITY

4 and 5 March 1995.

WESTERN HEALTH SERVICE

22 and 23 April 1996 in Moora.

WEST PILBARA HEALTH AUTHORITY

November 1994.

(4)

ABORIGINAL HEALTH

It is worth mentioning that the program also includes a Train the Trainer component so that the important work of orienting new staff on matters related to cultural awareness can be maintained after this contract has concluded.

BENTLEY HEALTH SERVICE

Yes. Aboriginal Cross Cultural Education. 22 and 23 May 1996 - Di Potter.

BUNBURY HEALTH SERVICE

Yes.

CENTRAL GREAT SOUTHERN HEALTH SERVICE

The District has a more thorough Aboriginal Cross Cultural Awareness Training program planned with InTouch Training and Research Consultants for two days - currently planned for 27 and 28 June; however, we plan to move it to July. We aim to have as many employees in attendance as possible.

CENTRAL WHEATBELT HEALTH SERVICES

Not specifically but it is envisaged that similar courses will be run on a yearly basis.

EAST PILBARA HEALTH SERVICE Workshops similar to the ones conducted in 1994 are in the planning process.

Aboriginal Cross Cultural Education sessions conducted by Aboriginal Health Division are to be held at Port Hedland from 20 to 23 May 1996.

EASTERN WHEATBELT HEALTH SERVICE

It is our intention to schedule a repeat of this program to allow additional staff to attend.

FREMANTLE HOSPITAL

Not at this stage.

GASCOYNE HEALTH SERVICE

- (a) In Onslow cross cultural programs are run twice a year.
- (b) In Carnarvon more cross cultural training sessions are being developed for later in the year by the two participants of the Train the Trainer course.
- (c) InTouch have been asked to provide more training.

GERALDTON HEALTH SERVICE

- (a) The consultants, InTouch are to hold a workshop in Geraldton some time this year. Ms Di Potter and Mr Irwin Lewis are the facilitator's who are arranging the Workshop.
- (b) The Staff Development Unit at Geraldton Health Service are holding a Workshop on Aboriginal Cultural Awareness early in June 1996.

GRAYLANDS HOSPITAL

A cross-cultural program entitled "Mental Health Studies: An Education Programme for Aboriginal Health Care Workers" has been designed by the Staff Development Department, Graylands Hospital, and is due for implementation.

KING EDWARD MEMORIAL AND PRINCESS MARGARET HOSPITAL

The Multicultural/Multifaith Education Program for 1995 and 1996 is attached. Other sessions are ongoing.

LOWER GREAT SOUTHERN HEALTH SERVICE

Cross cultural training is intended to be an ongoing process so as to ensure that all staff employed within the Health Service will have access to this training within a five year period.

AVON HEALTH SERVICE

Not at this stage.

NORTHERN GOLDFIELDS HEALTH SERVICES

The continuation of the monthly presentations of the Multicultural Access officer and the Aboriginal Liaison Officer. The Aboriginal Cross Cultural Awareness Program as recently launched by the Minister for Health and Aboriginal Affairs. Dates and outline yet to be finalised.

ROCKINGHAM/KWINANA HEALTH SERVICE

- (a) Two day workshop planned for July 1996.
- (b) Multicultural awareness study day organised on an annual basis.
- (c) RKHS is planning training for staff in the next 18 months including -
 - Training for GPs in Fremantle, Rockingham and Armadale on cross-cultural issues.
 - Training for Psychiatric Services staff in the form of six half day workshops.
 - Intensive course - one to two days - with experts on training on trans-cultural mental health issues.
 - Conference on post traumatic stress for non-English speaking people.

ROYAL PERTH HOSPITAL

- (a) Yes.
- (b) The hospital proposes to conduct a further Aboriginal Cultural Awareness Course in June 1996.

In addition throughout 1996, the Inner City Community Nursing Services are undertaking a broader multicultural health promotion service to address priority areas of health promotion with multicultural clients.

SIR CHARLES GAIRDNER HOSPITAL

Yes, a two day course on Aboriginal cross-cultural education is planned to be held at SCGH in June or July of this year.

SOUTH EAST COASTAL HEALTH SERVICE

- (a) Whole of State contract will supply Aboriginal Cross Cultural Education workshops in the later part of this year.
- (b) Planning, training the newly elected multi-cultural access officers. Training organised centrally by HDWA.

UPPER GREAT SOUTHERN HEALTH SERVICE

It is proposed that InTouch Training will provide more training in July 1996.

WANNEROO HEALTH SERVICE

- (a) Hospital not at this stage as the Hospital is being privatised on 1 June 1996.
- (b) Community Health Service annual programs. A forum for all community nurses is taking place on 6 June 1996.

WARREN/BLACKWOOD HEALTH SERVICE

Under the program managed by the Health Department WA, Aboriginal Health Division, it is anticipated that Warren/Blackwood Health Service will participate in further cross cultural training as provided by InTouch Consultants.

WEST KIMBERLEY HEALTH SERVICE

Later in 1996 InTouch Training will be providing 10 days of cross-cultural training in the Kimberley as part of the Statewide Tendered Consultancy.

PUBLIC HEALTH

During 1996 Public Health will be contacting the Aboriginal organisation InTouch Training and Research Consultants regarding developing and structuring an appropriate cross-cultural education program specific to areas within Public Health. Health Promotion Services staff will be attending the appropriate training sessions.

WESTERN HEALTH AUTHORITY

Yes, the Health Department of WA has contracted InTouch Training to provide training to all HDWA staff.

WESTERN HEALTH SERVICE

- (a) Further training programs will be negotiated with InTouch Consultants to be conducted in Wongan Hills to allow shift workers who could not participate in this cross-cultural education session held in Moora.
- (b) Two Aboriginal health workers have been nominated to be trained as cross-cultural educators.

WEST PILBARA HEALTH SERVICE

Yes, we will be participating in the InTouch Training and Research Consultants' training programs. A contact person for the West Pilbara Health Service has been appointed to liaise with InTouch Training for Aboriginal cross-cultural education to arrange the program for the West Pilbara Health Service.

ABORIGINAL AFFAIRS

- (1) The Aboriginal Affairs Department has conducted cross-cultural training for Police Service officers in Geraldton and the Pilbara. AAD has also been a participant in numerous courses conducted by other agencies.
- (2) AAD officers.

- (3) October 1995 and February 1996 respectively.
- (4) Due to limited staff resources AAD will focus in the future on providing advice on appropriate cross-cultural training packages, persons who can deliver these and a contact register of Aboriginal speakers.

EQUITY STRATEGIES

Government Departments and Instrumentalities

700. Mrs ROBERTS to the Premier; Treasurer; Minister for Public Sector Management; Youth; Federal Affairs:

What equity strategies have been initiated by departments and other instrumentalities which are within the Premier's responsibility which aim to achieve equitable outcomes for non-English speaking background ethnic groups which are disadvantaged as distinct from merely achieving equitable access?

Mr COURT replied:

Office of State Administration

The Office of State Administration aims to maintain and further develop a non-discriminatory workplace, which provides equitable employment access and outcomes for all the EEO groups, including those from a non-English speaking background. The measurement of those outcomes in terms of numbers employed is difficult as measurement requires officers to nominate themselves as members of EEO groups. In operating the Premier's community access line, the Office of State Administration ensures that this service to the public is highly customer focused and clients' concerns are dealt with regardless of language difficulties. The translation services of the Perth Interpreter Service are therefore required from time to time. Access for the public at the front reception is dealt with along similar lines. No particular strategy has been initiated for any specific disadvantaged group except with regard to physical access for people with disabilities.

Treasury Department

The Treasury Department and further develop a non-discriminatory workplace, which provides equitable employment access and outcomes for all the EEO groups, including those from a non-English speaking background. The measurement of those outcomes in terms of numbers employed is difficult as measurement requires officers to nominate themselves as members of EEO groups. While the Treasury Department has a customer charter, its focus is directed more towards government as the department's daily operations involve a fairly limited exposure to the general public. No particular strategy has been initiated for any specific disadvantaged group except with regard to physical access for people with disabilities.

Government Property Office

The Government Property Office is subject to the equal employment opportunity policies of the Ministry of the Premier and Cabinet, which address the issue of equitable access.

Gold Corporation

No specific equity strategies aimed at non-English speaking ethnic groups have been undertaken. However, it should be noted that Gold Corporation is not a provider of community services, but is a self-funding commercial operation that competes with the private sector in all areas of its business. In its retail sales operations, particular attention has been paid to meeting the language needs of customers by employing staff who speak a range of languages, including Japanese, Mandarin, Hokkien and Malay.

Public Sector Standards Commission

A managing diversity policy was endorsed and launched by the Premier in August 1995. Strategic options for people from ethnic minority backgrounds were developed and included in a diversity package. The Director of Equal Opportunity in Public Employment has held diversity workshops and seminars to acquaint agency representatives of the advantages of a diverse work force and has coordinated a diversity interest group.

Public Sector Management Office

The Public Sector Management Office participated in the drafting and promotion of the public sector diversity policy for the Western Australian public sector launched by the Premier late 1995. The Public Sector Management Office coordinates and also participates in the Australian vocational traineeship scheme for the State public sector providing young people with work experience and training. Recruitment of trainees includes those from a non-English speaking background.

The Public Sector Management Office participates in the INSTEP work experience program for school students in vocationally oriented post compulsory school education. Some students on this program are from non-English speaking backgrounds. The Public Sector Management Office provides avenues for non-English speaking background clients to obtain permanent and contract work across all public sector agencies via the entry level recruitment process. The Public Sector Management Office has recently established a new recruitment database which will provide improved processes for tracking information on the outcomes of non-English speaking background applicants seeking employment in the WA public sector.

Office of the Auditor General

Equity strategies adopted within the office are mainly centred towards -

Participation in the Aboriginal cadetship program;

an EEO management plan based on the outcomes framework supported by human resource policies which promote equal opportunity within the office; and

establishment of a relationship with the Chambre Regionale des Comptes de Provence.

NON-ENGLISH SPEAKING BACKGROUND ETHNIC GROUPS - EQUITY STRATEGIES

Government Departments and Instrumentalities

702. Mrs ROBERTS to the Minister for Resources Development; Energy; Education:

What Equity Strategies have been initiated by Departments and other instrumentalities which are within the Minister's responsibility which aim to achieve equitable outcomes for non-English speaking background ethnic groups which are disadvantaged as distinct from merely achieving equitable access?

Mr C.J. BARNETT replied:

Department of Resources Development

None. Several Departmental strategies are in place that address equitable access by groups such as the disabled and peoples from non-English speaking backgrounds, however, none contain equity strategies for specific disadvantaged groups.

Office of Energy: None.

Western Power: None.

AlintaGas has submitted an Equal Employment Opportunity Management Plan (the Plan) for the period December 1995 - December 1998 in accordance with Part IX of the Equal Opportunity Act 1984 (the Act). The four principles embodied in the Plan ranked in order of priority are:

- (1) Integrating EEO requirements with reference to organisational and business management systems.
- (2) Removing discriminatory employment practices.
- (3) Eliminating unlawful harassment in the workplace; and
- (4) Achieving equality of opportunity for employees in their recruitment and employment.

For each principle there is a range of strategies with associated performance indicators which cater for the Act's target groups including people of non-English speaking backgrounds. The achievement of equitable outcomes for all EEO target groups employed by AlintaGas is not only implicit in the Plan's principles and strategies but is stated explicitly in the document's Introduction which states:

This Plan has been developed on the premise that addressing EEO issues is not only fair practice but also makes good business sense by maintaining efficiency, productivity and safety....The Plan sets out objectives, suggests strategies and focuses on outcomes....

Education Department of Western Australia

The Education Department of Western Australia Social Justice in Education Policy which includes Non-English Speaking Background students states all schools have responsibility through their School Development Planning to promote the achievement of optimal educational outcomes for all students. Strategies to address inequities are therefore designed and implemented at the school level. Schools are assisted by Central and District Office personnel in addressing the needs of disadvantaged NESB students by the provision of English as a Second Language Program. Support is provided through:

- Intensive Language Centres;
- Support Programs in mainstream schools;
- Visiting Teacher Service;
- Special programs for Aboriginal students such as Critical Steps;
- Professional development for teachers;
- An additional visiting teacher service for primary NESB students requiring ongoing support after exiting from Intensive Language Centres;
- A comprehensive teacher development course for mainstream teachers with NESB students; and
- The appointment of a specialist psychologist (NESB with particular emphasis on the victims of torture and trauma).

These strategies aim at achieving equitable outcomes for disadvantaged NESB students.

Department of Education Services

- *Secondary Education Authority*

The Secondary Education Authority has English courses in Year 11 and Year 12 entitled "English for ESL Students". The courses are intended for students who speak English as a second language, and who are interested in extending their communicative competence in spoken and written English. The results in the TEE are used as a means of satisfying the literacy requirement for tertiary entrance.

- *Education Policy Coordination Bureau*

The Education Policy and Coordination Bureau has not initiated any equity strategies for non-English speaking background ethnic groups which are disadvantaged.

- *Office of Non-Government Education*

Not applicable. The department allocates untied general per-capita funding to non-government schools. However, non-government schools are required to report via the National Report on Schooling in Australia on education programs for NESB students.

- *Country High School Hostels Authority*

The Authority's country residential colleges provide equitable access to secondary schooling for isolated students regardless of ethnicity. The Authority has no specific strategies aimed at achieving equity of outcomes as distinct from providing equitable access. Educational outcomes are more of an issue for schools than boarding facilities.

CROSS-CULTURAL TRAINING PROGRAMS - STAFF EMPLOYED BY GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

722. Mrs ROBERTS to the Minister for Health:

- (1) Have any cross-cultural training programs been provided for staff employed at -
 - (a) Health Department;
 - (b) major Government hospitals in -

- (i) metropolitan area;
 - (ii) country/regional centres?
- (2) Was this training provided for -
 - (a) administration staff;
 - (b) professional staff;
 - (c) para-professional staff;
 - (d) other support staff
- (3) Who provided the training courses in each case?
- (4) What aspects of cross-cultural relations did these courses deal with?
- (5) What evaluation was undertaken to ascertain the effectiveness of these training courses?
- (6) What liaison was undertaken with other State and Federal departments in providing these courses, in particular, the -
 - (a) Office of Multicultural Interest;
 - (b) Office of Multicultural Affairs;
 - (c) Department of Immigration and Multicultural Affairs?
- (7) Were these courses also provided for local medical and paramedical staff outside the hospital system?
- (8) Were any community groups involved in the delivery of these courses?
- (9) Which organisations were involved?
- (10) What was their role?
- (11) Were any community groups consulted before the delivery of these cross-cultural training courses in relation to their nature and content?

Mr PRINCE replied:

- (1) (a)-(b) Yes.
- (2) (a)-(b) Yes
(c) Not applicable.
(d) Yes.
- (3) A number of education providers have been used across the health system. For example:
 - In Touch Consultants.
 - Aboriginal employees and community people.
 - The Department's Multicultural Access Unit.
 - Multicultural contact officers.
 - Kurangkurl Consultancy.
 - Office of Multicultural Interests.
 - Health Promotions.
 - WA Drug and Alcohol Authority.
 - Bushwork Consultants.
 - Derek Debrus (Consultant).
 - Chung Wah Society.
 - Curtin University
 - Annie Goldflam Consulting.

A more detailed list appears at the end of this answer.

(4)

- Aboriginal Culture and History.
- Communications and Race Relations.
- Torture and Trauma Issues.
- Use of Interpreters.
- Stereotyping.
- Ethno specific information.
- Awareness raising.
- Kinship.
- Traditions.
- Dance, Song and Story.
- Employment.
- Housing.
- Education.
- Access.

A more comprehensive list appears below.

- (5) All courses and programs have an evaluation component built in to the requirements.

A comprehensive list of evaluation commitments and activities appears below.

- (6) Some liaison has taken place during the development and delivery of training programs on cross cultural education.
- (7) Yes in many cases.
- (8) Yes - see notes below for more detail.
- (9)-(10) See list below for details.
- (11) Yes.

DETAILS OF CROSS CULTURAL TRAINING IN ALL LOCATIONS

AVON HEALTH SERVICE

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

BENTLEY HEALTH SERVICE

- (a) Yes.
- (i)
- At orientation/induction by experienced Multicultural Access Contact Officer for all new employees each month.
 - Individual training/discussions in the workplace especially Community Health.
 - Promotion of appropriate literature in departments e.g. cards and interpreter use.
 - Circulation of workshops/seminar material.
- (ii) Note: Remote Area Nursing Course includes Modules on working across cultures and specific Aboriginal cultural Awareness. This course is required for rural and remote area nurses in WA employed by HDWA and some Silver Chain posts.

BUNBURY HEALTH SERVICE

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

CENTRAL WHEATBELT HEALTH SERVICE - QUAIRADING DISTRICT HOSPITAL

- (a) Unknown.
- (b)
 - (i) Unknown.
 - (ii) Quairading, Northam, Merredin.

MULTICULTURAL ACCESS UNIT

- (a) Yes. Cross-cultural training programs is included in all orientation programs for new staff, however, the information is all specifically related to services for non-English speaking patients and the use of professional interpreters.
- (b) This training program applies to staff in Government hospitals in both metropolitan areas and country/regional centres. All major hospitals have a multicultural staff worker responsible for coordinating these activities. However, due to limited resources, the training program does not go into any depth about the different cultural lifestyles, it concentrates on communication issues. Since the erosion of the staff development officer position in hospitals there has been less emphasis placed on many programs such as cultural awareness.

PUBLIC HEALTH

- (a) Yes. Understanding Aboriginal culture. Working with Aboriginal people. Working with Aboriginal people in the area of alcohol and other drugs.
- (b)
 - (i) Unknown.
 - (ii) Not applicable.

EAST KIMBERLEY HEALTH SERVICE

Cross cultural training has been provided in East Kimberley Health Service, HDWA.

EASTERN WHEATBELT HEALTH SERVICE

As previously advised, an Aboriginal Awareness Program was conducted in Merredin on the 1st and 2nd of April 1996. This program was available to management and staff throughout the Eastern Wheatbelt Health Service. It is intended to run further programs to cater for additional staff.

FREMANTLE HOSPITAL

- (b)(i)

EMERGENCY NURSING COURSE

Conducted twice yearly for Registered Nurses working in Emergency Departments, Nursing Posts and remote areas.

Overall programme conducted by Staff Development Department. The session below however is facilitated by a Medical Officer from the Aboriginal Health Service.

Within the four week programme there is a 2 hour session titled "OVERVIEW OF ABORIGINAL HEALTH". Content includes:

- Aboriginal Health Statistics.
- Cultural differences related to the accessing of the health service by the Aboriginal people.

Evaluation is done summatively through a prepared evaluation tool which was completed by all participants at the end of each week of the course. This feedback from the sessions is made available to the individual facilitators.

(6)-(11) As far as I am aware the answer is no.

CROSS CULTURAL AWARENESS TRAINING PROGRAMME

This programme is conducted by Training and Development (part of Staff Development) and is offered to all staff working in Fremantle Hospital and Health Service. It represents one part/module of a larger programme and is presented in two parts.

PART 1 "CROSS CULTURAL AND MULTICULTURAL ISSUES"

Facilitator: Representative from Fremantle Migrant Resource Centre.
 Content: Discussion of a variety of issues relating to different cultures excluding the Aboriginal culture.
 Communication.
 Cultural beliefs and customs.
 Strategies for dealing with certain beliefs.
 History.
 Techniques to improve communication and therefore increase understanding of beliefs and cultures.

PART 2 "ABORIGINAL CROSS CULTURAL ISSUES"

Facilitator: Training and Development Group.
 Content: As the previous session but related to the Aboriginal culture.

Evaluation is conducted by both a formative and summative approach. Formatively by asking all participants to complete a prepared tool based on Bono's PMI model. A comprehensive evaluation is also completed at the end of the total programme. There is consultation on a three monthly basis with all staff who contribute to the programme. A summary of individual session evaluations is provided to the relevant Facilitators.

CROSS CULTURAL TRAINING IN SOCIAL WORK

Two 4 hour sessions have been presented during the last twelve months. The first was attended by staff from the Social Work department and Psychiatric Services. The second programme was attended by members of the Aged Care Assessment team, Social Workers and Occupational Therapists. Participants were all employees of Fremantle Hospital and Health Service.

The programmes were presented by the Senior Social Worker and the Ethnic Liaison Officer.

Contents: Ethnicity.
 History of migration.
 Prejudices.
 Difficulties in learning English.
 Communication/language difficulties.
 Cultural backgrounds.
 Application of learning using case studies.

An evaluation report was written based on feedback from all participants.

(7)-(8) No.

(10)-(11) Not directly for this program.

GASCOYNE HEALTH SERVICE

Yes, Carnarvon and Onslow.

GERALDTON HEALTH SERVICE

(a) Not applicable.
 (b) (i) Not applicable.

- (ii) Yes.

GRAYLANDS HOSPITAL

- (a) Not that I am aware of.
 (b) (i) Graylands Hospital.
 (ii) Not that I am aware of.

KING EDWARD MEMORIAL AND PRINCESS MARGARET HOSPITALS

- (a) Not applicable.
 (b) (i) KEMH/PMH Multicultural/Multifaith Committee conducts monthly awareness raising sessions on various cultures and issues associated with a multicultural society. The Lecture Series for 1995 and 1996 is attached. A multicultural awareness raising session is included in the orientation program.

The Aboriginal Liaison Officer conducts awareness raising sessions with new residents and registrars, student nurses and speaks with other staff of the Hospital on request.

An Aboriginal Health Interests Group is developing to consider strategies to address issues relating to Aboriginal health and the welfare of families attending the hospital.

Multicultural women health study day was conducted on 9 August 1995 and a Cultural Issues Study Day was conducted on 7 December 1994.

The monthly sessions of Aggression in the Workplace includes a component pertaining to multicultural issues.

The Language Services Coordinator continuously trains and raises the awareness of employees regarding different cultures and needs and other associated issues.

A Multifaith Centre has been set up which includes a Muslim Prayer Room. The permanent opening of the Prayer Room is imminent.

A Cultural Resource Volunteer Scheme for Chinese patients and their families was set up in 1995 and is to be extended to Vietnamese patients.

Aboriginal Cross Cultural Education Programme - organised by the Health Department of Western Australia and facilitated by Staff Development Educators from the Hospitals, due to commence late August 1996.

- (ii) Not applicable.

LOWER GREAT SOUTHERN HEALTH SERVICE

- (1) (a) Not applicable.
 (b) (ii) Yes.

LOWER NORTH METROPOLITAN HEALTH SERVICE

- (1) - (11) Contract was made with Lower North Metropolitan Health Service on 26 March 1996, by:

Intouch Training and Research Consultants.
 Duncraig House
 56 Duncraig Road
 APPLECROSS WA 6152
 PRINCIPAL - Di Potter.

The correspondence indicated the above had received the Contract to provide the cross-cultural training and requested a contact person nominated by the Health Service. This was provided on 2 April 1996. No further communication has been entered.

NORTHERN GOLDFIELDS HEALTH SERVICES

- (a) Not applicable.
- (b) (i) Not applicable.
- (ii) Yes
 - (a) Aboriginal Health and Culture.
 - (b) Aboriginal Culture and Language.
 - (c) Aboriginal Health.
 - (d) Multicultural Access Program.
 - (e) Aboriginal Nutrition Training Workshop.

ROCKINGHAM/KWINANA HEALTH SERVICE

- (1) (a) Not applicable.
- (b) Rockingham/Kwinana District Hospital.

ROYAL PERTH HOSPITAL

Royal Perth Hospital incorporating the Inner City Health Service have conducted the following Cross Cultural Training Programs.

- (a) Aboriginal Cultural Awareness Skills Training: This was a 2 day workshop covering broad aspects of the Aboriginal culture and to facilitate a better understanding and awareness of their heritage.
- (b) Handling Multicultural Diversity: As part of the Hospital's ongoing Equal Employment Opportunity Training and strategy, the hospital provided a 2 day workshop in respect to managing a multicultural workforce and the associated Equal Opportunity issues.
- (c) Working with Aboriginal people: As part of our integrated role in the East Metropolitan Regional Health Service, the hospital conducted a series of workshops to assist staff in developing sound working relationships with Aboriginal people and identifying areas that will improve patient care with Aboriginal patients.

SIR CHARLES GAIRDNER HOSPITAL

- (b)(i) Sir Charles Gairdner Hospital.

SOUTH EAST COASTAL HEALTH SERVICE

- (a) Not applicable.
- (b) (ii) Yes.

UPPER GREAT SOUTHERN HEALTH SERVICE

Yes, 5 and 6 December 1995.

- (a) For Community Health and Public Health Unit staff.
- (b) For nominated staff from all hospitals in Upper Great Southern Health Service.

WANNEROO HEALTH SERVICE

- (a) Not applicable.
- (b) (i) Annually, a lecture is given at the hospital on cross cultural issues. A folder is available in each hospital unit which contains multicultural information.
- (ii) Not applicable.

WARREN/BLACKWOOD HEALTH SERVICE

- (a) Not applicable.
- (b) (i) Not applicable.
- (ii) A total of sixty three staff attended one of three, two hour Aboriginal Cross Cultural workshops conducted within the Warren Blackwood Region by Mrs May Chalker, BA Human Services on 9 January 1996.

WESTERN HEALTH AUTHORITY

- (a) Health Department - yes, Western Health Authority and Gascoyne Community Health.

- (b) Country - yes, Geraldton Regional Hospital.

WESTERN HEALTH SERVICE

- (a) Yes.
 (b) (i) Not applicable.
 (ii) Accredited Aboriginal cross-cultural education for employees in the Western Health Service.

EAST PILBARA

There has been Aboriginal Cultural Awareness workshop provided for Health Department staff and other interested government and non-government departments in the Port Hedland and other surrounding towns in the East/West Pilbara. The workshop has been held in Broome, Derby and Roebourne.

WEST PILBARA HEALTH SERVICE

Yes. One cross cultural training program has been provided for staff employed at the hospitals in the Roebourne Shire.

- (3) The suppliers of cross cultural educators in all locations

ABORIGINAL HEALTH

In-Touch Consultants.

AVON HEALTH SERVICE

Combination of: Local Aboriginal Officers, Aboriginal Policy Unit, Multicultural Access Unit.

BENTLEY HEALTH SERVICE

In House - Multicultural Contact Officer (experienced presenter) and worked in the field. External consultant through HDWA (Di Potter and Irwin Lewis) Public Sector Development.

BUNBURY HEALTH SERVICE

Kurangkurl Consultancy.

CENTRAL WHEATBELT HEALTH SERVICE

Organised by the Coastal and Wheatbelt Public Health Unit.

MULTICULTURAL ACCESS UNIT

Health Department staff, staff development officers, Office of Multicultural Interests and interpretation services staff.

PUBLIC HEALTH

Intouch Training. No government Aboriginal organisation. Aboriginal Health Team, Health Promotion Services, WA Alcohol and Drug Authority.

EAST KIMBERLEY HEALTH SERVICE

In June of 1996 the Health Service held a two day cross-cultural workshop coordinated by Mr Ross Johnston of Bushwork Consultants formerly of Aboriginal Affairs Planning Authority, Perth.

EASTERN WHEATBELT HEALTH SERVICE

Di Potter and Irwin Lewis of "In Touch Consultants".

GASCOYNE HEALTH SERVICE

- (a) In Carnarvon, Mr Fred Clinch, Promotion Officer - Health Promotions Branch Perth - Aboriginal Medical Service and Mr Fred Clinch, Aboriginal Health Worker.
- (b) In Onslow, Mr Brian Hayes, Shire Councillor and a counsellor for Family and Childrens Services.
- (c) In Geraldton, Mr Irwin Lewis and Di Potter.
- (d) In Geraldton, Ashley Taylor, Graham Taylor and Deborah Robinson.

GERALDTON HEALTH SERVICE

Training programs were available to all staff within the Geraldton Health Service and was provided by:

- (a) Derek Debrus (Private Consultant).
- (b) RHSET Cross Culture Training. Presenters Mr Ashley Taylor, Chairperson ATSIC Geraldton, Mr Graham Taylor, TOTS Training

GRAYLANDS HOSPITAL

Graylands Hospital.

KING EDWARD MEMORIAL HOSPITAL

The awareness raising sessions were conducted by expert professionals in their relevant area of expertise, and includes professionals from Edith Cowan University, Bibbulung Gnarned Project, PMH, PMH Chaplaincy, the Office of Multicultural Interests and the Chung Wah Society. The Multicultural Women's Health Study Days were conducted by Hospital Staff Development Centre staff and the Multicultural Access Contact Officers.

LOWER GREAT SOUTHERN HEALTH SERVICE

A local Aboriginal identity and accredited trainer - Carol Pettersen and officers of community health Services, Albany Regional Hospital and Commonwealth Employment Service.

NORTHERN GOLDFIELDS HEALTH SERVICES

- (a) Course a - Kalgoorlie Regional Hospital.
- (b) Course b - Industry Training Centre Kalgoorlie College.
- (c) Course c - Aboriginal Liaison Officer Kalgoorlie Regional Hospital.
- (d) Course d - Multicultural Access Officer Kalgoorlie Regional Hospital.
- (e) Course e - Health Enhancement Team HDWA.

ROCKINGHAM/KWINANA HEALTH SERVICE

Training to date has been provided by external consultants, HDWA Multicultural Liaison Officer, internal Staff Development and Multicultural Contact staff and Curtin University Aboriginal Health Studies staff. The two day workshop in July 1996 will be undertaken by "In Touch" training consultants.

ROYAL PERTH HOSPITAL

- (a) For 1(a) above - In Touch Training Consultancy.
- (b) For 1(b) above - Annie Goldflam Consulting.
- (c) For 1 (c) above - Curtin University Centre for Aboriginal Studies.

SIR CHARLES GAIRDINER HOSPITAL

The hospital's interpreter coordinator and experts invited from the community.

SOUTH EAST COASTAL HEALTH SERVICE

Aboriginal Health Workers. Multicultural Access Unit, HDWA.

UPPER GREAT SOUTHERN HEALTH SERVICE

Carol Pettersen's Aboriginal Cross Cultural Awareness Training Services, Albany.

WANNEROO HEALTH SERVICE

Multicultural Officer.

WARREN/BLACKWOOD HEALTH SERVICE

Mrs May Chalker, BA Human Services.

WESTERN HEALTH AUTHORITY

In Touch Training Consultants - Di Potter and Irwin Lewis.

WESTERN HEALTH SERVICE

Di Potter and Irwin Lewis from 'In Touch' Consultants.

EAST PILBARA HEALTH SERVICE

The training was provided by the Aboriginal Working Party, who are all Health Department workers.

Kevin Clarke	Substance Abuse Officer, PHRH
Katie Papertalk	Aboriginal Liaison Officer, PHRH.
Michael Dann	Project Officer, Pilbara Health Regional Office.
Trudy Hayes	Aboriginal Health worker.
June Councillor	Aboriginal Health worker.
Pat Mason	Aboriginal Health worker.
Guest speakers	Aboriginal elders in the local area.

WEST PILBARA HEALTH SERVICE

The training course was provided by the Pilbara Regional Office, Aboriginal Liaison Officer, Mr Mike Dann.

(4) Details of aspects of cross cultural relations dealt with in training programs

ABORIGINAL HEALTH

- Aboriginal Culture/History.
- Education.
- Communication and Race Relations.

AVON HEALTH SERVICE

- Mainly history and cultural differences.

BENTLEY HEALTH SERVICE

- Torture and Trauma health issues.
- Use of interpreters.
- Demographics of service customer catchment areas.
- Aboriginal cultural awareness.
- Communicating across cultures.
- Stereotyping - worldviews and some ethno specific information.

BUNBURY HEALTH SERVICE

Initial awareness sessions have dealt with raising issues of cross cultural health specific issues within the Bunbury Community. Future sessions will deal with the history, strategy formulation for the Bunbury Health Service to provide a cultural appropriate form of service delivery.

MULTICULTURAL ACCESS UNIT

Courses concentrate on non-English speaking clients, patients, and relatives. Programs also initiated and implemented for specific focus groups which is determined by need, i.e. women giving birth in hospitals, Indo-Chinese perspectives and Islamic perspectives.

CENTRAL WHEATBELT HEALTH SERVICE

Aboriginal Cross Cultural only.

PUBLIC HEALTH

Aboriginal learning styles; history - last 2000 years and effects now; learning styles based on that history. Understanding of culture and working with Aborigines.

EAST KIMBERLEY HEALTH SERVICE

The following areas have been covered:

- historical aspect of cross-cultural issues;
- kinship;
- relationships to land;
- implications of above for provision of health care;
- cultural values;
- cultural traditions.

EASTERN WHEATBELT HEALTH SERVICE

All aspects of Aboriginal culture.

GASCOYNE HEALTH SERVICE

- (a) Carnarvon and Onslow:
- (b) Aboriginal Terms of Reference.
- (c) Cross Cultural Training.
- (d) Understanding the Aboriginal Ways.
- (e) Land/Environment/Language.
- (f) Aboriginal Dreamtime.
 - Dance.
 - Song.
 - Story.
- (g) How to improve your knowledge about Aboriginal People/Culture.
- (h) Employment of Aboriginal people.
- (i) Geraldton:
 - (a) Welcome and Introduction (ice breakers).
 - (b) Definitions of terms (usage of certain words).
 - (c) Why are we here? (personal experiences).
 - (d) Aspects of Aboriginal history (dispossession etc).
 - (e) Cultural Traits.
 - (f) Attitudes/Access (perceptions, prejudices, racism, social behaviours stereotyping).
 - (g) Communication (meeting people, eye contact, listening, speaking and touching).
 - (h) Behaviours (adults and children, towards others).
 - (i) Employment and Income (types of jobs).
 - (j) Education (traditional and non-traditional Aboriginals).
 - (k) Housing (traditional and non-traditional).
 - (l) Relationships (community status, commitments, family, community connection respect).
 - (m) Religion (different types, ceremonies/funerals).
 - (n) Pastimes (sport and other activities).
 - (o) Recent events (Mabo, Native title legislation, ATSIC, State issues, RCIADIC).

GERALDTON HEALTH SERVICE

- (a) Communicating with people from non English speaking backgrounds.
- (b) Basic knowledge of government and community resources for people from minority cultural backgrounds. Awareness of Aboriginal Culture within the Geraldton area (Aboriginal Culture

Training).

GRAYLANDS HOSPITAL

- (a) Awareness of cultural issues in mental health care.
- (b) Communication aspects.

KING EDWARD MEMORIAL HOSPITAL AND PRINCESS MARGARET HOSPITAL

The Multicultural Women's Health Study Days included sessions covering:

- multicultural issues;
- perspectives of culture (Aboriginal and Chinese);
- patient attitudes to hospitalisation (Aboriginal, Chinese, Indian, etc);
- assessing one's own attitude;
- communicating across cultures; and
- using interpreters.

LOWER GREAT SOUTHERN HEALTH SERVICE

Aboriginal issues:

- Understanding Aboriginal people.
- Their history.
- Their culture.
- Their behaviour.
- Working cooperatively with them.
- Our/their attitudes.

NORTHERN GOLDFIELDS HEALTH SERVICES

The various courses dealt with a range of issues through presentations by relevant advisers including the following as examples:

- Cultural and Spiritual issues.
- Aboriginal Legal Service.
- Fringe Dwellers.
- Aboriginals in Hospitals.
- Historical perspectives.
- Comparison of Cultures-Aboriginal People of our Region.
- Skin Groups/Old Time Remedies/Language.
- Diet Related Diseases for Aboriginal People.
- Nutrition.

A copy of relevant course outlines are available if required.

ROCKINGHAM/KWINANA HEALTH SERVICE

The main aspects of cross cultural relations dealt with were:

- Dealing with Aboriginality.
- WA Ethnic Aged Strategy.
- Birthing and post natal care of ethnic mother and baby.
- Admissions and management of children from non-English speaking backgrounds.

ROYAL PERTH HOSPITAL

- (a) For 1(a) above - Aimed to cover informed and sensitive understanding of the Aboriginal community, myths, learning styles and origins of racism. The course enhanced and expanded culture and awareness skills and identified different cultures, customs and workplace behaviours.
- (b) For 1(b) above - Identifying multicultural and ethnic issues important to Non-English speaking background staff. Developing skills to ensure harmonious workforce. Strategies for dealing with racist behaviour, language and communication issues. This is an accredited SSAB program.

- (c) For 1(c) above - Broad aspects of the Aboriginal culture and heritage aimed at improving working relationships with Aboriginal people ;and health personnel.

SIR CHARLES GAIRDNER HOSPITAL

The courses were intended to raise the level of consciousness relating to: racist language, religion, diet and clothing.

SOUTH EAST COASTAL HEALTH SERVICE

Aboriginal cultural education and communication.
Equal employment.

UPPER GREAT SOUTHERN HEALTH SERVICE

- Aboriginal History with special reference to the Nyungar people.
- Legislation affecting Aboriginal people since settlement of WA.
- Looking at 'self' in the workplace.
- Differences in cultures.
- Self attitude and self values.
- Stereotyping and myths of Aboriginal issues.
- Skills to better service Aboriginal clients through more culturally appropriate communication and language.

WANNEROO HEALTH SERVICE

Language, cultural issues, telephone interpreter services, resource material.

WARREN/BLACKWOOD HEALTH SERVICE

Past and present Aboriginal Legislation concerning:

- Reconciliation.
- Aboriginal Skin Groups, boundaries and distribution.
- Aboriginal values and culture and diversity.
- Aboriginal people and events.

WESTERN HEALTH AUTHORITY

- Culture and Tradition Pre/Post Settlement.
- The Aboriginal Act.
- Post settlement to present.
- Experiences of an Aboriginal Elder.
- Introduction to race relations.
- What is culture.
- Encountering a new culture.
- Cross cultural misunderstanding.
- Ways to working with Aboriginal people. The norms of other cultures and the Aboriginal culture.
- Video - Brown/Blue Eye.

WESTERN HEALTH SERVICE

History, legislation, religion, Dreamtime, access, equity, racism, multiculturalism, prejudice, ethnocentrism and discussed the importance of a holistic approach to relationships with multicultural groups.

EAST PILBARA HEALTH SERVICE

The Aboriginal Cultural Awareness workshop included such topics as:

- Perceptions of Aboriginal Health.
- Aboriginal History (National, State, Local and Political).
- Impacting factors on Aboriginal way of life (Pilbara Strike).
- Aboriginal Culture (What is it? Comparison between Aboriginals and Non-Aboriginals).
- Aboriginal Health (Past and Present).

- Aboriginal Ways of doing things (Health information, sensitivity, extended family, communication, spirituality, language, births, deaths, money etc).
- Health Department services by each Aboriginal health worker, including the policies and guidelines (restrictions in the JDF).
- Aboriginal Health - Future - The Aboriginal health workers work role (power/control).
- Where to from here? (Aboriginal Language centre, Aboriginal Medical Services etc).

WEST PILBARA HEALTH SERVICE

Aspects of Aboriginal Cross Cultural relations covered in the course to name a few were:

- Death and dying.
- Perceptions of sickness.
- Extended families.
- Land and Spirit.
- Dreaming.

(5) Details on evaluation of courses/programs

ABORIGINAL HEALTH

An evaluation questionnaire was completed at the end of the training and is used to inform future course content and structure. More detailed evaluation will be undertaken as the course progresses.

AVON HEALTH SERVICE

Normal staff development questionnaire.

BENTLEY HEALTH SERVICE

- Participant evaluations.
- Audit or use of Telephone Interpreter Service - this has increased in the last 12 months indicating increased awareness and use of interpreters.

BUNBURY HEALTH SERVICE

Evaluation methodologies include:

- Pre-workshop assessment - identification of issues for health service.
- During workshop - feed back sheets for all participants.
- Post workshop - following the final session - 10 personal interviews with stratified sample both of program 'attending' and non attending employees.
- Opinionnaire self-completed by stratified sample both of program 'attending' and 'non attending' employees.
- Ongoing - feedback from the Nyungar community through 'local Nyungar Content Advisers' and other relevant community contacts.

MULTICULTURAL ACCESS UNIT

- Evaluation of the program is usually obtained through a questionnaire given to all participants attending the cross-cultural awareness program at the end of the session.

CENTRAL WHEATBELT HEALTH SERVICE

- An examination plus evaluation form.

PUBLIC HEALTH

- Cross-cultural - nil.
- Train-the-Trainer - plan presentation and give it feedback from presenters of course.

EAST KIMBERLEY HEALTH SERVICE

- Informal ongoing evaluation.

EASTERN WHEATBELT HEALTH SERVICE

- The providers of the course circulated an evaluation sheet and all participants were required to undertake a short written examination on the contents of the two day program.

GASCOYNE HEALTH SERVICE

- Evaluation was carried out at the end of the workshops.

GERALDTON HEALTH SERVICE

- Feedback from staff. Staff have indicated they are less stressed in dealing with people from different cultural backgrounds (no formal evaluation).

GRAYLANDS HOSPITAL

- Written evaluations to obtain feedback, which were satisfactory.

KING EDWARD MEMORIAL HOSPITAL AND PRINCESS MARGARET HOSPITAL

Evaluation was sought from participants in the Multicultural Women's Study Days and evaluations were sought from attendees of the voluntary sessions.

LOWER GREAT SOUTHERN HEALTH SERVICE

- Knowledge evaluation - feedback from attendees.

NORTHERN GOLDFIELDS HEALTH SERVICE

The attendees at the courses completed evaluation forms which asked the relevance of the information presented, the lecturers presentation of the subject, teaching aids used, what interested the attendees most/least, suggestions to improve the course and the utilisation of the information in the workplace. A copy of an example is available if required.

ROCKINGHAM/KWINANA HEALTH SERVICE

The program undertaken in October 1995, was subjected to normal internal evaluation processes for Rockingham/Kwinana District Hospital. The results of the written evaluation were that the program was very well received by all participants and that it was informative and helpful in relation to multicultural awareness issues.

ROYAL PERTH HOSPITAL

Evaluations was taken on the day using standard evaluation sheets and verbal feedback.

SIR CHARLES GAIRDNER HOSPITAL

None.

SOUTH EAST COASTAL HEALTH SERVICE

No formal evaluation was undertaken by Aboriginal Health Workers. Unable to ascertain whether an evaluation was done by the HDWA.

UPPER GREAT SOUTHERN HEALTH SERVICE

Participant evaluation at the end of workshop. Participants reported being more knowledgeable and more confident in dealing with Aboriginal clients.

WANNEROO HEALTH SERVICES Staff verbalised better understanding of cross cultural issues, folders accessed regularly.

WARREN/BLACKWOOD HEALTH SERVICE

An evaluation of the course material and presentation was conducted by Mrs Chalker upon completion of the training session.

WESTERN HEALTH AUTHORITY

Nil.

WESTERN HEALTH SERVICE

As it was an accredited course, all participants had to complete a closed book examination on the content of the presentation to measure impact evaluation. These will be marked and returned to the district certifying participation and an acceptable level of knowledge of individual participants.

EAST PILBARA HEALTH SERVICE

An evaluation questionnaire was completed by all who attended the workshop. Also formally written congratulation letters from various people who attended the workshop.

WEST PILBARA HEALTH SERVICE

Evaluation questionnaires were collected by the Coordinator of the course. However results were not forwarded through to the Health Service. The effectiveness of the training highlighted the need for staff to be aware of Aboriginal Cultural needs within the health setting. Aboriginal Awareness was included in the nursing orientation program at Roebourne District Hospital and Wickham District Hospital as a result of this training program.

(8) Details on the community groups involved

ABORIGINAL HEALTH

Local Aboriginal people are involved as part of program.

AVON HEALTH SERVICE

Yes.

BENTLEY HEALTH SERVICE

Health workers representing Aboriginal and Cambodian communities assist with development. Association for Services to Torture and Trauma Survivors Inc. (ASETTS).

BUNBURY HEALTH SERVICE

No.

MULTICULTURAL ACCESS UNIT

Yes. Frequent liaison with community representatives of the various ethnic groups.

CENTRAL WHEATBELT HEALTH SERVICE

A key member from the local Aboriginal Community was involved in the delivery of the Course.

PUBLIC HEALTH

- Aboriginal Presenters. Aboriginal Presenters also provided input from their own experience.
- Non-government Aboriginal organisation - Yes.
- Aboriginal Health Team, Health Promotion Services - No.

- WA Alcohol and Drug Authority - No.

EAST KIMBERLEY HEALTH SERVICE

(8)-(11) Community groups were not involved in the delivery on the occasions identified above. However these groups do have significant ongoing involvement in informal cross-cultural training particularly of community based staff. Groups involved include:

- community councils;
- informal groups of community people;
- community health committees;
- women groups;
- alcohol counselling/rehabilitation groups.

EASTERN WHEATBELT HEALTH SERVICE

Local Aboriginal Elders were involved in the delivery of this program.

FREMANTLE HOSPITAL

Women's Multicultural Centre.
Fremantle Migrant Resource Centre.

GASCOYNE HEALTH SERVICE

Yes.

GERALDTON HEALTH SERVICE

Yes.

GRAYLANDS HOSPITAL

No.

KING EDWARD MEMORIAL HOSPITAL AND PRINCESS MARGARET HOSPITAL

Yes.

LOWER GREAT SOUTHERN HEALTH SERVICE

A local Aboriginal identity and accredited trainer - Carol Pettersen and officers of Community Health Services, Albany Regional Hospital and Commonwealth Employment Service.

NORTHERN GOLDFIELDS HEALTH SERVICE

Yes.

ROCKINGHAM/KWINANA HEALTH SERVICE

(8)-(10) No community groups were involved in the delivery of courses to date. In relation to training planned for July 1996. There has been consultation and input from the Fremantle Migrant Resource Centre and from the Association for Services to Torture and Trauma Survivors (incorporated).

ROYAL PERTH HOSPITAL

- (a) For 1(a) above - No.
- (b) For 1(b) above - No.
- (c) For 1(c) above - Speakers were provided from the Aboriginal Medical Service and Aboriginal Liaison Officers from the Health Department of WA.

SIR CHARLES GAIRDNER HOSPITAL

No.

SOUTH EAST COASTAL HEALTH SERVICE

Yes.

UPPER GREAT SOUTHERN HEALTH SERVICE

No, Aboriginal community were presented by Aboriginal Health workers.

WANNEROO HEALTH SERVICE

Guest speakers from different groups attend meetings.

WARREN/BLACKWOOD HEALTH SERVICE

No.

WESTERN HEALTH AUTHORITY

Yes.

WESTERN HEALTH SERVICE

All were invited to be participants of the workshop.

EAST PILBARA HEALTH SERVICE

The community groups involved in the workshop were guest speakers as:

- Aboriginal Community members (elders speaking on Aboriginal Culture).
- Stanley Nangala (an Aboriginal person doing the opening address).
- Mark Edgar (The General Manager, East Pilbara doing the closing address).
- Maureen Kelly (Alcohol and Drug Authority participating in the presenting topics).

WEST PILBARA HEALTH SERVICE

Yes. Other community groups were involved in the delivery of this course.

(9) DETAILS ON THE ORGANISATIONS INVOLVED.ABORIGINEAL HEALTH

Not applicable.

AVON HEALTH SERVICE

Family and Childrens Services.

BENTLEY HEALTH SERVICE

Association for Services to Torture and Trauma Survivors Inc. (ASETTTS).

BUNBURY HEALTH SERVICE

No.

MULTICULTURAL ACCESS UNIT

There are many ethnic associations who have a representative which liaises with the Multicultural Health Department staff.

CENTRAL WHEATBELT HEALTH SERVICE

Coastal Wheatbelt Public Health Unit.

PUBLIC HEALTH

- Aboriginal Building Company.
- Individuals from Aboriginal background.
- Army.
- Non-government Aboriginal organisations.
- Aboriginal Health Team, Health Promotion Services.
- WA Alcohol and Drug Authority

EASTERN WHEATBELT HEALTH SERVICE

Local Aboriginal Elders were involved in the delivery of this program.

FREMANTLE HOSPITAL

No liaison with these particular agencies however, have consulted with local agencies. These include the Fremantle Migrant Resource Centre, private consultants Collard and Collard and Associates and Barbara Henry, a member of the Aboriginal community.

GASCOYNE HEALTH SERVICE

Aboriginal Medical Services, Community Health Service, Schools, Community Police, Family Support Services, Aboriginal Legal Service.

GERALDTON HEALTH SERVICE

- (a) ATSIC Geraldton.
- (b) TOTS.

GRAYLANDS HOSPITAL

None.

KING EDWARD MEMORIAL HOSPITAL AND PRINCESS MARGARET HOSPITAL

The awareness raising sessions were conducted by expert professionals in their relevant area of expertise, and includes professionals from Edith Cowan University, Bibbulung Gnarned Project, PMH, PMH Chaplaincy, the Office of Multicultural Interests and the Chung Wah Society.

LOWER GREAT SOUTHERN HEALTH SERVICE

A local Aboriginal identify and accredited trainer - Carol Pettersen and officers of Community Health Services, Albany Regional Hospital and Commonwealth Employment Service.

NORTHERN GOLDFIELDS HEALTH SERVICE

Bega Garnbirringu Aboriginal Medical Services.

ROYAL PERTH HOSPITAL

- (a) For 1(a) above - No.
- (b) For 1(b) above - No.
- (c) For 1(c) above - Speakers were provided from the Aboriginal Medical Service and Aboriginal Liaison Officers from the Health Department of WA.

SIR CHARLES GAIRDNER HOSPITAL

Not applicable.

SOUTH EAST COASTAL HEALTH SERVICE

Bay of Isles Aboriginal Corporation.

UPPER GREAT SOUTHERN HEALTH SERVICE

Not applicable.

WANNEROO HEALTH SERVICE

ASSETS Unit - Association for Services to Torture and Trauma Survivors (Kurdish, Yugoslav, Afghanistan, Aboriginal Health Workers).

NASASS - Nunga Alcohol Substance Abuse Services.

Aboriginal Health Workers.

WARREN/BLACKWOOD HEALTH SERVICE

Not applicable.

WESTERN HEALTH AUTHORITY

Bundiyarra Community Organisation - several Aboriginal elders.

WESTERN HEALTH SERVICE

- Health Department of WA employees in Western Health Service.
- Local Aboriginal Progress Association, Central Midlands, Moora.
- Local Youth Group Worker.

EAST PILBARA HEALTH SERVICE

The organisations involved in the workshop were:

- Alcohol and Drug Authority Port Hedland.
- Wanka Maya Language Centre Port Hedland.
- Port Hedland Regional Hospital Aboriginal Liaison Officer and the Substance Abuse Officer.
- Project Officer, East Pilbara Regional Office.
- Department of Health, Housing and Community Development South Hedland.
- Pilbara Public Health Unit - Aboriginal Health Workers.
- Roebourne Aboriginal Medical Service.

WEST PILBARA HEALTH SERVICE

Aboriginal Elders, Aboriginal Health Workers and Aboriginal Liaison Officers, ADA.

(10) Details on the role of specific organisations involved

ABORIGINAL HEALTH

Not applicable.

AVON HEALTH SERVICE

Speakers.

BENTLEY HEALTH SERVICE

Development of education program for health providers.

BUNBURY HEALTH SERVICE

Not applicable.

MULTICULTURAL ACCESS UNIT

Specific individuals identified by their culture are approached for consultation in relation to specific issues, or are invited as guest speakers to address specific cultural issues at staff inservice programs.

CENTRAL WHEATBELT HEALTH SERVICE

To arrange Venue and Advertise Program.

PUBLIC HEALTH

Delivery of course.

EASTERN WHEATBELT HEALTH SERVICE

To provide input into the program in terms of local Aboriginal culture and tradition.FREMANTLE HOSPITAL

Resource and as Facilitators.

GASCOYNE HEALTH SERVICE

Some facilitated, some were participants and some presented.

GERALDTON HEALTH SERVICE

Providers/presenters.

GRAYLANDS HOSPITAL

Not applicable.

KING EDWARD MEMORIAL HOSPITAL/PRINCESS MARGARET HOSPITAL

Advisory, consultative, information and/or actual participation or presentation.

LOWER GREAT SOUTHERN HEALTH SERVICE

Course delivery.

NORTHERN GOLDFIELDS HEALTH SERVICE

Presenters and advisers.

ROYAL PERTH HOSPITAL

- (a) For 1(a) above - Not applicable.
- (b) For 1(b) above - Not applicable.
- (c) For 1(c) above - Provide information on specific roles of their particular organisation.

SIR CHARLES GAIRDNER HOSPITAL

Not applicable.

SOUTH EAST COASTAL HEALTH SERVICE

Consultation on specific cultural aspects relating to their group.

UPPER GREAT SOUTHERN HEALTH SERVICE

Not applicable.

WANNEROO HEALTH SERVICE

To make Health Service staff aware of cross cultural issues relating to their specific group.

WARREN/BLACKWOOD HEALTH SERVICE

Not applicable.

WESTERN HEALTH AUTHORITY

Presenters.

WESTERN HEALTH SERVICE

Firstly, were participants and were invited to provide an overview of their organisations.

EAST PILBARA HEALTH SERVICE

The role of each Aboriginal presenter was to participate in presenting the topics throughout the workshop.

WEST PILBARA HEALTH SERVICE

Their role included delivering an overview/insight into the components of the course.

BANKWEST - SALE TO BANK OF SCOTLAND

Establishment of Another State Bank - Undertakings

731. Mr BROWN to the Premier:

- (1) Has the State Government given any undertaking or reached any understanding with the Bank of Scotland that, in return for the Bank of Scotland purchasing BankWest, the State will not establish or foster the establishment of another state bank or state-supported bank?
- (2) If not, have any undertakings been given or understandings reached of a like or similar nature?
- (3) If so, what are those undertakings and understandings?
- (4) Have any undertakings or understandings been reached with the Bank of Scotland on any matters relating to a state -
 - (a) owned;
 - (b) operated;
 - (c) supported;
 - (d) fostered
 bank?
- (5) If so, what undertakings and understandings have been reached.

Mr COURT replied:

See my reply to question 3934 of 1995.

ALINTAGAS - NOONAN'S BAKERY

800. Mr BROWN to the Minister for Energy:

- (1) Further to question on notice 28 of 1996, what sound advice has AlintaGas provided to Noonan's (bakery)?

- (2) What was the nature of that advice?
- (3) What was the cost (to AlintaGas) of providing that advice?
- (4) Did the advice require technical or professional involvement?
- (5) If so, please clarify?

Mr C.J. BARNETT replied:

I am advised:

- (1)-(2) Detailed discussions between AlintaGas and its customers are commercially confidential.
- (3) Advice offered by AlintaGas to its customers is part of the corporation's customer service and not individually costed.
- (4) No.
- (5) Not applicable.

EDUCATION - CHANGE TO SCHOOL ENTRY AGE

802. Mr BROWN to the Minister for Education:

- (1) Is it Government policy that there will be no change to school entry ages until the year 2000?
- (2) Given that any change to school entry age after the year 2000 will affect families planning to have children in the not too distant future, is the Government prepared to guarantee parents and prospective parents that no changes will be made to the school entry age without parents and/or prospective parents being given sufficient notice to enable them to properly plan for future additions to the family?

Mr C.J. BARNETT replied:

- (1) Yes, until at least 2000.
- (2) At the Ministerial Council on Employment, Education, Training and Youth Affairs, held in Brisbane in July, the Ministers for Education from around Australia resolved to ask the heads of all their education systems to work together to devise ways for Australia to move towards a national school entry age band (a period within which all States' and Territories' entry age cut-off dates would fall). If, following a period of public consultation, it is resolved to change the age at which children enter the education system in Western Australia, no child now born, or currently in the education system will be affected by any change to school entry ages. There will be no implementation of any change until after 2000. Parents and prospective parents are part of the consultative process that is currently underway. They will know well ahead of time of any changes.

ADOLESCENT AND CHILD SUPPORT CENTRE- LOCATION

Dundas Road, Tonkin Highway, Roe Highway - Development Proposals

808. Mr BROWN to the Minister representing the Minister for Transport:

- (1) Is the Minister aware of proposals to develop the area around Dundas Road/Tonkin Highway/Roe Highway?
- (2) Will these development proposals involve a significant number of trucks using the area?
- (3) Are the development proposals and the transport implications of these proposals inconsistent with the Government's decision to place an adolescent and child support centre in that vicinity?
- (4) To what extent has the Government's decision to place this facility in that area been taken into

account in the development/transport proposal?

- (5) Will the Government change the infrastructure-transport proposals for the area given that an adolescent and child support centre is to be located in the same vicinity?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

- (1) A structure plan is being prepared for redevelopment of surplus Westrail land within the Forrestfield and Kewdale marshalling yards. The proposed redevelopment will have significant benefits, one of which will be the removal of the CBH grain receival facility at North Fremantle.
- (2) Truck access to the redevelopment area will be via the regional road network and will be designed so as to avoid direct impact on urban development in the High Wycombe area.
- (3)-(5) The structure for the proposed redevelopment will ensure that these proposals are integrated with existing and planned development in the High Wycombe area.

PERTH GLORY SOCCER CLUB - POSSIBLE VENUES

Study - Allocation of Funds

837. Ms WARNOCK to the Parliamentary Secretary representing the Minister for Sport and Recreation:

- (1) Has the Government allocated funds to the Perth Glory Soccer Club to update a study of possible suburban venues for the club?
- (2) If not, is the Government proposing to provide funds for this purpose?
- (3) If not, will the Government undertake an independent study of a possible soccer venue in the metropolitan area?
- (4) Is Lake Monger Velodrome being considered as a venue?

Mrs PARKER replied:

The Minister for Sport and Recreation has provided the following response -

- (1) No.
- (2) The Government intends to provide funds for a consultant to assess the feasibility of establishing a playing headquarters for the sport of soccer.
- (3) The Government has undertaken some investigation of venue options.
- (4) The Lake Monger Velodrome is not currently being considered as a venue.

ENERGY - SUN SAVINGS CAMPAIGN

861. Dr EDWARDS to the Minister for Energy:

- (1) Will the Minister be launching a Sun Savings campaign?
- (2) If not, why not?

Mr C.J. BARNETT replied:

- (1) No.
- (2) Other programs will be launched instead:

House Energy Rating Scheme was launched on 29 May 1996;
Energy Efficiency Awards extended from the public service to wider community beginning 1995;
Remote Area Power Supply Systems information service provided at Murdoch University, funded
by State Government;
other programs under consideration.

ENERGY - ENERGY EFFICIENT HOUSING AND APPLIANCES

862. Dr EDWARDS to the Minister for Energy:

What progress has been made to build a working display of energy efficient housing and appliances?

Mr C.J. BARNETT replied:

The proposal for a single working display of energy efficient housing and appliances was examined and not considered to be cost effective. A more widespread information service is under consideration including:

Western Power's refocussed energy museum providing increased education and information services such as Energy World;

energy displays at Scitech in association with Western Power; and

displays at existing exhibition locations such as MBA Homebase and Home Ideas Centre.

METROBUS BUSES - GAS CONVERSION

867. Dr EDWARDS to the Minister for Energy:

(1) What consideration has been given to convert Metrobus buses to compressed natural gas?

(2) If no consideration has been given, why not?

Mr C.J. BARNETT replied:

(1)-(2) Transperth already has a compressed natural gas fuelling facility at the Malaga bus depot from which 45 cng fuelled buses operate. AlintaGas and Transperth are developing arrangements for additional cng fuelled buses. Transperth is initiating a new trial with cng conversion technology supplied by Transcom Ltd. Ten additional buses will be converted to cng and their performance monitored.

POWER - RENEWABLE POWER SYSTEMS FOR ISOLATED COMMUNITIES

Discussion with Private Companies

868. Dr EDWARDS to the Minister for Energy:

(1) What discussions have been held with private companies to develop renewable power systems for isolated towns and communities away from the grid system?

(2) If none, why not?

Mr C.J. BARNETT replied:

(1) I am advised that Western Power has held preliminary discussions with private companies on the potential of renewable power systems for isolated communities away from the grid system. These include companies in the fields of photovoltaics/power conditioners, tidal power biomass and wind. Western Power is also a lead participant in the Western Australian based Cooperative Research Centre for Renewable Energy and Greenhouse Gas Abatement. Renewable power systems for isolated communities will be one of the areas targeted for intensive research and commercial development.

(2) Not applicable.

ENERGY - ENERGY RATING SYSTEM FOR HOUSEHOLD APPLIANCES

Extension

870. Dr EDWARDS to the Minister for Energy:

- (1) Has the energy rating system covering household appliances been extended?
- (2) Are all these ratings displayed at the point of sale?
- (3) What standards are in place to ensure that these ratings are in line with similar ratings in other States?

Mr C.J. BARNETT replied:

- (1) No. All major household appliances for which a rating is appropriate are already included.
- (2) The majority of retailers selling the relevant appliances do display the energy rating labels at the point of sale.
- (3) All States and Territories, including Western Australia, contribute to the development and maintenance of the national energy rating scheme. Ratings are calculated according to a nationally agreed algorithm and with national testing procedures. The Bill formalising Western Australia's compliance with the national scheme, is currently before the House.

ENERGY - RENEWABLE ENERGY INNOVATION AND DESIGN

Award

872. Dr EDWARDS to the Minister for Energy:

- (1) What is the name of the award for renewable energy innovation and design for the housing industry?
- (2) How many awards of this type have been awarded and to whom were they awarded?
- (3) Is there a separate category for use of solar power?

Mr C.J. BARNETT replied:

- (1) The Western Australian Energy Efficiency Awards encompass renewable energy innovation. Separate awards are given by the Royal Australian Institute of Architects and the Master Builders Association for energy efficient housing.
- (2) The Western Australian Energy Efficiency Awards were offered to the wider community in 1995. Winners were:

Landfill Gas and Power	Planning, Transport and Infrastructure
Economic Energy Company	
Central Metropolitan College of TAFE	Commercial Buildings
Bunbury Water Board	Industry
WA Department of Training	Education, Promotion and Community Programs
Chillsavers Pty Ltd	Perpetual Trophy

1996 winners were:

BHP Iron Ore	Planning, Transport and Infrastructure
Baverstock and Associates	
and the Perth Zoo	Commercial Buildings
Department of Conservation and	
Land Management	Industry Category
Purnululu School	Educational and Community Based Programs
BHP Iron Ore	Perpetual Trophy

Department of Conservation and
Land Management
Richard Ellis (WA) Pty Ltd

AEDB Innovation Award
BOMA Award

- (3) No.

GREENHOUSE GASES - REPORT

Western Australia's Poor Record

876. Dr EDWARDS to the Premier:

- (1) Given that the Premier gave an undertaking in the House on 26 March 1996 that he would read the report on greenhouse gases, has the Premier now read the report in its entirety?
- (2) Will the Premier now provide reasons as to why Western Australia has a poor record on greenhouse gas reductions?

Mr COURT replied:

- (1) No I have not read the full report. However, I have received a comprehensive briefing on the report.
- (2) It is the total quantity of carbon dioxide and other greenhouse gases in the atmosphere which leads to the greenhouse effect. The recovery of gas from the North West Shelf leads to the emission of greenhouse gas. However, by exporting that liquid natural gas and substituting it for fuels such as coal, it will make an enormous difference to the world's greenhouse balance. As Western Australia moves more and more towards downstream processing, on a total world basis the level of greenhouse gas emissions will be less than if such projects went ahead using old technology. The findings of the Australian Conservation Foundation report are based on the way the credits are calculated at the moment. The current formula greatly favours places such as New South Wales and Victoria which already have well established downstream processing industries. As downstream processing industries using new technology are established in Western Australia, the State is not receiving any credits. The issue of credits for establishing downstream processing industries which benefit the national and international greenhouse balance is being taken up with the Federal Government.

NORTHBRIDGE TUNNEL - TRANSPORT OF DANGEROUS GOODS

Comparative Risk Analysis

939. Ms WARNOCK to the Minister representing the Minister for Transport:

- (1) Has the Government done, or caused to be done, a comparative risk analysis in regard to the transport of dangerous goods through the proposed Northbridge tunnel?
- (2) If not, why not?
- (3) Does the Government intend to carry out such an analysis?
- (4) If so, when?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

- (1)-(3) The tunnel operational requirements will provide for the safe passage of vehicles carrying dangerous goods. A comparative risk assessment is required for the development of the tunnel operating procedures to ensure that public safety is optimised.
- (4) Prior to opening the tunnel to traffic.

ROYAL COMMISSION INTO THE COMMERCIAL ACTIVITIES OF GOVERNMENT AND OTHER
MATTERS - REVIEW OF MATERIAL

Potential Charges or Allegations Against Leader of the Opposition

954. Mr BROWN to the Premier:

- (1) Further to question on notice 290 of 1996, does the Premier deny that he asked or suggested that a government agency or employee specifically review and/or research material connected with the Royal Commission into Commercial Activities of Government and Other Matters for the specific purpose to see if any charges and/or allegations could be laid or made against the Leader of the Opposition for any actions he took or allegedly took during the period of the former Labor Government?
- (2) If not, did the Premier give any instruction, request or suggestion of a similar nature to any government agency or employee?
- (3) If so, precisely what was the nature of that instruction, recommendation or suggestion?
- (4) Does the Premier have any knowledge whatsoever of any instruction, direction, recommendation or suggestion made to a government agency or employee or officer of agency should investigate, research and/or review material connected with the Royal Commission into Commercial Activities of Government and Other Matters and/or other material connected with the period of government the royal commission examined to ascertain if any charges and/or allegations could be made or laid against the Leader of the Opposition for actions he took or allegedly too during that period?

Mr COURT replied:

- (1) Yes.
- (2) No.
- (3) Not applicable.
- (4) See answer to question 290.

WORKPLACE AGREEMENTS - TELEVISION ADVERTISEMENTS

Cost

1000. Mr McGINTY to the Premier:

- (1) Who produced the advertisements appearing on television networks regarding workplace agreements?
- (2) At what cost was this advertisement produced?
- (3) At what cost is the advertising budget for this particular ad?
- (4) How many times has this advertisement appeared?
- (5) For each showing of the advertisement, will the Premier provide the following details -
 - (a) on which channel did the advertisement appear;
 - (b) at what time did the advertisement appear;
 - (c) on what date did the advertisement appear;
 - (d) what the cost of that advertisement was?
- (6) Who approved the advertisement?
- (7) From which budget were the funds drawn?

Mr COURT replied:

This question should be directed to the Minister for Labour Relations.

STATE BUDGET - ADVERTISEMENT IN *THE WEST AUSTRALIAN* 3 MAY 1996

1002. Mr McGINTY to the Premier:

- (1) What was the cost of the full-page advertisement in *The West Australian* on 3 May 1996 on the budget?
- (2) Did an advertisement of a similar nature appear in any other newspaper in Western Australia during the week after the budget?
- (3) If yes -
 - (a) which newspapers;
 - (b) what was the cost for each advertisement in each newspaper?

Mr COURT replied:

- (1) \$6 381.87.
- (2) Yes.
- (3) (a) & (b)

	\$
Northern Guardian	568.26
Broome Advertiser	694.54
Business News	2 060.00
Midland Kalamunda Reporter	1 205.00
Guardian Express	1 205.00
Southern Gazette	1 491.00
Eastern Suburbs Reporter	1 497.00
Stirling Times	1 414.00
Comment News	1 432.00
Melville Fremantle Communit	1 313.00
Canning Community	1 086.00
Wanneroo Times	1 550.00
News Chronicle	997.00
North West Telegraph	829.43
Narrogin Observer	588.35
Merredin Wheatbelt Mercury	708.89
Bunbury Mail	781.20
Avon Valley Advocate	868.00
Kimberley Echo	709.80
Busselton Margaret Times	628.53
Mandurah Mail	781.20
Collie Mail	674.80
Esperance Express	783.51
Geraldton Guardian	760.55
Kalgoorlie Miner	737.10
Albany Great Southern Weekender	833.00
Fremantle Gazette	1 194.00
Rockingham Weekend Courier	1 039.00

ROADS - KWINANA FREEWAY, EYRE HIGHWAY

Works Undertaken in Past 12 Months

1008. Mrs HALLAHAN to the Minister representing the Minister for Transport:

With glaring examples of contractors not completing roadworks up to standard on the Kwinana Freeway and the Eyre Highway, between Norseman and Madura, will the Minister advise -

- (a) what further works have been undertaken in the last 12 months to make good the original work;
- (b) which companies have undertaken these further works, and at what cost;
- (c) what are the sources of funding for this additional and presumably unforeseen and unbudgeted work;
- (d) does Main Roads still employ quality control supervisors for all major road works;
- (e) if not, why not?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

With regard to Kwinana Freeway -

- (a) None. Only minor surface repairs were undertaken as would normally be expected. However, I advise the honourable member that substantial repairs were carried out by the contractor within the contracts defect liability period. The honourable member should not confuse the recent surfacing works with repairs. These works are part of construction works on a staged basis.
- (b)-(c) Not applicable.
- (d) On all major projects such as works on the Kwinana Freeway and Eyre Highway, either Main Roads engineers or experienced consultants are engaged to manage works undertaken by contract. All contracts have appropriate quality assurance levels determined and this is an important factor in assessing bids.
- (e) Not applicable.

With regard to Eyre Highway -

- (a) None. All remedial work was done previously.
- (b)-(c) Not applicable.
- (d) Answered by (d) above.
- (e) Answered by (e) above.

ALINTAGAS - INTRODUCTION OF SUPPLY CHARGE FOR RESIDENTIAL CUSTOMERS

Revenue Increase

1012. Mr THOMAS to the Minister for Energy:

- (1) How many residential tariff customers of AlintaGas (and prior to 1 January 1995 SECWA) consumed the following amounts of gas for the 1994-95 financial years:
 - (a) 0-1800 units or kwl;
 - (b) 1800-3611 units or kwl;
 - (c) 3612-6944 units or kwl;
 - (d) over 6944 units or kwl?
- (2) What revenue does AlintaGas anticipate it will raise in 1996-97 by introducing a supply charge of 8.31 cents per day for residential customers?
- (3) What revenue does AlintaGas anticipate it will raise in 1996-97 from residential customers under the new residential tariff (not including the supply charge)?
- (4) What revenue would it have anticipated raising in 1996-97 had the old scale been retained?

Mr C.J. BARNETT replied:

AlintaGas has provided the following response:

- (1) (a) 84 020
(b) 67 532
(c) 115 708
(d) 75 595
- (2) \$10.1m.
- (3) \$88.9m.
- (4) \$97.3m.

WESTERN POWER - WIDDIS, MR WAYNE, FOCUSED CHANGE INTERNATIONAL, GALBRAITH
MANAGEMENT GROUP

Contracts or Consultancies

1013. Mr THOMAS to the Minister for Energy:

- (1) Has Western Power engaged a Mr Wayne Widdis, his firm Focussed Change International or Galbraith Management Group as consultants?
- (2) If yes, how many contracts or consultancies have one or other of these parties been awarded?
- (3) What are the terms of reference of these contracts or consultancies and what period(s) do they cover?
- (4) What are the prices of the contracts or consultancies?
- (5) Were the contracts or consultancies put out to tender or some other competitive selection process before they were awarded?

Mr C.J. BARNETT replied:

I am advised that:

- (1) Mr Wayne Widdis, Focussed Change International and Galbraith Management Group have been engaged as consultants by Western Power.
- (2) Each company has a separate arrangement with Western Power.
- (3) To provide advice in the areas of corporate planning, divisional planning, market planning, change management and human resource planning. The Galbraith Management engagement concluded on 30 June 1996 and the Focussed Change International engagement concludes on 31 December 1996.
- (4) The Galbraith Management arrangement is based on paying a fixed fee for the services outlined for the period February 1996 to June 1996. Focussed Change International charges are primarily calculated as per any training course, that is, on a per person undergoing training basis. For further information, please refer to the Consultants' Report tabled in Parliament on a 6 monthly basis.
- (5) A review was made of suitable consultants who could provide the total package of services required.

NATIONAL ROAD SAFETY ACTION PLAN - MEETING OF MINISTERS FOR TRANSPORT 1994

1015. Mrs HALLAHAN to the Minister representing the Minister for Transport:

- (1) Was Western Australia represented by the Minister for Transport at a meeting of federal, state and territory Ministers for Transport in 1994 which endorsed a national road safety action plan?
- (2) Has the implementation task force, arising out of the above meeting, been established?
- (3) If so, when was it established and who are the members?

- (4) If not, why not?
- (5) Assuming that the task force has been established, what assessment has been made of progress on this State's strategies and action plans?
- (6) What has been achieved so far?
- (7) How many of the 11 priority actions has the Government implemented?
- (8) Please provide details of those that have been implemented and outline when the balance of those priority actions will be completed?
- (9) What are the details on those that have been implemented?
- (10) What remains to be actioned and when will that happen?
- (11) How many of the objectives A to H have been implemented?
- (12) Please provide details of those that have been implemented and outline when the balance of those objectives will be completed?
- (13) What are the details on those that have been implemented?
- (14) What remains to be actioned and when will that happen?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

- (1)-(2) Yes.
- (3) The task force was established on 14 September 1995 and the members are as follows:

Mr Peter Makeham	Federal Office of Road Safety, Canberra
Mr Keith Wheatley	Road user Branch Federal Office of Road Safety, Canberra
Mr Ray Taylor	Road Safety Development, Road Safety Bureau, RTA, Sydney
Mr David Anderson	Road Safety Division VICROADS
Mr Paul Blake	Land Transport & Safety Division Queensland Department of Transport
Mr Phil Charles	Road Strategies and Services, Main Roads, Western Australia
Mr John Spencer	Office of Road Safety, Department of Transport, South Australia
Ms Fae Robinson	Road Safety, Department of Transport, Tasmania
Mr Andris Bergs	Department of Transport and Works, Darwin
Mr Leigh Palmer	Transport Regulation roads and Transport Branch, City Services Group, Department of Urban Services, Canberra
Mr Bob Pearson	National Road Transport Commission, Victoria
Mr Denis Robertson	Road Transport Forum, Canberra
Dr Peter Gray	Department of Human Services & Health, ACT
Mr Harry L. Camkin	Australian College of Road Safety, ACT
Mr Bruce Van Every	ALGA, South Australia
Mr Gordon Trinca	Royal Australasian College of Surgeons, Victoria
Mr Peter Mount	Australian Motorcycle Council, South Australia
Mr John T.	Sanderson Royal Automobile Club of Victoria (RACV) Ltd
Mr R. Scholar	Federal Chamber of Automotive Industries, ACT
Mr Bruce Kimball	C/- QCPA, Queensland
Professor M. Taylor	Australian Institution of Engineers, South Australia
Assistant Commissioner Neil McKenzie	South Australian Police
Acting Superintendent Terry Lester	NSW Police Department
Acting Superintendent Bob Wylie	Victoria Police Department

Mr Gavin Maisey	Western Australian Police Service
Mr Lachlan McIntosh	Australian Automobile Association, Canberra
Dr James Harrison	National Injury Surveillance Unit, Australian Institute of Health, South Australia
Mr Sam Coulson	Ford Motor Company of Australia Ltd, Victoria

(4) Not applicable.

(5)-(6) All States and Territories reported progress to a meeting of the Taskforce in May 1995 and July 1996. The National Road Trauma Advisory Council determined that, while much had been achieved, Australia will have to do more to reach its goal of 10 deaths per 100 000 population by the year 2001. The 1994 Action Plan has been reviewed and a new draft was unanimously endorsed by the Australian Transport Council at its meeting in June. The revised Action Plan was publicly released on 5 August and will guide State and Territory road safety activities over the next few years.

Western Australia's draft Road Safety Strategy complements the National Strategy and is also reflected in a "Road Safety Directions - The Way Ahead" document that was prepared by the Office of Road Safety and which I launched on behalf of the Ministerial Council on Road Safety on 8 July.

(7)-(10) Substantial progress has been made in all of the "priority action" areas and will be ongoing as they involve adopting the latest safety technology or introducing best practice.

(12)-(14) The Strategy Objectives, covering a range of road safety influences, including planning, road user behaviour, vehicles, roads and research, give rise to the Road Safety Actions. The Objectives are long term and ongoing and it is more appropriate to acknowledge that substantial progress has been made in pursuing the many and varied actions including the formulation of a Western Australian Road Safety Strategy and the establishment of administrative structures in this State (Ministerial Council on Road Safety, Steering Committee on Road Safety and an Office of Road Safety) to progress the strategy. Legislation changes are also being progressed.

ALINTAGAS - GASMAP TIER 1, RETAILERS, UNSUCCESSFUL APPLICATIONS

1017. Mr THOMAS to the Minister for Energy:

- (1) How many retailers are Tier 1 participants in the GasMAP marketing alliance with AlintaGas?
- (2) What are their names?
- (3) Has any money been paid by these retailers to AlintaGas for the privilege of being Tier 1 participants in GasMAP?
- (4) If yes to (3) above, how much?
- (5) Were there any unsuccessful applications for Tier 1 status in GasMAP?
- (6) Who were they and why were they unsuccessful?

Mr C.J. BARNETT replied:

- (1) Currently there are seven registered businesses which represent a total of eighteen stores in the Perth metropolitan area.
- (2) Thomsons - Balcatta
Kleenheat Gas - Bassendean
Kleenheat Gas - Fremantle
Kleenheat Gas - Kalamunda
Kleenheat Gas - Kelmscott
Kleenheat Gas - Mandurah
Kleenheat Gas - Mundaring

Kleenheat Gas - Myaree
 Kleenheat Gas - Osborne Park
 Kleenheat Gas - Rockingham
 Kleenheat Gas - Wangara
 Gas and Air Co- Midland
 Gas and Air Co - Willetton
 Gas and Air Co - Balcatta
 Inglewood Gas and Electrical Discounters - Inglewood
 Perth Gas Centre - Morley
 Wanneroo Gas and Air - Wangara
 Gas Centre WA - Wangara

- (3)-(6) The questions deal with matters of sensitive commercial information and are the subject of confidentiality undertakings. I decline to answer the questions but have obtained the information from AlintaGas regarding the questions asked and am satisfied it has acted properly.

WANNEROO INC - JUSTICE, MINISTRY OF, WITHDRAWAL OF INQUIRIES

Elliott, Richard, Meeting with Bob Falconer and David Grant

1018. Mr MARLBOROUGH to the Minister for Police:

- (1) On what date was the Minister for Police advised by the Commissioner of Police that the Justice Ministry was getting in the way of police inquiries?
- (2) Did the Minister for Police direct the Commissioner to advise the Justice Ministry to withdraw all inquiries on Wanneroo Inc?
- (3) Did Mr Falconer act independently of the Minister in calling the meeting with Mr Grant and inviting Mr Richard Elliott to the meeting?
- (4) Did Mr Falconer advise the Minister for Police that he intended to call Mr Elliott as a independent witness?
- (5) Does the Minister agree that Mr Elliott is an independent witness on such matters?
- (6) Was the Minister advised on the possible conflict that could arise, as stated by Mr Falconer, between ministries and if so, by whom was he briefed?
- (7) Does the Minister agree that the actions taken by Mr Falconer, of removing the Justice Ministry from the Wanneroo Inc Inquiry, could have led to conflict between he and the Attorney General at that time?

Mr WIESE replied:

- (1) I was advised by the Commissioner of Police that a meeting was to be held on 18 October 1994.
- (2) No.
- (3) Yes.
- (4) No.
- (5) Yes. He was independent of each agency involved and as a representative of the Premier's office was in my opinion an appropriate observer at the meeting.
- (6) Yes, by the Commissioner of Police.
- (7) It is my belief that the action taken by Mr Falconer certainly had the potential to cause conflict with the Attorney General.

ELLIOTT, RICHARD - MEETING WITH BOB FALCONER AND DAVID GRANT, 1994

1019. Mr MARLBOROUGH to the Premier:

- (1) Why did the Premier direct Mr Richard Elliott to discuss a range of issues with Mr Falconer before Mr Falconer was appointed Police Commissioner in Western Australia?
- (2) Did Mr Elliott advise the Premier that he was attending the meeting between Mr Falconer and Mr Grant on 18 October, 1994?
- (3) If not, who was Mr Elliott representing?
- (4) Did Mr Elliott report the request to attend the meeting to the Premier and give the Premier the reasons that Mr Falconer gave him for attending?
- (5) Did the Premier seek independent advice on whether it was appropriate for Mr Elliott to attend when he was not a paid public servant?
- (6) Is it not true that before the October 1994 meetings that the Premier had received the Fowler and Mann reports into how the Liberal Member for Wanneroo was able to finance mortgages worth a million dollars on an income of \$35 000?
- (7) Is it true that the Fowler report was taken on 29 October 1993 to the home of Mr Richard Elliott for his perusal?

Mr COURT replied:

- (1) Mr Elliott and the Minister for Police provided a background briefing to Mr Falconer the day before he was appointed Police Commissioner. Mr Falconer was unable to travel to Perth at the time and the Minister for Police believed the briefing would help Mr Falconer's transition into his new appointment.
- (2) No.
- (3) Himself.
- (4) No.
- (5) Not applicable.
- (6) The Premier received the subject reports in 1993.
- (7) Yes.

ALINTAGAS - GAS CHARGES INCREASE, FIGURES

1028. Mr THOMAS to the Minister for Energy:

- (1) I refer the Minister to the front page article of *The West Australian* dated 4 May 1996 and ask, will the Minister provide the data used to estimate the average increase in gas charges to customers?
- (2) Will the Minister also provide, given these figures, what the median and mean figure would be?

Mr C.J. BARNETT replied:

- (1) \$1.7m total increase in revenue divided by 360,000 customers = \$4.72 p.a.
- (2) Median = 40c p.a.
Mean = \$4.72 p.a.

WESTERN POWER - MUJA-KALGOORLIE ELECTRICITY TRANSMISSION LINE

1058. Mr RIPPER to the Minister for Energy:

- (1) Who owns the Muja/Kalgoorlie electricity transmission line operated by Western Power?
- (2) What are the continuing leasing or other payments which Western Power is committed to make on this transmission line?
- (3) What impact will the gas pipeline to Kalgoorlie have on Western Power's revenues from this line?

Mr C.J. BARNETT replied:

- (1) The Muja/Kalgoorlie electricity transmission line is owned by a consortium of financial institutions managed by ANZ Bank Ltd under a finance lease.
- (2) As at 31 March 1996, the sum of future lease payments is \$39.8m.
- (3) Western Power's revenues from the eastern goldfields are expected to decrease by approximately \$70m per annum as a direct result of the gas pipeline to Kalgoorlie.

POISON 1080 - NATIVE MAMMALS PROTECTION

Troglobitic Fauna, Cape Range, Protection; Nature Conservation Strategy

1071. Mr CONSTABLE to the Minister representing the Minister for the Environment:

- (1) What safeguards have been put in place to protect native mammals which are not immune to sodium mono fluoroacetate (1080)?
- (2) *Landscape* magazine reported in its Autumn 1994 issue on page 26, potential mining and road building threats to unique troglobitic fauna in Cape Range. Since 1994, what steps have been taken to protect these irreplaceable assets?
- (3) Given that the Nature Conservation Strategy was released in draft form over four years ago, when will it be finalised?

Mr MINSON replied:

The Minister for the Environment has provided the following reply:

- (1) The risk to species that lack tolerance to 1080 can be eliminated by manipulating bait type and the bait design as for example:
 - (a) Use a bait material that is unpalatable eg, CALM's use of meat removes the risks to any herbivore.
 - (b) For carnivorous species which are invariably small, meat baits are dried to a tough stringy state so that it becomes too tough to chew (masticate).
 - (c) Also, the dosage and concentration of 1080 can be manipulated by making the bait large. This removes the risk to small carnivores should they manage to eat part of a dried meat bait, as they would have to eat an amount equal to several times their body weight in order to ingest a fatal dose of 1080.
 - (d) Baits are laid at a low density; this means that for small carnivorous species with their limited mobility, the probability of encountering a bait is small. It should be borne in mind that risk to a species needs to be assessed at the population level ie, the risk of losing a population and not an occasional fatality like a road kill.
 - (e) Finally, if a species is believed to be at risk, CALM has a policy of no baiting.
 - (f) There is no evidence that any species has been adversely affected by CALM's baiting protocol.
 - (g) See also *Landscape* article "The Toxic Paradox" which covers this question in considerable detail.
- (2) A number of steps have been taken to protect the troglobitic fauna of Cape Range, in addition to management of the Cape Range National Park by the Department of Conservation and Land Management.

- The 8 April 1994 Gazettal notice of specially protected fauna under the Wildlife Conservation Act listed four troglobitic species (two fish and two crustaceans) as “threatened” fauna (ie fauna which is rare or likely to become extinct). In the 30 April 1996 Gazettal notice, a further five troglobitic species were listed as threatened (two arachnids, one crustacean and two millipedes). These listings provide additional legal protection and increase the focus on their conservation.
 - CALM commissioned a senior WA Museum scientist to prepare a report on cave fauna, which has been widely distributed to government agencies, local government and industry.
 - Government agencies are progressing negotiation of extensions to the Cape Range National Park, which would provide added protection for the cave systems and their fauna.
 - The Environmental Protection Authority has taken the troglobitic fauna into account in its assessment of proposals in the Cape Range area, and has established a subcommittee specifically to consider the subterranean fauna. At present, work is being undertaken with a view to developing a protection strategy to preserve this important ecosystem.
 - The Water Corporation is monitoring the effects of water abstraction on the fauna.
- (3) I am unable to give a commitment on when the nature conservation strategy will be released. The reason is that in court action taken against the Government by non-government conservation organisations on some aspects of forest management, the question has arisen as to the legal duties created by policy documents of the Department of Conservation and Land Management such as the proposed nature conservation strategy. This litigation has not yet been finally determined by the courts.

OMBUDSMAN - APPOINTMENT, ADVERTISEMENTS, APPLICATIONS

1072. Hon. P.G. PENDAL to the Premier:

- (1) Has the position of Ombudsman been advertised on behalf of the Parliament?
- (2) If so, when did the applications close?
- (3) How many applications have been received?
- (4) What steps are taken in the selection process to ensure the position remains a parliamentary appointment?

Mr COURT replied:

- (1) Yes, the position of Ombudsman has been advertised.
- (2) Applications closed 3 May, 1996.
- (3) 28.
- (4) Appointment to the position will be in accordance with the provisions of the Parliamentary Commissioner Act 1971.

ALINTAGAS - CONCESSIONS FOR SENIORS

1088. Mr BROWN to the Minister for Energy:

- (1) Will the Minister recommend or implement arrangements which exempt seniors from paying the AlintaGas fixed charge, given the limited income of some seniors?
- (2) If not, will the Minister recommend seniors receive a 50% exemption?
- (3) If the answers to questions (1) and (2) above are in the negative, what is the Minister's objection to providing an exemption for seniors?
- (4) Is the Minister prepared to recommend or implement any concession for seniors in relation to gas

charges?

- (5) If not why not?

Mr C.J. BARNETT replied:

- (1)-(2) No.

- (3) Pensioners continue to receive the same energy rebate from Western Power as they did from the former SECWA. If AlintaGas provided a rebate to those pensioners who use natural gas they would receive twice the energy rebate that was provided in the past. It would not be fair for some consumers to receive two rebates and some to receive only one. The supply charge has been introduced to enable AlintaGas to recover some of the fixed costs of supplying gas to residential premises including installation and maintenance of pipelines, gas mains, and meters. The supply charge has been largely offset by a 12 per cent reduction in the per unit gas price for the first step of the tariff.

- (4) No.

- (5) Pensioners already receive a Domestic Energy Rebate through Western Power. Every domestic energy customer in Western Australia has an electricity account. Providing a rebate on electricity accounts is therefore the most logical and equitable way to apply a rebate.

SMALL BUSINESS - NORTH WEST

Payroll Tax Abolition

1092. Mr GRAHAM to the Minister representing the Minister for Finance:

Has the Government abolished payroll tax for all small businesses in the north west?

Mr COURT replied:

The Minister for Finance has provided the following reply -

From 1 July 1996, the Government will have exempted from payroll tax all businesses, including those in the north west, whose annual payroll is less than \$625 000.

STATUTORY AUTHORITIES - SUNSET CLAUSES IN LEGISLATION

1094. Mr GRAHAM to the Premier:

- (1) Has the Government introduced effective sunset clauses in all legislation affecting statutory bodies established since 4 February 1993?
- (2) If not, why not?
- (3) If so, what legislation contains such a clause?

Mr COURT replied:

- (1) No.

- (2) The winding-up of any statutory body requires transitional and savings provisions to deal with the assets, liabilities, financial affairs and staff of the body. These provisions can be quite complex and it is difficult to predict, at the time a body is set up, the kind of provisions that will be needed to facilitate its winding-up at some time in the future. Accordingly, the Government has maintained the longstanding practice of including "review" clauses in Acts setting up statutory bodies. If after a review of an Act, the repeal of the Act is considered to be appropriate, legislation can be introduced to effect that repeal and to deal with all necessary matters relating to the winding-up of the statutory body.

- (3) *Commission on Government Act 1994*, section 25.

STATUTORY AUTHORITIES - SUNSET CLAUSES IN LEGISLATION

1095. Mr GRAHAM to the Premier:

- (1) Has the Government introduced effective sunset clauses in all regulations affecting statutory bodies established since 4 February 1993?
- (2) If not, why not?
- (3) If so, which regulations contain such a clause?

Mr COURT replied:

- (1)-(3) Statutory bodies are not constituted by regulations.

GOVERNMENT DEPARTMENTS - STAFF, PROGRAMS FUNDED, IN PORT HEDLAND, SOUTH HEDLAND, TOM PRICE, PARABURDOO, MARBLE BAR, NULLAGINE

1128. Mr GRAHAM to the Minister for Resources Development:

What are:

- (a) the number of departmental staff in departments under the Minister's control located in the following towns:
 - (i) Port Hedland;
 - (ii) South Hedland;
 - (iii) Tom Price;
 - (iv) Paraburdoo;
 - (v) Marble Bar;
 - (vi) Nullagine;
- (b) the classifications of those staff;
- (c) the programs currently being funded in the towns listed in (a), in the departments under the Minister's control?

Mr C.J. BARNETT replied:

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

GOVERNMENT DEPARTMENTS - STAFF, PROGRAMS FUNDED, IN PORT HEDLAND, SOUTH HEDLAND, TOM PRICE, PARABURDOO, MARBLE BAR, NULLAGINE

1129. Mr GRAHAM to the Minister for Energy:

What are:

- (a) the number of departmental staff in departments under the Minister's control located in the following towns:
 - (i) Port Hedland;
 - (ii) South Hedland;
 - (iii) Tom Price;
 - (iv) Paraburdoo;
 - (v) Marble Bar;
 - (vi) Nullagine;
- (b) the classifications of those staff;
- (c) the programs currently being funded in the towns listed in (a), in the departments under the Minister's control?

Mr C.J. BARNETT replied:

Western Power

- (a) Western Power has staff employed at Port Hedland only. The number of staff employed is 34 and one vacancy.
- (b) The classifications of these staff are as follows:

Manager (contract)	1	
Level 10	2	(\$64,509 - \$70,247 pa) 3 steps
Level 9	1	(\$58,111 - \$62,377 pa) 3 steps
Level 7	1	(\$44,119 - \$50,296 pa) 4 steps
Level 6	4	(\$39,218 - \$42,485 pa) 3 steps
Level 5	4	(\$35,332 - \$37,922 pa) 3 steps
Level 4	5	(\$31,832 - \$34,164 pa) 3 steps
Level 3	2	(\$28,466 - \$30,694 pa) 3 steps
Level 1/2 vacant	1	(\$12,645 - \$21,099 pa) 5 steps
		(\$23,612 - \$28,466 pa) 5 steps
Wages	14	(\$489.10 - \$555.80 p/week)

- (c) Nil.

AlintaGas

- (a)(i)-(vi) Nil
- (b) Not applicable.
- (c) Nil.

Office of Energy(a) Nil but these towns are serviced by an inspector located in Karratha.

- (b) Level 5.
- (c) This inspector is funded under the Office of Energy's technical and safety program.

GOVERNMENT DEPARTMENTS - STAFF, PROGRAMS FUNDED, IN PORT HEDLAND, SOUTH HEDLAND, TOM PRICE, PARABURDOO, MARBLE BAR, NULLAGINE

1130. Mr GRAHAM to the Minister for Education:

What are -

- (a) the number of departmental staff in departments under the Minister's control located in the following towns -
- (i) Port Hedland;
 - (ii) South Hedland;
 - (iii) Tom Price;
 - (iv) Paraburdoo;
 - (v) Marble Bar;
 - (vi) Nullagine;
- (b) the classifications of those staff;
- (c) the programs currently being funded in the towns listed in (a), in the departments under the Minister's control?

Mr C.J. BARNETT replied:

EDUCATION DEPARTMENT OF WESTERN AUSTRALIA

- | | | | |
|-----|-------|---------------|-----|
| (a) | (i) | Port Hedland | 53 |
| | (ii) | South Hedland | 198 |
| | (iii) | Tom Price | 104 |
| | (iv) | Paraburdoo | 73 |
| | (v) | Marble Bar | 12 |
| | (vi) | Nullagine | 11 |

- (b) The classifications of those staff:

Port Hedland

Education Act	1 x L5	
	4 x L3	
	3 x L2	
	21 x L1	
Ministerial Officers	3 x L2	
	4 x L1	
Teacher Aide	1 x L4	
	3 x L1	
Aboriginal Ed Worker	1 x L3	1 x L2
Gardener	2 x L3	
Cleaners	1 x L3	
	8 x L2	

South Hedland

Education Act	1 x L6	
	2 x L5	
	3 x L4	
	12 x L3	
	119 x L1/2	
Public Service	1 x L4	
Ministerial Officers	5 x L2	
	17 x L1	
Teacher Aide	1 x L5	
	7 x L4	
	1 x L3	
	2 x L2	
	3 x L1	
Aboriginal Ed Worker	2 x L4	
	1 x L3	
	1 x L2	
Bus Warden	1 x L1	
Gardener	1 x L5	
	4 x L3	
	2 x L2	
Cleaners	4 x L3	
	7 x L2	
	2 x L1	

Tom Price

Education Act	1 x L6	
	2 x L5	
	3 x L4	
	6 x L3	
	51 x L1/2	
Ministerial Officers	1 x L3	
	3 x L2	
	9 x L1	
Teacher Aide	1 x L5	
	1 x L4	
	4 x L2	6 x L1
Gardener	3 x L3	
Cleaners	3 x L3	
	7 x L2	
	3 x L1	

Paraburdoo

Education Act	1 x L5	
	2 x L4	
	1 x L3	
	44 x L1/2	

Ministerial Officers	1 x L2
	4 x L1
Teacher Aide	1 x L5
	3 x L4
	8 x L2
	1 x L1
Gardener	1 x L3
Cleaners	1 x L4
	1 x L3
	3 x L2
	1 x L1

Marble Bar

Education Act	1 x L3
	5 x L1
Ministerial Officers	1 x L2
	1 x L1
Teacher Aide	1 x L1
Aboriginal Ed Worker	1 x L3
Gardener	1 x L3
Cleaner	1 x L2

Nullagine

Education Act	1 x L3	
	3 x L1	
Ministerial Officers	1 x L2	
	1 x L1	
Teacher Aide	1 x L1	
Aboriginal Ed Worker	1 x L3	
Gardener	1 x L3	
Cleaners	1 x L2	1 x L1

- (c) Programs being funded refer to those in primary schools that are the responsibility of the Minister.

<u>Town</u>	<u>Programs</u>
Port Hedland	PSP, SHEAN, PCAP
South Hedland	PSP, SHEAN, ELAN, Aboriginal Language Program
Tom Price	PCAP, LOTE-Telematics
Paraburdoo	PCAP, SHEAN, LOTE-Telematics
Marble Bar	PSP, PCAP, Aboriginal Language Program
Nullagine	PSP, PCAP

EDUCATION POLICY AND COORDINATION BUREAU

- (a) The Education Policy and Coordination Bureau does not have staff located in Departments in Port Hedland, South Hedland, Tom Price, Paraburdoo, Marble Bar and Nullagine.
- (b)-(c) Not applicable.

OFFICE OF NON-GOVERNMENT EDUCATION

- (a) This office does not have any staff in the towns listed.
- (b) Not applicable.
- (c) This office does not have any programs being funded in the towns listed but does provide funding in the form of Low Interest Loans and per capita funding to schools in the area:
Pangurr Community School, Newman
Rawa Community School, Newman
St Cecilia's College, Port Hedland
Streelley Community School, Port Hedland

SECONDARY EDUCATION AUTHORITY

- (a) The SEA has no staff located in the towns listed.
- (b)-(c) Not applicable.

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY

- (a) This office does not have any staff in the towns listed.
- (b)-(c) Not applicable.

GOVERNMENT DEPARTMENTS- STAFF, PROGRAMS FUNDED, IN PORT HEDLAND, SOUTH HEDLAND, TOM PRICE, PARABURDOO, MARBLE BAR, NULLAGINE

1157. Mr GRAHAM to the Minister for Police:

What are -

- (a) the number of departmental staff in departments under the Minister's control located in the following towns -
 - (i) Port Hedland;
 - (ii) South Hedland;
 - (iii) Tom Price;
 - (iv) Paraburdoo;
 - (v) Marble Bar; and
 - (vi) Nullagine?
- (b) the classifications of those staff;
- (c) the programs currently being funded in the towns listed in (a), in the departments under the Minister's control?

Mr WIESE replied:

The Commissioner of Police has advised -

(a)-b)

(i) PORT HEDLAND

Sworn	1 Commander (Northern Region)
	1 sergeant
	7 constables
Unsworn	1 Level 1 officer

(ii) SOUTH HEDLAND

Sworn	1 inspector
	1 senior sergeant
	7 sergeants
	34 constables
Unsworn	3 Level One officers

(iii) TOM PRICE

Sworn	1 sergeant
	5 constables
Unsworn	Nil

(iv) PARABURDOO

Sworn	2 constables
Unsworn	Nil

(v) MARBLE BAR

Sworn	1 sergeant
	2 constables
Unsworn	Nil

(vi) NULLAGINE

Sworn	3 constables
Unsworn	Nil

- (c) There is a range of programs provided by the WA Police Service in the towns listed. Examples of programs currently being funded in the towns listed in (a) are as follows:

ABORIGINAL ROAD SAFETY PROJECT

Aim to reduce death and injury by raising awareness of road safety issues throughout the community and to get Aboriginal people thinking of what they can do in the community to reduce road death and injury. It is an ongoing project that operates throughout the Kimberley and Pilbara and parts of the goldfields (includes visits to Port Hedland, South Hedland and Nullagine).

DEFENSIVE DRIVING COURSES

Aim is to raise awareness of the motoring public of the dangers on the road and how to avoid potentially dangerous situations. It is an ongoing project that operates throughout the Kimberley and Pilbara. Courses have been conducted in Port Hedland and South Hedland.

I ask that the member be more specific in his question in order that I can more adequately respond to this part of the question.

TELECOMMUNICATIONS - FRAUD OR THEFT OF GOVERNMENT SERVICES

1189. Mr RIPPER to the Premier:

- (1) Is the Minister aware of the Australian Institute of Criminology publication "Trends and Issues in Crime and Criminal Justice No. 54" which refers to an international telephone fraud operation in 1990 which apparently cost the Commonwealth \$400,000?
- (2) Has the State Government made any assessment of the extent to which it is the victim of fraudulent use or theft of the telecommunications services which it purchases?
- (3) If yes, what is the outcome of the latest such assessment?
- (4) What strategies is the Government adopting to minimise fraudulent use or theft of the telecommunications service which it purchases?

Mr COURT replied:

- (1) Yes, Government is aware of the Australian Institute of Criminology publication "Trends and Issues in Crime and Criminal Justice" No 54. The publication dealt with the stealing of telecommunication service on a global basis and lists 41 Offence Types which identify the occurrence of theft of telecommunications services.

There is a specific reference in the question to an international telephone fraud which apparently cost the Commonwealth \$400,000. This article was taken from the Australian Federal Police Annual Report 1992/93. It refers to an investigation from 1991 to 1993 leading to the conviction and jailing of a man who was the Australian component of an operation controlled in Lebanon. This man operated an international switchboard to provide cheap calls between the Middle East, Australia and elsewhere. This appears to imply that the fraud was perpetrated on the national Telecommunications Carrier, Telstra, as a Commonwealth Government instrumentality. State Government has no role as a Telecommunications Carrier and is not liable to a loss of this type.

- (2) An evaluation of the list containing 41 Offence Types indicates that approximately 31 items relate to theft of telecommunications services from Telecommunications Carriers or Service Providers and not theft from a user such as State Government. Six of the remaining 10 items can be identified through agencies' usual billing verification process and would instantly lead to investigation, remedial action and subsequent prosecution. Of the remaining four Offence Types, two relate to stealing of telecommunications equipment and the remaining two require both specialist telecommunications knowledge and access to facilities in order to defraud. Information

from the Department of Public Prosecutions suggests that there is no evidence of theft or fraud of State Government telecommunications and on that basis Government's assessment is to remain vigilant to the possibility of telecommunications fraud and to re-assess the situation should evidence of fraud surface.

- (3) Question 3 has been addressed in the previous answer.
- (4) Agencies are responsible for managing telecommunications assets and expenditure within their Departments and Government is unaware of any cases where there has been theft of either assets or services. A number of strategies have been established for the efficient management of telecommunications across Government. One such strategy was contracting ComsWest, a wholly owned subsidiary of Pacific Star Communications Pty Ltd, as the Telecommunications Manager for the Public Sector. ComsWest provides agencies with a billing service which greatly assists in the identification of telecommunications expenditure and their source. Prior to the ComsWest Contract, Government received numerous accounts making management accountability very difficult. Now ComsWest's billing service greatly assists management accountability in this area. Another strategy was this Government's creation of the Information Policy Council in early 1995 providing the focal point for agency participation in the development of telecommunications policy, guidelines and best practice.

A major issue in the Australian Institute of Criminology publication "Trends and Issues in Crime and Criminal Justice" No 54 is the theft and fraudulent use of mobile telephones. State Government policy and guideline documents for mobile telephones are in the draft stages and the guideline document will raise the matter of theft prevention and security-related matters for mobile telephones.

ROADS - ALBANY HIGHWAY - CANNING HIGHWAY, VICTORIA PARK, SLIP ROAD PROPOSAL

1194. Dr GALLOP to the Minister representing the Minister for Transport:

- (1) Have funds been allocated in the 1996-97 budget for the proposed slip road from Albany Highway to Canning Highway, Victoria Park?
- (2) If yes-
 - (a) how much; and
 - (b) for what purpose will the funds be spent?
- (3) If not, why not?
- (4) When does the Government expect to fund and complete the project?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

- (1)-(4) Main Roads will be commencing widening works on Canning Highway between the Causeway and Berwick Street this financial year as stage 1 of the Albany Highway-Canning Highway slip road project. This work was originally scheduled for construction in 1997-98, together with the slip road, but has been brought forward to provide earlier benefit to road users along Canning Highway. Funding in 1996-97 is \$1.2m including land costs.

Land acquisition will be completed and detailed designs for the slip road will be available by the end of December 1996 and construction of this part of the project will commence in 1997-98.

SCHOOLS - REDCLIFFE PRIMARY

Toilet Block, Future

1198. Mr RIPPER to the Minister for Education:

- (1) Is the Minister aware that the toilet block at Redcliffe Primary School is well away from the main

body of the school and is in very poor condition?

- (2) What has the Education Department recommended about the future of the block?
- (3) Does the State Government plan to replace the toilet block at Redcliffe Primary School?
- (4)
 - (a) If yes, when will the new toilet block be built;
 - (b) if not, why not?
- (5) Will the Minister accept the invitation of the Redcliffe Primary P&C Association to visit the school and assess the situation for himself?
- (6) If not, why not?

Mr C.J. BARNETT replied:

- (1) Yes. I inspected the toilets at the school on 23 July 1996.
- (2) The Education Department has listed the replacement of the toilets as a priority project.
- (3) Yes.
- (4) The toilets will be replaced in the 1997/98 financial year and earlier if possible.
- (5-6) See (1) above.

RESOURCES DEVELOPMENT, DEPARTMENT OF - PUBLICATIONS EXPENDITURE

1200. Mr RIPPER to the Minister for Resources Development:

- (1) What was the Department's expenditure on publications and brochures in financial years 1994-95 and 1995-96?
- (2) How much will the Department spend on publications and brochures in 1996-97?

Mr C.J. BARNETT replied:

I am advised:

- (1) The Communications Branch of the Department of Resources Development spent about \$100,000 in both 1994-95 and 1995-96 on producing publications and brochures, not including salaries.
- (2) The Communications Branch of the Department of Resources Development anticipates spending about \$100,000 during 1996-97 on producing publications and brochures, not including salaries.

CATALINA CLUB - WARTIME FLYING BOAT, MEMORIAL AT CRAWLEY APPEAL

1205. Mr PENDAL to the Premier:

I refer to the efforts by the Catalina Club of Western Australia to secure a wartime Catalina flying boat for placement at Crawley as a memorial and ask -

- (a) is the Premier aware the club has now made a direct approach to the United States President to secure such a plane;
- (b) will the Premier add his own Government's support for securing the plane;
- (c) will the Premier consider further assisting the club to secure the plane if the appeal to President Clinton fails;
- (d) if so, will the Premier receive a deputation from me comprising senior members of the

club in order to discuss ways of achieving this memorial to an important part of the State's wartime history?

Mr COURT replied:

- (a)-(d) I am not aware of the approach made by the Catalina Club of Western Australia to the United States President, however, I would be very happy to meet with the member and a delegation to discuss the matter further.

DISABLED - "MONEY TALKS FOR HEARING SUFFERERS"

Access to Preschool Education Policy

1222. Mr WATSON to the Minister for Education:

- (1) Has the Minister read the news item in *The West Australian* of 31 May 1996 headed "Money Talks For Hearing Sufferers"?
- (2) Why do Western Australian children with a hearing disability need to be dependent on a US charity for their education?
- (3) How many WA children with disabilities are dependent on foreign charities for their education?
- (4) Why does the State Government not provide funding to transport children with these disabilities to a specialist school?
- (5) What is Government policy on the access to pre-school education for children with disabilities?

Mr C.J. BARNETT replied:

- (1) Yes (see attached copy of the article).
- (2) There is no dependency. The parents of these children have sought this award to provide supplementary funding for education at an independent school.

The "Parent Infant Award Program" assists them undertake private "oral education". The criteria for the award is that the children must be prelingually hearing impaired in the moderate to profound range; the child must be no older than 6 years of age and not yet enrolled in the first year of primary school; the parents must be committed to an auditory-oral verbal philosophy; and there must be a demonstrated financial need.
- (3) None. The Education Department of Western Australia ensures that all students irrespective of the degree of disability have access to an appropriate educational program.
- (4) The students referred to in the article attend the Speech and Hearing Centre in Wembley. It is an independent school and the transporting of these children is the responsibility of the school. The Education Department of Western Australia provides an extensive school bus network throughout the metropolitan area of Perth and the children who attend one of the Department's schools or facilities for deaf and hearing impaired children are transported free of charge on a daily basis.
- (5) The Education Department's policy on the access to pre-school education for children with disabilities is that all children, regardless of disability, have access to their local pre-primary or pre-school facility.

ROADS - ALBANY HIGHWAY - CANNING HIGHWAY, VICTORIA PARK, SLIP ROAD PROPOSAL

1194. Dr GALLOP to the Minister representing the Minister for Transport:

- (1) Have funds been allocated in the 1996-96 budget for the proposed slip road from Albany Highway to Canning Highway, Victoria Park?
- (2) If yes-

- (a) how much; and
- (b) for what purpose will the funds be spent?
- (3) If not, why not?
- (4) When does the Government expect to fund and complete the project?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

- (1)-(4) Main Roads will be commencing widening works on Canning Highway between the Causeway and Berwick Street this financial year as stage one of the Albany Highway-Canning Highway slip road project. This work was originally scheduled for construction in 1997-98, together with the slip road, but has been brought forward to provide earlier benefit to road users along Canning Highway. Funding in 1996-97 is \$1.2m including land costs.

Land acquisition will be completed and detailed designs for the slip road will be available by the end of December 1996 and construction of this part of the project will commence in 1997-98.

HEAVY HAULAGE VEHICLES - DESIGNATED ROUTES

1235. Dr WATSON to the Minister representing the Minister for Transport:

- (1) What designated routes, if any, are recognised for trucks and other heavy haulage which go in and out of the sand quarries off Acourt Road, Jandakot?
- (2) If there are none, would the Minister designate appropriate routes in consultation with residents, the site owners and the local authorities?
- (3) If not, why not?
- (4) What requirements are there for tarpaulins to cover loads of sand during transport?
- (5) What are the penalties for non compliance?
- (6) What is the maximum height for vehicles transporting sand, silica etc?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

- (1)-(3) General access vehicles are allowed unrestricted access to all roads. Permits are required if the vehicle exceeds 19 metres in length or 42.5 tonnes gross mass. The approved route for permit vehicles is Nicholson Road and Acourt Road.
- (4) Regulation 1610 of the Road Traffic Code requires a load to be arranged, contained, fastened or covered so that it cannot fall or escape from the vehicle.
- (5) Seventy five dollars.
- (6) The maximum height is 4.3 metres.

JANDAKOT WATER MOUND - QUARRYING OPERATIONS, HYDROLOGICAL IMPACT

1238. Mr WATSON to the Minister representing the Minister for the Environment:

- (1) If -
 - (a) silica;
 - (b) sand,
 is removed in quarrying operations over the Jandakot water mound, what adverse

hydrological impact will there be?

- (2) What monitoring procedures are in place to protect the Jandakot water mound?
- (3) What -
 - (a) approvals;
 - (b) requirements;
 - (c) standards,
 must be met by applicants planning to develop over the mound?

Mr MINSON replied: The Minister for the Environment has provide the following reply:

- (1) The removal of silica sand and in quarrying operations over the Jandakot water mound has minimal hydrological impact. It is important that areas which are mined are rehabilitated to maintain appropriate recharge to the groundwater mound. This is required as part of the conditions for mining approval.
- (2) The Water Corporation samples its water supply production wells regularly for analysis of a variety of chemicals to ensure that drinking water supplies abstracted from the Jandakot mound are not contaminated. The Water and Rivers Commission also maintains an extensive network of monitoring wells on the Jandakot mound to regularly monitor water levels and water quality of the mound.
- (3) The area of Jandakot mound used for public drinking water supplies is proclaimed as the Jandakot Underground Water Pollution Control Area. Most of the Jandakot UWPCA is classified for Priority 2 Source Protection Area. This priority classification requires that any development must not increase the risk of groundwater pollution. Within the Jandakot UWPCA, the following approvals, requirements and standards apply to ensure that developments do not pose an unacceptable risk to groundwater quality.
 - (a) Approvals
Under the Commission's by-laws, developments or activities that may cause pollution of groundwater are required to obtain a permit from the Commission.
 - (b) Requirements
The Commission has published a catchment protection policy that specifies the level of protection required for Priority 2 source protection areas and prescribes whether activities are acceptable, restricted or prohibited. Any development is required to conform to the requirements of this policy.
 - (c) Standards
The Commission has developed guidelines for the storage and use of substances that may pose a threat of groundwater contamination in Underground Water Pollution Control Areas. Any proposal in a UWPCA must conform to these guidelines.

SCHOOLS- RECLASSIFICATIONS; SIZE CHANGES

1246. Mr KOBELKE to the Minister for Education:

- (1) Which schools, as from the start of the 1996 school year, were reclassified and in each case, what was the change in school size classifications?
- (2) Which schools, as from the start of the 1997 school year, will be reclassified, and in each case, what will be the changes in school size classifications?

Mr C.J. BARNETT replied:

- (1)

Schools (District)	Current Classification	1996 Classification
Coogee Primary School (Cockburn)	3	4

Jandakot Primary School (Cockburn)	4	5
Greenbushes Primary School (Manjimup)	4	3
Allenswood Primary School (Balga)	5	4
Avonvale Primary School (Northam)	5	4
Blackmore Primary School (Balga)	5	4
Kardinya Primary School (Melville)	5	6
Kinlock Primary School (Willetton)	5	4
Koonawarra Primary School (Perth South)	5	4
Koondoola Primary School (Balga)	5	4
Maida Vale Primary School (Darling Range)	5	4
Pegs Creek Primary School (Karratha)	5	4
Woodvale Primary School (Joondalup)	5	6
Yakamia Primary School (Albany)	5	6
Carine Primary School (Scarborough)	6	5
Yale Primary School (Thornlie)	6	5
Gingin District High School (Moora)	5	6
York District High School (Northam)	5	6
Wickham District High School (Karratha)	6	5

(2)

School	Current Classification	1997 Classification
Augusta Primary School	3	4
Bakers Hill Primary School	3	4
West Midland Primary School	3	4
Cranbrook Primary School	4	3
Balga Primary School	4	5
North Balga Primary School	4	5
East Carnarvon Primary School	4	5
Katanning Primary School	4	5
North Tom Price Primary School	4	5
Coolbinia Primary School	5	4
Falls Road Primary School	5	4
Ferndale Primary School	5	4
Joondalup Primary School	5	6
Koorana Primary School	5	6
Edgewater Primary School	6	5
Toodyay District High School	5	6
South Thornlie Primary School	6	5

EDUCATION DEPARTMENT - SCHOOL LAND, AND REMNANT BUSHLAND POLICY

1247. Mr KOBELKE to the Minister for Education:

- (1) Which year was it the established policy of the Education Department in Western Australia to plan sufficient land for school sites to enable an area of remnant bushland to be provided as an amenity for the school in order to assist in "nature study" and other forms of environmental education?
- (2) When was this policy discontinued?
- (3) Is there any requirement for the school land currently being sold off to ensure that any remnant bushland is evaluated for scientific and environmental importance as a pre-condition for the disposal of such land by any given school?

Mr C.J. BARNETT replied:

I am advised -

- (1)-(2) There has never been a policy to specifically include remnant bushland on any site set aside for a government school.
- (3) Disposal of any portion of school property is initiated by the school community. Each

must have the approval of that community and the Education Department before the process of sale can be considered. Remnant bushland deemed significant by the school or the Education Department will require further environmental evaluation before a final decision on excision and disposal is made.

EDUCATION DEPARTMENT- SCHOOL LEAVERS STATISTICS

1249. Mr KOBELKE to the Minister for Education:

- (1) What was the total number of school leavers in Western Australia in 1995?
- (2) Of that number, how many progressed to -
 - (a) higher education;
 - (b) technical and further education;
 - (c) the labour market (employed and unemployed)?
- (3) What is the estimated number of school leavers in 1996?
- (4) Of that number, what numbers are estimated to seek places in -
 - (a) higher education;
 - (b) technical and further education;
 - (c) labour market?

Mr C.J. BARNETT replied:

- (1) There were 24 084 school leavers (government and non-government) in Western Australia in 1995 and of these some 16 504 year 12 students enrolled in schools and senior colleges.
- (2)(a) Of the total number of Year 12 and senior college students, some 6 130 progressed to higher education in 1996.
- (b) 7 718.
- (c) This information is not readily available from our agencies. It can be accessed from the Australian Bureau of Statistics (ABS) for a fee.
- (3) The estimated number of school leavers (government and non-government) in 1996 is 24 346. The estimated number of Year 12 students enrolled in schools and senior colleges is 16 540.
- (4)(a) The number of school leavers seeking university places over the past few years has been in the order of 37 per cent. It may be estimated therefore that some 6 200 school leavers will seek university entrance in 1997.
- (b) Approximately 7 800 - based on the average estimate of 30 per cent of school leavers entering TAFE each year.
- (c) As for (2)(c) above.

EDUCATION DEPARTMENT - COMPUTERS IN SCHOOLS, EXPENDITURE

1250. Mr KOBELKE to the Minister for Education:

- (1) In the 1994-95 financial year, what was the total amount of money spent by the Education Department of Western Australia providing computers in classrooms for student use?
- (2) Which schools received these computers and how many computers were provided to each school?
- (3) What is the estimated actual expenditure in the 1995-96 financial year for the provision of computers in classrooms for student use?
- (4) Which schools received these computers and how many computers were provided to each school?

Mr C.J. BARNETT replied:

- (1) From January, 1995 the ability to acquire computing equipment under a lease contract arrangement has been available to schools and it is estimated that to date, in excess of 50 per cent of schools have taken advantage of this arrangement. Departmental records indicate that in 1994/1995 approximately \$2,000,000 had been committed to acquiring computers in this way and it is estimated that 80 per cent of this amount was directly related to computers in classrooms for student use. This indicates that during the 1994/1995 period approximately 800 computers were acquired, under the leasing arrangements, specifically for student use. Moneys are provided to schools from a range of State and Commonwealth funded programs and the funds provided by these programs are used to acquire computers for classroom use. However, decisions on how best to use these funds are taken at the discretion of the schools involved and are based upon the objectives of the program, the school and the needs of the student body.
- (2) As resources, and the decisions on how best to use them, are increasingly being devolved to schools it is impractical to attempt to relate exactly which schools have acquired specific pieces of equipment.
- (3) During 1995/1996, a further \$5 750 000 has been expended on leasing computing equipment and it is estimated that 80 per cent of this amount was directly related to computers in classrooms for student use. This indicates that during 1995/1996 an additional 2 300 personal computers were acquired.
- (4) As resources, and the decisions on how best to use them, are increasingly being devolved to schools it is impractical to attempt to relate exactly which schools have acquired specific pieces of equipment.

OFFICE OF YOUTH - REVIEW OF YOUTH PROGRAMS

Media Release

1255. Mr BROWN to the Premier:

I refer to the Premier's recent media release in which he said the new Office of Youth would review all youth programs in the next three months to identify any overlap in services and ask -

- (1) will the review include a review of all youth programs conducted through the Department of Family and Children's Services, the Ministry of Justice and other departments;
- (2) where there is found to be any duplication or overlap of services, will the Government stop funding such duplicated or overlapping services before the end of the 1996-97 financial year?

Mr COURT replied:

- (1) The review being undertaken by the Office of Youth Affairs will include all government departments and agencies.
- (2) The Office of Youth Affairs's co-ordination and development role will not have an adverse impact on services delivered by government agencies. Through improved coordination it is likely that the level of service delivery will improve.

CONSERVATION - SYSTEM 6 LOCATIONS PROTECTION

1260. Dr EDWARDS to the Minister representing the Minister for the Environment:

- (1) What has the Minister done to ensure that the interim listed System 6 locations recognised by the Department of Conservation and Land Management, Department of Environmental Protection and the Environmental Protection Authority will be protected?
- (2) What measures have been used to implement protection of these important areas?

Mr MINSON replied:

The Minister for the Environment has provided the following reply:

- (1) As 'interim listing' implies this measure is not intended to provide long-term protection. I am advised that the EPA has written to the relevant Government decision-making agencies and to local government authorities enclosing maps identifying these areas as threatened or poorly reserved plant communities considered to be of high conservation value; and requested that until the System 6 update program has been completed, proposals to clear or develop these sites should be referred to the EPA. The interim areas, like the existing System 6 recommendations, currently have no formal statutory protection. It is my belief, and I believe that of the Minister for Planning, that the final conservation recommendations arising from the System 6 Update, which is now being coordinated with the Urban Bushland Strategic Planning process, should have statutory protection through the planning process.
- (2) Protection of the interim listed areas will primarily be achieved through inclusion in updated recommendations for conservation areas through the process mentioned above. In the meantime a number of interim listed areas have already been given statutory protection through being rezoned to Parks and Recreation through amendments to the Metropolitan Region Scheme.

LANDFILL - FLYNN DRIVE, WANNEROO

1265. Dr EDWARDS to the Minister representing the Minister for the Environment:

- (1) Has a new inert waste type facility been established at Flynn Drive, Wanneroo?
- (2) If not, when will it be established?
- (3) How will the ground water at this site and nearby be protected from this land use?

Mr MINSON replied:

The Minister for the Environment has provided the following reply:

- (1) Yes.
- (2) Not applicable.
- (3) I am advised that the Management Plan for the site only allows inert material to be landfilled which does not pose a threat to the ground water. The site is not within a priority area for potable groundwater. Loads entering the site are inspected to preclude the dumping of potentially hazardous materials. Where inappropriate materials are identified within waste either at the gatehouse or when the load is being tipped, the load is not accepted for disposal. During 1996/97, it is planned that this, and other inert landfills, will be licensed under the Environmental Protection Act, as recently announced by the Government, and this process will provide additional protection for the environment.

MINING INDUSTRY - MINING IN C CLASS RESERVES, APPROVALS GRANTED

1266. Dr EDWARDS to the Minister for Mines:

- (1) How many mining approvals have been granted in the last three years in C class reserves?
- (2) For each approval -
 - (a) what company;
 - (b) which C class reserves were involved;
 - (c) on what date was approval given?

Mr MINSON replied:

- (1)-(2) Since 1 July 1993, 490 applications for mining tenements have been granted which ~~on~~ on C Class reserves. Approval has been granted for five actual mining operations on these mining tenements, as follows:

Company/operator	Reserve	Date Approved
Nevoria Gold	24049 Jibadji	16 April 1993
Western Minerals	42209	2 March 1995
A. J. Haggarty	Beekeepers	14 February 1995
Rutherford Resources	18584 Bodallin	17 May 1994
Quantum Holdings	24496	26 May 1993

SCHOOLS

Ashfield Primary

1290. Mr BROWN to the Minister for Education:

- (1) Does the Government intend to replace the asbestos roof at the Ashfield Primary School?
- (2) If not, why not?
- (3) Is the Government/Minister aware that the coating applied to the asbestos roof some years ago is now breaking down?
- (4) If not, will the Minister authorise a further inspection of the asbestos roofs?
- (5) If not, why not?

Mr C.J. BARNETT replied:

- (1) While the asbestos-cement roof replacement program for 1996-97 has not yet been finalized, it is unlikely that Ashfield Primary School will be included.
- (2) Asbestos-cement roofs are replaced according to a ranking based on the maintenance condition of the roof. Other schools with a higher ranking will be included in the 1996-97 program.
- (3-5) The Department of Contract and Management Services inspected the roof on 25 June 1996. Work was undertaken on the asbestos-cement roofs during term 2 holidays to make some broken sheets watertight. The encapsulant is breaking down in a few small areas. Remedial work will be effected at the earliest opportunity when the sheets are dry.

POLICE SERVICE- CRIME PREVENTION, BUDGET ALLOCATION

1292. Mr BROWN to the Minister for Police:

- (1) How much is being allocated to crime prevention in the 1996-97 Budget?
- (2) Will any of the funds allocated to crime prevention be allocated to community groups and/or non-government organisations to enable them to become involved in crime prevention at a local level?
- (3) How much will be allocated to community groups?
- (4) How many community groups will be provided with funds?
- (5) What areas/suburbs will be allocated funds?

Mr WIESE replied:

The Commissioner of Police has advised as follows -

- (1) \$500 000 has been specifically provided in the 1996-97 Budget to fund locally based crime prevention strategies. This amount is in addition to funding provided in the Police Service budget for community policing and other front line policing activities. Information management systems kept at the Police Service do not enable specific

identification of the total funding allocated and expended on crime prevention activities.

- (2) The overall intent of the Government's State Crime Prevention Plan is to encourage the local community to work in partnership with police and other agencies (both government and non-government) to reduce crime in their local areas. Grant moneys from the \$500 000 allocation will be allocated to local communities state-wide through their regional community policing/crime prevention committees. At this present time there are 22 such committees through the State representing the interests of all Western Australians.
- (3)-(5) Regional community policing/crime prevention committees, working with their local communities, will make applications to fund their respective crime prevention strategies through the State Crime Prevention Advisory Committee. Applications for funding will not be tied to specific amounts. Grant moneys will be awarded to assist with individual regional strategies.

There is a potential for each of the 22 regional community policing/crime prevention committees to receive funding on behalf of their local communities during the first year of operation, however moneys will be allocated on a priority basis.

HMAS SYDNEY DISCOVERY ATTEMPTS; ARCHIVAL DOCUMENTS

1302. Mr PENDAL to the Minister representing the Minister for Police:

- (1) Is the Minister aware of current attempts to discover the whereabouts of the HMAS Sydney which sank off the coast at Northampton on 19 or 20 November 1941?
- (2) Can the Minister confirm that the only archival material initiated by the Western Australian Police is a Police File No. 1941/5684?
- (3) Do the archives contain any further documents, specifically the Police Daily Occurrence Books for Geraldton and Northampton?
- (4) Are such documents, if in existence, the subject of any defence-secrets embargo between Commonwealth and State Governments?
- (5) If yes to (3) above, will the Minister detail the arrangement?
- (6) If the Daily Occurrence Books for these dates and localities are no longer held, can the Minister say what happened to them?

Mr WIESE replied:

- (1) In general terms, yes.

The Commissioner of Police has provided the following reply -

- (2) Yes, as far as can be ascertained by the Western Australia Police Service.
- (3) No.
- (4) Not to the knowledge of the Western Australia Police Service or the state branch of the Australian Archives. Any commonwealth defence records would be held in Canberra.
- (5) Not applicable.
- (6) No. Retention and disposal schedules were not in place at that time. The officer in charge of the police station would have disposed of the records with approval from the secretary of the Western Australia Police Department at the time.

CORRECTIVE SERVICES DEPARTMENT

Building Services Division, Review by Jeremy Allanson

1303. Mr BROWN to the Premier:

- (1) Further to question on notice 951 of 1996, on what date was Mr Jeremy Allanson engaged to carry out an independent review into the conduct of those involved in the Building Services Division of the Corrective Services Department?
- (2) Has a date been set for Mr Allanson to report on his review?
- (3) What work has Mr Allanson undertaken to date?
- (4) Will the review being undertaken by him involve him interviewing people employed in the Corrective Services Department, any other government department or agency or any other person?
- (5) Has a schedule for those interviews been established?
- (6) Will the review be limited to a review of the documentation and evidence submitted to the original inquiry?
- (7) What rate is Mr Allanson being paid for the work he is undertaking?
- (8) What is the expected total cost of the review?

Mr COURT replied:

- (1) 19 December 1995.
- (2) No. When commissioned to conduct the review Mr Allanson was requested to complete the report as soon as possible. He has kept the Government informed on progress and has now advised that the report is in the closing stages.
- (3)-(6) As an independent reviewer the manner in which he conducts the review is a matter for Mr Allanson. He has unfettered access to all material and personnel involved.
- (7) Mr Allanson is not working full-time on the review. The rate being paid is \$150 per hour, \$1 200 per day.
- (8) \$45 000.

SCHOOLS - ASBESTOS ROOF REPLACEMENT

1311. Mr BROWN to the Minister for Education:

- (1) How much has been allocated in the 1996-97 budget for the replacement of school asbestos roofs?
- (2) Have any decisions been made on which schools will have their asbestos roofs replaced?
- (3) Will the -
 - (a) roofs;
 - (b) certain roofs;
 at the Ashfield Primary School be replaced?
- (4) How much has been allocated for this purpose?

Mr C.J. BARNETT replied:

- (1) \$1m.
- (2)-(4) The schools which will be included in the 1996/97 program are yet to be determined.

TAFE - CLEANING CONTRACTS

1313. Mr BROWN to the Minister representing the Minister for Employment and Training:

- (1) Further to question on notice 449 of 1996, has the appraisal on the performance on cleaning contractors been carried out?
- (2) Who is carrying out the appraisal?
- (3) What methodology is/was used to appraise the performance of cleaning contractors?
- (4) What were the findings of the appraisal?
- (5) Was it found that cleaning standards had improved since the cleaning work was put out to contract?
- (6) Was it found that cleaning standards declined since the cleaning work was put out to contract?
- (7) Was it shown that cleaning standards in certain colleges had declined since the cleaning work was put out to contract?
- (8) When do the existing cleaning contracts expire?
- (9) Which companies have the existing cleaning contracts?
- (10) What is the total price of the existing cleaning contracts for each college and each contractor?
- (11) What steps has the Government put in place to ensure the standards are maintained by cleaning contractors?
- (12) What was the total cost of the cleaning bill at each college prior to the work being put out to contract and the total cost now the work has been put out to contract?
- (13) Do employees of the contract cleaners receive -
 - (a) the same or higher hourly rate of pay than the cleaners receive when they were directly employed by the Department of Training;
 - (b) equal or better employment conditions compared to the employment conditions received by cleaners when they were directly employed by the Department of Training;
- (14) Has a comparison been carried out of the wages and employment conditions received by cleaners employed by the Department of Training and Contractors?
- (15) Who carried out the comparison?
- (16) Is the comparison publicly available?
- (17) If not, why not?

Mr C.J. BARNETT replied:

The Minister for Employment and Training has provided the following reply -

- (1)-(4) In accordance with the State Supply Commission's standard contract renewal process, all college cleaning contracts are recommended for extensions only after confirmation of satisfactory performance by college personnel with responsibility for the management of cleaning contracts. A comprehensive cleaning contract management course was organised through the Master Cleaners Guild for relevant college staff in order that they be fully aware of management and performance aspects of contract cleaning. Colleges have advised that most contracts are operating satisfactorily, and will be renewed; however, seven are not recommended for renewal due to unsatisfactory contract performance. In addition, a number of contracts will be retendered following changes to

specifications.

- (5)-(7) No comparison was made with the previous cleaning standard. Each new contract being judged against the standards set in the cleaning specifications.
- (8)-(12) The contracts for college cleaning transferred from day labour in 1995 expired on 31 July 1996. Companies holding existing contracts are listed at appendix A. Contract prices for individual companies and individual colleges are listed at appendix B. The Government has organised training for college personnel to provide them with the skills to undertake cleaning contract management. Appendix C provides a comparison of the estimated cost of cleaning contracts and day labour costs.
- (13)-(17) Contractors are required to comply with relevant awards and industrial agreements or workplace agreements. A comparison cannot change the legal obligations of the contractor and consequently such a comparison has not been carried out.

See appendices B-D [pages Nos 4245-4248].

EDUCATION DEPARTMENT - REVIEW OF SERVICE DELIVERY METHODS FOR SCHOOL
PSYCHOLOGISTS ETC; DELOITTE TOUCHE TOHMATSU REPORT

1314. Mr BROWN to the Minister for Education:

- (1) Further to question 462 of 1995, has the Deloitte Touche Tohmatsu reported on the review of service delivery methods for school psychologists, school welfare officers, school social workers and visiting teachers - English as a Second Language?
- (2) What does the report recommend?
- (3) Has the report been considered by the Education Department?
- (4) Has the Education Department made any recommendations to the Minister?
- (5) What are those recommendations?
- (6) What action does the Government intend to take on the report?

Mr C.J. BARNETT replied:

- (1) Yes.
- (2) The report indicated a high degree of satisfaction with each service. Specifically, the report recommended -

coordinate student services in district clusters;
student service funds to be allocated to schools;
workplace agreements for student support staff;
changes in the role of principal school psychologists;
changes in the training pattern of graduates; and
increased accountability by schools for pupil attendance.
- (3) The report is currently being considered by corporate executive.
- (4) No, see (3) above.
- (5) Not applicable.
- (6) The Government will reserve any decisions until the Education Department considers the impact of the report and makes some definite recommendations it wishes to be implemented.

Chief Executive Officer or Executive Officer

1318. Mr BROWN to the Minister for Public Sector Management:

- (1) Since the commencement of the Public Sector Management Act 1994 has any compensation been paid to a Chief Executive Officer or an Executive Officer under Section 59 of the Act?
- (2) How much has been paid?
- (3) Who was it being paid to?
- (4) How was the amount calculated?

Mr COURT replied:

- (1) I am advised no payments have been made under section 59 of the Act.
- (2) - (4) Not applicable.

SINGAPORE FLYING COLLEGE

Singapore Airlines, Government Agreement

1322. Mr WATSON to the Premier:

- (1) When did the West Australian Government enter into an agreement with the Singapore Flying College and Singapore Airlines?
- (2) What are the terms of the agreement, including length of the contract?
- (3) When did the WA Government enter into an agreement with Mr Fernandes to train pilots at Merredin and Jandakot?
- (4) What are the terms of the agreement, including length of the contract?
- (5) Is the State Government still actively trying to encourage flying schools to train pilots at Jandakot?
- (6) Is the Premier aware that, once airborne, there is virtually no control over pilot's actions?

Mr COURT replied:

- (1)-(2) There is no agreement between the State Government and either Singapore Airlines or Singapore Flying College.
- (3) 2 February, 1995.
- (4) The agreement, under the Industry Incentives Program was to provide the company with a three year \$1 million interest-free loan which would be converted to a grant, subject to:
 - * 80 Chinese students being in full time residence at the College's Jandakot facility;
 - * the graduation of the first 80 China Southern Airlines commercial pilots from the Jandakot facility; and
 - * commencement of flying training and accommodation facilities for at least 40 student pilots at a regional Western Australian centre. No particular regional centre was specified in the agreement.
- (5) No. The Government has a regional airport improvement plan to upgrade airports around the State.
- (6) In the case of operations in the Perth Region, this statement is incorrect.

JANDAKOT AIRPORT

Noise Levels Assessment

1323. Mr WATSON to the Minister representing the Minister for the Environment:

- (1) What studies, if any, have been conducted to assess noise levels from activities at Jandakot airport?
- (2) What is the range of noise measured?
- (3) Is the acceptable standard for aircraft noise over residential areas less than 65 decibels?
- (4) Is the Government considering a decibel level of 75?
- (5) If so, on what basis and on the recommendation of which body?

Mr MINSON replied:

The Minister for the Environment has provided the following reply:

- (1) The only studies of which I am aware address noise from activities at Jandakot Airport are:
 - the Environmental Impact Study carried out by Dames and Moore for the Federal Airports Corporation in April 1993. This study was undertaken to assess the impact of introducing a fourth runway at Jandakot and used the calculated ANEF (Australian Noise Exposure Forecast) to determine potential noise impacts; and
 - three smaller studies completed by Herring Storer Acoustics some years ago for land developers of the Ranford Road, Livingstone and Glen Iris estates. Noise levels from individual aircraft were measured for the Ranford Road study.
- (2) Noise levels from overflying aircraft measured for the Ranford Road study mentioned above were in the range 45 dB(A) to 71 dB(A).
- (3) The standard used in 1989 when the Ranford Road study was carried out was Australian Standard 2021. This standard states, in Appendix F, that maximum noise levels due to aircraft should be less than 75 dB(A) where more than 20 flights per day occur.
- (4)-(5) The Government considered the maximum noise level of 75 dB(A), as recommended by Australian Standard 2021, to be acceptable when the Ranford Road Estate proposal was assessed by the Environmental Protection Authority in 1989. As the responsibility for control of noise from aircraft rests with the Federal Government's Airservices Australia, in March of this year I wrote to the Federal Minister for the Environment seeking his advice on the action being taken, or proposed, by the Federal Environment Protection Agency, or other Commonwealth agencies, to improve the noise environment for residents who are living under the circuit training flight paths at Jandakot. His reply, received on 14 June, advised that:
 - the Environment Protection Agency has no regulatory powers with regard to aircraft movement in the area adjacent to Jandakot Airport;
 - the Federal Airports Corporation is undertaking further work, including a noise and social survey around Jandakot Airport; and
 - the Federal Airports Corporation has advised that no change in impact is likely at Jandakot in the short term and that significant changes to flight path patterns are subject to continuing studies associated with the current Environmental Impact Statement process (for the proposed fourth runway).

TRANSPORT, DEPARTMENT OF - JANDAKOT AIRCRAFT NOISE ACTION GROUP

1325. Dr WATSON to the Minister representing the Minister for Transport:

- (1) Why will the Department of Transport not consult with and negotiate with the Jandakot Aircraft Noise Action Group (JANAG) members?

- (2) Is it departmental policy to consult only with incorporated and formally constituted groups?
- (3) If so, why?
- (4) What right did the Department of Transport have to refuse any further dealings with JANAG over its action against Singapore Airline/Singapore Flying College?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) The Department of Transport has consulted extensively with and negotiated with the Jandakot Aircraft Noise Action Group members in the immediate past. The Department of Transport and the State Government have in place a comprehensive plan to address the issues of noise at Jandakot and this plan has been presented to members of the JANAG. JANAG has threatened boycott action against Singapore Airlines/Singapore Flying College. Transport will consult again with JANAG once all threatened action against Singapore Airlines/Singapore Flying College has been lifted.
- (2) No.
- (3) Not applicable.
- (4) Singapore Airlines and Singapore Flying College form significant sectors of the State's air transport industry through the provision of their passenger services, air freight and training services. Transport cannot deal with any pressure group that threatens the commercial and lawful operations of a vital component of the State's transport industry.

ARGYLE DIAMOND MINE

Royalties Dispute

1327. Mr RIPPER to the Minister for Resources Development:

- (1) Is the State Government in dispute with the operators of the Argyle Diamond Mine over the timing of payments of royalties to the State on diamonds produced?
- (2) If yes, what position is being argued by the State Government in the dispute?
- (3) What is the size of the back payment of royalties, if any, which the State is seeking?

Mr C.J. BARNETT replied:

- (1) No. There is, however, a difference of opinion between the State and the Argyle Diamond Mine joint venturers on the method of calculation of profit based royalties payable to the State by the joint venturers. This difference of opinion stems from advice received from the joint venturers in April 1995 that due to changed circumstances then in effect, they proposed to adopt a new method of valuing stock for the purpose of the calculation of profit based royalties.
- (2) Not applicable.
- (3) The difference of opinion involves royalties in the sum of \$12.2m.

DIESEL

Rebate for Mining Industry, Cessation Proposal

1328. Mr RIPPER to the Minister for Resources Development:

- (1) Has the State Government made representations to the Federal Government to support the continuation of the diesel fuel rebate for the Western Australian mining industry?

- (2) What is the State Government's estimate of the impact of the cessation of the rebate on employment and investment in the Western Australian mining industry?
- (3) Will the Minister table copies of any letters he has sent to the Federal Government on this issue?
- (4) If not, why not?

Mr C.J. BARNETT replied:

- (1) Yes.
- (2) The rebate of excise on diesel fuel was worth about \$409 million to the Western Australian resources industry in 1995/96. Abolition of the scheme would translate to an average four percentage point increase in the mining industry's average tax rate. The State Government has not estimated the impact of the removal of the diesel fuel excise rebate on investment and employment in the WA resources sector.
- (3) I have not sent any letters to the Federal Government. I have, however, made representations to the previous Federal Government over its moves to amend the system in the 1995-96 budget and also personally raised the matter in a recent meeting with the Federal Minister for Resources and Energy. In addition, the Premier has written to the Prime Minister on this matter and the Minister for Mines has also made a number of representations to the Federal Government. The Minister for Mines and myself also represented the Western Australian industries' position at the recent Australia and New Zealand Minerals and Energy Council. I am pleased to note that the Federal Government has recently announced that it will not be pressing ahead with changes to the diesel fuel rebate.
- (4) Not applicable.

HOSPITALS

Bunbury Regional, Patient Waiting Times at Outpatients

1331. Hon. D.L. SMITH to the Minister for Health:

- (1) Is there any waiting time for patients wanting to see a doctor at the outpatients at the Bunbury Regional Hospital?
- (2) If yes, what was the average waiting time for the various categories of patients as at 1 July 1995?
- (3) What are these waiting times now?
- (4) Is it true that, for non-urgent cases, patients were previously told that there is a three hour waiting time and they should consider going to a private general practitioner of their choice?
- (5) Are these patients now being told to expect a four hour wait?
- (6) What criteria are used to determine whether a case is urgent?
- (7) Are there any staff doctors on duty at -
 - (a) the outpatients;
 - (b) the accident and emergency section,
 on the weekends, and if so, during what hours on Friday evening, Saturday and Sunday?
- (8) How many private doctors are regularly rostered by their respective practices to be available on call for -
 - (a) outpatients;

- (b) the accident and emergency section, at the Regional Hospital on the weekends?
- (9) Are these doctors also expected to be available to St John of God Hospital's accident and emergency section?

Mr PRINCE replied:

- (1) "Outpatients" refers to Outpatient Clinics of which there are only two: the Surgical Registrar's Clinic on Tuesday 11.00 am-1.00 pm and the Orthopaedic Registrar's Clinic on Wednesday 11.00 am-1.00 pm. Visiting Clinics (eg, Pacemaker Clinic from Royal Perth Hospital) are provided with an area to do their work but not managed by the Bunbury Regional Hospital. There is no waiting list for either the Orthopaedic or Surgical Registrars' Clinics. Patients are given appointments within 11.00 am-1.00 pm and would not wait more than one hour from their assigned appointment time.
- (2)-(3) See above.
- (4) This refers to Emergency Department patients. Patients are assessed by a senior nurse within minutes of arrival at Reception/Switchboard. If the nurse considers the patient to be in the non-urgent category, they are asked to sit in the waiting room. A waiting time sign posted opposite the waiting room indicates the current waiting time for non-urgent cases, from ½ hour up to 3 hours. The waiting time varies on an hourly basis and relates to the number and severity of patients requiring care, staffing levels, and particularly the seniority of the Duty Doctor. Bunbury Regional Hospital accepts up to a 3 hour waiting time for non-urgent patients before calling in additional private VMP's for assistance. Patients who are unhappy about the long wait for their non-urgent problems are given the option of seeing their own General Practitioner or using their private insurance to seek care at St John of God Emergency Department.
- (5) It is not a policy of the Emergency Department to tell non-urgent patients to expect a four hour wait. While the 3 hour waiting time for non-urgent patients is considered acceptable, it is not always easy to find medical back-up and it may, in fact, be four hours before the backlog of patients is attended to. Private VMP assistance is not always easy to recruit as they have very busy private practices. There is no on-call system for hospital medical staff (RMO's, Registrars or Consultant) due to the high costs of such a system.
- (6) There are five classifications of patients based on the National Triage Scale:
 - Triage Level 1: Resuscitation
 - Highest priority to be seen immediately.
 - Life threatening illness or injury
 - Triage Level 2: Emergency
 - Goal to be seen within 10 minutes.
 - Very serious illness or injury, severe pain.
 - Triage Level 3: Urgent
 - Goal to be seen within 30 minutes.
 - Serious illness or injury, distressed, moderate pain.
 - Triage Level 4: Semi-urgent
 - Goal to be seen within 60 minutes.
 - Stable illness or injury, pain under control.
 - Triage Level 5: Non-urgent
 - Goal to be seen within 120 minutes.
 - Many of these could be managed in a General Practitioner's rooms but cannot wait until the following day for an appointment (for example, a deep laceration that needs sutures).
- (7) (a) Bunbury Regional Hospital provides for a Surgical Registrar's Clinic on Tuesday 11.00-1.00 pm and an Orthopaedic Registrar's Clinic on Wednesday 11.00 am-1.00 pm. The Surgical Registrar and the Orthopaedic Registrar, respectively, are on outpatient duty at these times only.

- (b) The Emergency Department provides 24 hour, seven day a week single doctor cover.
- (8) (a) None.
- (b) Private practitioners provide 24 hour on call cover for any patient requiring inpatient admission. Emergency Department patients are not considered to be admitted patients though the Duty Doctor may decide that inpatient admission is necessary due to the severity of their illness or injury.

Private practitioners who share the on call load include:

5 General Surgeons
 2 Ophthalmologists.
 1 Orthopaedic Surgeon.
 2 Obstetricians/Gynaecologist.
 3 Anaesthesiologists.
 30 General Practitioners.

- (9) Yes.

COUNTRY HOSPITALS

Obstetric Services, Cessation

1333. Mr LEAHY to the Minister for Health:

- (1) How many country hospitals have ceased to offer obstetric services during the past three years?
- (2) What is the distance from each of these hospitals to the nearest medical facilities offering these services?

Mr PRINCE replied:

(1)-(2)	Kilometres
Morawa	65
Northampton	52
Exmouth	350
Kojonup	39
Narembeen	39
Wyalkatchem	60
Norseman	192
Kondinin	94
Goomalling	48
Corrigin	66
Dalwallinu	106

RESOURCES DEVELOPMENT, DEPARTMENT OF

Heavy Industry Policy Discussion Paper

1334. Mr RIPPER to the Minister for Resources Development:

- (1) Will the State Government be releasing a comprehensive response to the recommendations of the State Heavy Industry Policy Discussion Paper?
- (2) If yes, when?
- (3) If not, why not?

Mr C.J. BARNETT replied:

- (1) Government will be releasing a comprehensive policy position on heavy industry development in this State. The State Heavy Industry Policy Discussion Paper referred to is but one consideration in the development of such policy.

- (2) A comprehensive statement is anticipated by early 1997.
- (3) Not applicable.

RESOURCES DEVELOPMENT, DEPARTMENT OF

Heavy Industry Policy Discussion Paper

1335. Mr RIPPER to the Minister for Resources Development:

- (1) Did the Department of Resources Development call tenders before awarding the contract for the preparation of the State Heavy Industry Policy Discussion paper to Dover Consultants?
- (2) If not:
 - (a) why not;
 - (b) what process was used to award the work to Dover Consultants?

Mr C.J. BARNETT replied:

- (1) Department of Resources Development called for expressions of interest and awarded a contract to Dover Consultants on the recommendation of an Industry Steering Committee following interviews of the two consultant firms considered to have produced the most competitive bids.
- (2) Not applicable.

URANIUM MINING

Kintyre, Proposals

1336. Mr RIPPER to the Minister for Resources Development:

What is the current status of proposals to mine uranium at Kintyre?

Mr C.J. BARNETT replied:

Canning Resources Pty Ltd lodged documents with the Environmental Protection Authority on 12 June 1996 to initiate environmental assessment processes for a possible and treatment facility at its Kintyre deposit.

SCHOOLS

Mt Lawley Primary, Good Start Program, Land Purchase

1337. Ms WARNOCK to the Minister for Education:

- (1) Will the Minister allow the Mt Lawley Primary School to take up the "Good Start" program in its own time rather than insisting on a start in 1997 or 1998?
- (2) Will the Minister accept the desire of the school to purchase neighbouring properties for a pre-primary school?
- (3) Is the Minister aware that with 415 children on a 1.19 hectare site Mt Lawley Primary School has less land than is currently allocated for primary schools?
- (4) Does the Minister accept that this area of land is adequate for an increased number of students on this site as envisaged under the current proposals?

Mr C.J. BARNETT replied:

- (1) No. The Government has announced that by 1998 all five year old children will have

access to full-time pre-primary programs at their local school.

- (2) No. The purchase of adjacent properties to enlarge the area of the school site is not considered to be a cost-effective solution.
- (3-4) Yes. Like a number of inner suburban schools, Mt Lawley Primary School is located on a relatively small site. Location of pre-primary facilities on this site would be inappropriate. Options for the location of the facilities are currently being considered by the Mt Lawley Primary School and parents.

CONTRACTING OUT

By Government Departments

1343. Mr BROWN to the Premier; Treasurer; Minister for Public Sector Management; Youth; Federal Affairs:

- (1) Has any -
 - (a) department;
 - (b) agency,

under the Premier's control made any plans to contract out work to the private sector in the 1996-97 financial year?
- (2) Is any of the work proposed to be contracted out currently performed by government employees?
- (3) If so, exactly what work is proposed to be contracted out?
- (4) How many government employees' jobs in each department or agency will be effected?
- (5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mr COURT replied:

- (1-5) The third annual survey of competitive tendering and contracting commenced in July, requiring agencies to report on contracts let during 1995/96. They will also be asked to again outline their plans for future contracting (ie. for the 1996/97 financial year) and, where the activity is currently performed in-house, to identify the number of staff currently working in the relevant service area. Once the survey is undertaken and the independent analysis is completed, the ensuing report will be widely distributed. As has occurred in the course of past contracting decisions, there is likely to be a reduction in the number of public sector employees, as staff elect to transfer to private sector providers which are successful in tendering for public sector contracts, or they accept redundancy payments in accordance with approved packages. Despite the magnitude of the change in the public sector, associated with CTC and other best practice management initiatives, there are currently only 358 employees actively seeking placement through redeployment.

Significantly, the Federal Government's Industry Commission recently stated (in its final report on competitive tendering and contracting out in public sectors across Australia) that CTC is expected to generate higher real income and some increase in overall employment. With average savings of 20 per cent and 24 per cent reported in Western Australia in two previous surveys - and in light of the fact that for every public sector job "lost" in this State since February 1993 there have been 12 private sector jobs created - the Government remains committed to the continued implementation of competitive tendering and contracting in departments and other agencies throughout the public sector. This will involve the progressive examination of many different areas of current "in-house" activity, as to their suitability for testing in the competitive market environment and the eventual selection of the best value-for-money options for service delivery.

CONTRACTING OUT

By Government Departments

1345. Mr BROWN to the Minister for Resources Development; Energy; Education:

- (1) Has any -
 - (a) department;
 - (b) agency,under the Minister's control made any plans to contract out work to the private sector in the 1996-97 financial year?
- (2) Is any of the work proposed to be contracted out currently performed by government employees?
- (3) If so, exactly what work is proposed to be contracted out?
- (4) How many government employees' jobs in each department or agency will be effected?
- (5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mr C.J. BARNETT replied:

See answer to question 1343.

CONTRACTING OUT

By Government Departments

1346. Mr BROWN to the Minister for Primary Industry; Fisheries:

- (1) Has any -
 - (a) department;
 - (b) agency,under the Minister's control made any plans to contract out work to the private sector in the 1996-97 financial year?
- (2) Is any of the work proposed to be contracted out currently performed by government employees?
- (3) If so, exactly what work is proposed to be contracted out?
- (4) How many government employees jobs in each department or agency will be effected?
- (5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mr HOUSE replied:

See answer to question 1343.

CONTRACTING OUT

By Government Departments

1347. Mr BROWN to the Minister for Family and Children's Services; Seniors; Fair Trading; Women's Interests:

- (1) Has any -
 - (a) department;
 - (b) agency,under the Minister's control made any plans to contract out work to the private sector in the 1996-97 financial year?

- (2) Is any of the work proposed to be contracted out currently performed by government employees?
- (3) If so, exactly what work is proposed to be contracted out?
- (4) How many government employees jobs in each department or agency will be effected?
- (5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mrs EDWARDES replied:

See answer to question 1343.

CONTRACTING OUT

By Government Departments

1348 Mr BROWN to the Minister for Labour Relations; Housing; Lands:

- (1) Has any -
 - (a) department;
 - (b) agency,
 under the Minister's control made any plans to contract out work to the private sector in the 1996-97 financial year?
- (2) Is any of the work proposed to be contracted out currently performed by Government employees?
- (3) If so, exactly what work is proposed to be contracted out?
- (4) How many Government employees jobs in each department or agency will be effected?
- (5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mr KIERATH replied:

See answer to question 1343.

CONTRACTING OUT

By Government Departments

1349. Mr BROWN to the Minister for Water Resources:

- (1) Has any -
 - (a) department;
 - (b) agency,
 under the Minister's control made any plans to contract out work to the private sector in the 1996-97 financial year?
- (2) Is any of the work proposed to be contracted out currently performed by Government employees?
- (3) If so, exactly what work is proposed to be contracted out?
- (4) How many Government employees jobs in each department or agency will be effected?
- (5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mr NICHOLLS replied:

See answer to question 1343.

CONTRACTING OUT

By Government Departments

1350. Mr BROWN to the Minister for Mines; Works; Services; Disability Services; Minister assisting the Minister for Justice:

(1) Has any -

- (a) department;
- (b) agency,

under the Premier's control made any plans to contract out work to the private sector in the 1996-97 financial year?

(2) Is any of the work proposed to be contracted out currently performed by Government employees?

(3) If so, exactly what work is proposed to be contracted out?

(4) How many Government employees jobs in each department or agency will be effected?

(5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mr MINSON replied:

See answer to question 1343.

CONTRACTING OUT

By Government Departments

1351. Mr BROWN to the Minister for Planning; Heritage:

(1) Has any -

- (a) department;
- (b) agency,

under the Premier's control made any plans to contract out work to the private sector in the 1996-97 financial year?

(2) Is any of the work proposed to be contracted out currently performed by Government employees?

(3) If so, exactly what work is proposed to be contracted out?

(4) How many Government employees jobs in each department or agency will be effected?

(5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mr LEWIS replied:

See answer to question 1343.

CONTRACTING OUT

By Government Departments

1355. Mr BROWN to the Minister representing the Minister for Finance:

(1) Has any -

- (a) department

(b) agency

under the Minister's control made any plans to contract out work to the private sector in the 1996/97 financial year?

- (2) Is any of the work proposed to be contracted out currently performed by Government employees?
- (3) If so, exactly what work is proposed to be contracted out?
- (4) How many Government employees jobs in each department or agency will be effected?
- (5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mr COURT replied:

See answer to question 1343.

CONTRACTING OUT

By Government Departments

1356. Mr BROWN to the Minister for Racing and Gaming:

(1) Has any -

- (a) department
- (b) agency

under the Minister's control made any plans to contract out work to the private sector in the 1996/97 financial year?

- (2) Is any of the work proposed to be contracted out currently performed by Government employees?
- (3) If so, exactly what work is proposed to be contracted out?
- (4) How many Government employees jobs in each department or agency will be effected?
- (5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mr COWAN replied:

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

See answer to question 1343.

CONTRACTING OUT - BY GOVERNMENT DEPARTMENTS

1357. Mr BROWN to the Minister representing the Minister for Employment and Training:

(1) Has any -

- (a) department;
- (b) agency,

under the Minister's control made any plans to contract out work to the private sector in the 1996-97 financial year?

- (2) Is any of the work proposed to be contracted out currently performed by government employees?
- (3) If so, exactly what work is proposed to be contracted out?
- (4) How many government employees jobs in each department or agency will be affected?

- (5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mr C.J. BARNETT replied:

The Minister for Employment and Training has provided the following response -

- (1)-(5) The third annual survey of competitive tendering and contracting commenced in July, requiring agencies to report on contracts let during 1995-96. They will also be asked to again outline their plans for future contracting - that is, for the 1996-97 financial year - and, where the activity is currently performed inhouse, to identify the number of staff currently working in the relevant service area. Once the survey is undertaken and the independent analysis is completed, the ensuing report will be widely distributed. As has occurred in the course of past contracting decisions, there is likely to be a reduction in the number of public sector employees as staff elect to transfer to private sector providers which are successful in tendering for public sector contracts, or they accept redundancy payments in accordance with approved packages. Despite the magnitude of the change in the public sector associated with CTC and other best practice management initiatives, there are currently only 358 employees actively seeking placement through redeployment. Significantly, the Federal Government's Industry Commission recently stated, in its final report on competitive tendering and contracting in public sectors across Australia, that CTC is expected to generate higher real income and some increase in overall employment. With average savings of 20 per cent and 24 per cent reported in Western Australia in two previous surveys, and in light of the fact that for every public sector job "lost" in this State since February 1993 there have been 12 private sector jobs created, the Government remains committed to the continued implementation of competitive tendering and contracting in departments and other agencies throughout the public sector. This will involve the progressive examination of many different areas of current in-house activity, as to their suitability for testing in the competitive market environment and the eventual selection of the best value-for-money options for service delivery.

CONTRACTING OUT - BY GOVERNMENT DEPARTMENTS

1360. Mr BROWN to the Minister representing the Minister for Transport:

- (1) Has any -
- (a) department;
 - (b) agency,
- under the Minister's control made any plans to contract out work to the private sector in the 1996-97 financial year?
- (2) Is any of the work proposed to be contracted out currently performed by government employees?
- (3) If so, exactly what work is proposed to be contracted out?
- (4) How many government employees jobs in each department or agency will be affected?
- (5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

- (1)-(5) The third annual survey of competitive tendering and contracting commenced in July, requiring agencies to report on contracts let during 1995-96. They will also be asked to again outline their plans for future contracting - that is, for the 1996-97 financial year - and, where the activity is currently performed inhouse, to identify the number of staff currently working in the relevant service area. Once the survey is undertaken and the independent analysis is completed, the ensuing report will be widely distributed. As has occurred in the course of past contracting decisions, there is likely to be a reduction in the number of public sector employees as staff elect to transfer to private sector providers

which are successful in tendering for public sector contracts, or they accept redundancy payments in accordance with approved packages. Despite the magnitude of change in the public sector associated with CTC and other best practice management initiatives, there are currently only 358 employees actively seeking placement through redeployment.

Significantly, the Federal Government's Industry Commission recently stated, in its final report on competitive tendering and contracting in public sectors across Australia, that CTC is expected to generate higher real income and some increase in overall employment. With average savings of 20 per cent and 24 per cent reported in Western Australia in two previous surveys, and in light of the fact that for every public sector job "lost" in this State since February 1993 there have been 12 private sector jobs created, the Government remains committed to the continued implementation of competitive tendering and contracting in departments and other agencies throughout the public sector. This will involve the progressive examination of many different areas of current in-house activity, as to their suitability for testing in the competitive market environment and the eventual selection of the best value-for-money options for service delivery.

CONTRACTING OUT -BY GOVERNMENT DEPARTMENTS

1362. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism; Sport and Recreation:

(1) Has any -

- (a) department;
- (b) agency,

under the Minister's control made any plans to contract out work to the private sector in the 1996-97 financial year?

- (2) Is any of the work proposed to be contracted out currently performed by government employees?
- (3) If so, exactly what work is proposed to be contracted out?
- (4) How many government employees jobs in each department or agency will be affected?
- (5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mrs PARKER replied:

The Minister for Tourism; Sport and Recreation has provided the following reply -

- (1)-(5) The third annual survey of competitive tender and contracting commenced in July, requiring agencies to report on contracts let during 1995-96. They will also be asked to again outline their plans for future contracting - that is, for the 1996-97 financial year - and, where the activity is currently performed inhouse, to identify the number of staff currently working in the relevant service area. Once the survey is undertaken and te independent analysis is completed, the ensuing report will be widely distributed. As has occurred in the course of past contracting decisions, there is likely to be a reduction in the number of public sector employees as staff elect to transfer to private sector providers which are successful in tendering for public sector contracts, or they accept redundancy payments in accordance with approved packages. Despite the magnitude of change in the public sector associated with CTC and other best practice management initiatives, there are currently only 358 employees actively seeking placement through redeployment.

Significantly, the Federal Government's Industry Commission recently stated, in its final report on competitive tendering and contracting in public sectors across Australia, that CTC is expected to generate higher real income and some increase in overall employment. With average savings of 20 per cent and 24 per cent reported in Western Australia in two previous surveys, and in light of the fact that for every public sector job "lost" in this State since February 1993 there have been 12 private sector jobs created, the Government remains committed to the continued implementation of competitive tendering and contracting in departments and other agencies throughout the public sector. This will involve the progressive examination of many different areas of current in-house activity, as to their suitability for testing in the competitive market

environment and the eventual selection of the best value-for-money options for service delivery.

CONTRACTING OUT - BY GOVERNMENT DEPARTMENTS

1363. Mr BROWN to the Parliamentary Secretary to the Minister for Parliamentary and Electoral Affairs:

- (1) Has any -
 - (a) department;
 - (b) agency,

under the Minister's control made any plans to contract out work to the private sector in the 1996-97 financial year?
- (2) Is any of the work proposed to be contracted out currently performed by government employees?
- (3) If so, exactly what work is proposed to be contracted out?
- (4) How many government employees jobs in each department or agency will be affected?
- (5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mr SHAVE replied:

The Minister for Parliamentary and Electoral Affairs has provided the following response -

- (1)-(5) The third annual survey of competitive tendering and contracting commenced in July, requiring agencies to report on contracts let during 1995-96. They will also be asked to again outline their plans for future contracting - that is, for the 1996-97 financial year - and, where the activity is currently performed in-house, to identify the number of staff currently working in the relevant service area. Once the survey is undertaken and the independent analysis is completed, the ensuing report will be widely distributed. As has occurred in the course of past contracting decisions, there is likely to be a reduction in the number of public sector employees as staff elect to transfer to private sector providers which are successful in tendering for public sector contracts, or they accept redundancy payments in accordance with approved packages. Despite the magnitude of change in the public sector associated with CTC and other best practice management initiatives, there are currently only 358 employees actively seeking placement through redeployment.

Significantly, the Federal Government's Industry Commission recently stated, in its final report on competitive tendering and contracting in public sectors across Australia, that CTC is expected to generate higher real income and some increase in overall employment. With average savings of 20 per cent and 24 per cent reported in Western Australia in two previous surveys, and in light of the fact that for every public sector job "lost" in this State since February 1993 there have been 12 private sector jobs created, the Government remains committed to the continued implementation of competitive tendering and contracting in departments and other agencies throughout the public sector. This will involve the progressive examination of many different areas of current in-house activity, as to their suitability for testing in the competitive market environment and the eventual selection of the best value-for-money options for service delivery.

CRIMINAL INJURIES COMPENSATION

Claims, Waiting Times; Outstanding, Kalgoorlie-Boulder

1366. Ms ANWYL to the Minister representing the Attorney General:

- (1) What is the average time between lodging a claim for criminal injuries compensation and the award of compensation certificate issuing?
- (2) How many claims are outstanding where the claimant resides in Kalgoorlie-Boulder?

- (3) (a) Is it proposed to appoint another assessor to the tribunal;
- (b) if so, when?
- (c) if not, why not?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) The present expected average period from lodgment to finalisation of a criminal injuries compensation claim is approximately 12 months.
- (2) The file tracking system employed by the assessor is unable to provide information based on the residential location of an applicant. Therefore, the number of claims outstanding, where the claimant resides in Kalgoorlie-Boulder, can only be established through a resource intensive manual search of all open files.
- (3) (a) Yes.
- (b) Further appointments will only be possible following amendment to the Criminal Injuries Compensation Act. The amendment will be introduced into the Parliament during the next session.
- (4) Not applicable.

LAND TAX

Increase Concerns

1368. Mr PENDAL to the Minister representing the Minister for Finance:

- (1) Is the Minister aware of widely-held concerns that land tax has progressively become a bigger impost on land-holders and taxpayers over the years?
- (2) Is the Minister aware, for example, that in the case of one land-holder and taxpayer, his land tax on three properties now equates to 15.8 per cent of the gross rents he receives for the properties compared to a figure of 12.08 per cent in 1991-92?
- (3) Will he undertake a study to examine how widespread this "bracket creep" has become?
- (4) If not, why not?
- (5) Does he acknowledge that this steady erosion of investment value on the part of land-holders may mitigate against people investing in such a manner?

Mr COURT replied:

The Minister for Finance has provided the following reply:

I preface my answer by noting that I have already responded in writing to a letter from the member raising similar land tax issues.

- (1) I have received a number of letters from taxpayers about land tax and am aware of other complaints directed to the Commissioner of State Taxation. Notwithstanding that the number is small relative to the total number of taxpayers, the Government is continually reviewing the land tax system to keep land tax rates as low as possible.
- (2) I would only be aware of individual taxpayers' circumstances if they advised me directly. The member has not provided sufficient information for me to know if there are any special circumstances, such as one or more of the properties being underdeveloped relative to the unimproved value of the land, or vacant for any significant period.
- (3)-(4) The Government has reduced the land tax rates on three occasions since coming to office, including in the 1996/97 Budget. A major objective has been to reduce the additional land tax burden on taxpayers who would otherwise be pushed into a significantly higher tax bracket as a

consequence of an increase in the value of their land holdings. However, it is not practical to revise the land tax scale to eliminate bracket creep across the board, as some individual valuation increases will always be significantly above the average.

- (5) The land tax relief provided by this overnment, together with the income tax deductibility of land tax, will help to minimise the disincentive for people to invest in land.

INDECENT PUBLICATIONS AND ARTICLES ACT 1902

Penalties

1373. Dr WATSON to the Minister for Police:

- (1) In the last four calendar years, how many prosecutions have been successfully made under the Indecent Publications and Articles Act 1902?
- (2) For what offences?
- (3) What penalties were applied?

Mr WIESE replied:

The Commissioner of Police has provided the following reply -

- (1) 21 successful prosecutions, involving 205 charges.
- (2)

Section 2A	Possession of child pornography and attempt to procure/supply child pornography
Section 2	Possession of indecent or obscene article for sale or gain
	Possession of indecent publication for sale
Section 11	Display of indecent publications.
- (3)

Fines ranging from \$20 per charge to \$2 000
Good behaviour bond
12 months' probation
Dismissed as first offender under section 669 of the Criminal Code.

DRUG ABUSE

Task Force Report, Recommendations Implementation

1376. Mr BROWN to the Premier:

- (1) Further to question on notice 448 of 1996, what are the 70 recommendation agreed and -
 - (a) fully implemented;
 - (b) currently being implemented?
- (2) What are the 50 recommendations now being planned to be implemented?
- (3) What are the 20 agreed recommendations with implementation to follow?
- (4) What recommendations have not been endorsed?
- (5) What recommendations are still under discussion?
- (6) How has the \$1m referred to in the previous question been allocated?
- (7) What additional services are proposed to be provided?
- (8) In what departmental budgets is the \$1m contained?

- (9) How much is being contributed by each department?

Mr COURT replied:

- (1)-(9) I will present a full progress report from the Task Force on Drug Abuse in the near future. This will detail the status of each of its recommendations including those that are currently under discussion. The \$1m allocated for the implementation of the recommendations of the Task Force on Drug Abuse has thus far been used to commence a range of initiatives including: planning for education in schools, public education regarding illicit drugs, a drug information service and education courses for parents, drug rehabilitation services for youth and their families, drug counselling in youth accommodation services, treatment services for offenders, and expanded training for volunteers in drug services. Many of the initiatives recommended by the Task Force involve the participation of a number of government departments that make a contribution through their existing resources and programs.

EDUCATION DEPARTMENT

Enterprise Agreement for Teacher Assistants and Home Economic Assistants

1383 Mr BROWN to the Minister for Education:

- (1) Is the Education Department currently negotiating an enterprise agreement for teacher assistants and home economic assistants?
- (2) Is the Minister aware of the minimal wage increases received by the two classifications of employees since 1991?
- (3) Is the Minister aware of wage adjustment received by employees in these classifications since that time have not been enough to keep up with the cost of living?
- (4) Given the Government has accepted employees of other government agencies have been entitled to a wage increase of up to 10 per cent for past productivity improvements, exactly what amount does the Government propose to make available to these employees for past productivity improvements?
- (5) Will the Minister personally intervene and/or review the status of the negotiations with a view to ensuring some employees are offered an equitable wage increase given the other wage adjustments the Government has offered in recent times?

Mr C.J. BARNETT replied:

- (1)-(2) Yes.
- (3) Wage adjustments under current wage fixing arrangements are linked to productivity improvements, not the cost of living. The union representing teachers' aides and home economic assistants employed by the Education Department has not been able to negotiate an enterprise agreement to date for these employees, but the employees have had the benefit of three \$8 safety net adjustments.
- (4) These employees have been offered a salary increase of 7.4 per cent, inclusive of the third \$8.00 safety net adjustment already granted. This is based on recognition of past and future productivity initiatives relevant to the particular employees.
- (5) The increase offered is equitable with other enterprise agreements having regard not only for the salary increase available but also the productivity and efficiency gains to be achieved. The increase offered is the same as that accepted by Education Department clerical staff under their Enterprise Agreement.

CONTRACTS - PENALTIES FOR POOR PERFORMANCE

1385. Mr BROWN to the Minister representing the Minister for Transport:

- (1) Did the Minister issue a media statement on 18 May 1996 indicating the State Government will not hesitate to impose penalties on public and private sector organisations awarded contracts if they failed to meet the Government's stringent performance requirements?
- (2) Exactly what penalties will be imposed?
- (3) Do the penalties involve cancelling contracts?
- (4) Under what circumstances will contracts be cancelled?
- (5) Have any contracts been cancelled to date?
- (6) Has the Government threatened to cancel any contracts as a consequence of poor performance?
- (7) If so, what are the details?

Mr LEWIS replied:

- (1) Yes.
- (2)

Failure to operate a scheduled service	\$300
Early operation of a scheduled service	\$300
Late operation of the services excepting	\$300

 - (a) routes of up to 20 kilometres in length which run up to three minutes late;
 - (b) routes of between 20 kilometres and 30 kilometres in length which run up to four minutes late; and
 - (c) routes over 30 kilometres in length which run up to five minutes late.
- (3)-(4) Where a contractor is in default of contract obligations, the Government may cancel the contract.
- (5) No.
- (6) The prospect of cancellation was discussed with one contractor.
- (7) The situation was resolved to the satisfaction of the Department of Transport and the Minister for Transport.

JUSTICE, MINISTRY OF - LONGMORE DETENTION CENTRE

Inmates Increase

1387. Dr GALLOP to the Minister assisting the Minister for Justice:

With reference to the Government's decision to transfer 30 to 35 juveniles from Riverbank to Longmore -

- (a) how does the Government intend to spend the \$382 000 allocated to improved security at Longmore;
- (b) can the Minister guarantee that security will not be compromised by the increased numbers at Longmore;
- (c) will the Minister guarantee that planning for the increase in numbers at Longmore will involve consultation with Swan and Rowethorpe Retirement Villages, Curtin University and the Town of Victoria Park;
- (d) for how long will the 30 to 35 extra inmates at Longmore be kept there before the new facility is developed;
- (e) will the Minister guarantee that the new high level of numbers at Longmore will not be a permanent feature of that facility?

Mr MINSON replied:

The Minister for Justice has provided the following reply -

- (a) Nominally

Upgrade of perimeter, additional lighting, cameras and communication	\$250 200
Refurbishment and additional equipment	\$131 800
Total	\$382 000

- (b) Before the transfer takes place I will have to be assured that security at Longmore is of an equivalent level to that existing at Riverbank.
- (c) Once the security plan alluded to in (a) is complete, the positive working relationship with the community will be maintained through consultation.
- (d) It is anticipated the extra detainees will be housed at the Nyandi/Longmore complex until the commissioning of the new Banksia Hill detention centre in September 1997.
- (e) It is proposed the Nyandi/Longmore complex will be closed with the opening of the new Banksia Hill complex.

MILLEN PRIMARY SCHOOL

Program for Four Year Olds

1389. Dr GALLOP to the Minister for Education:

- (1) Are there any plans to establish a four year old program at Millen Primary School?
- (2) If yes, what is intended and what changes will be needed to facilitate the move?

Mr C.J. BARNETT replied:

- (1)-(2) It is anticipated that programs for four year olds will be established in most schools by 1999. No specific plans have been made to establish a four year old program at Millen. The school community will be consulted before final decisions concerning the establishment of a four year old program are made.

WESTERN POWER AND ALINTAGAS

Sales Tax Changes, Impact on Payments to Consolidated Fund

1415. Mr THOMAS to the Minister for Energy:

- (1) Will the changes in the Commonwealth Sales Tax regime affect the amount payable by Western Power and AlintaGas to the Consolidated Revenue in lieu of Commonwealth taxes?
- (2) If yes, how much will now be paid to the Commonwealth instead of the State by:
 - (a) Western Power;
 - (b) AlintaGas?
- (3) If yes to (1) above, is it anticipated that there will be an increase in charges by Western Power and AlintaGas to maintain total payments to the State or a reduction in those payments?

Mr C.J. BARNETT replied:

Western Power

- (1) Yes.
- (2) Approximately \$130 000 per annum.
- (3) An associated increase in charges is not anticipated.

AlintaGas

- (1) Yes.
- (2) Approximately \$83,000 per annum.
- (3) Any changes to sales tax arrangements are unlikely to impact on AlintaGas tariffs.

EDUCATION DEPARTMENT

Aboriginal Studies in Schools

1416. Dr GALLOP to the Minister for Education:

- (1) What is the Government's policy in respect of integrating Aboriginal studies into the primary and secondary curriculum?
- (2) What steps have been taken to encourage Aboriginal studies in our primary and secondary schools?
- (3) What source material (including textbooks) have been developed by the Department of Education?

Mr C.J. BARNETT replied:

- (1) The Government does not have a specific policy for how schools will integrate Aboriginal Studies into the primary and secondary curriculum. Schools have the choice to implement Aboriginal Studies:
 - (a) as a core subject,
 - (b) integrated across the curriculum, or
 - (c) as a component in each learning area.
- (2) Aboriginal history/culture is studied in the Society and Environment Learning Area by all year levels in primary schools and in years 8, 9 and 10 in secondary schools.

The Aboriginal Studies K-10 curriculum has been linked to Student Outcome Statements in the Society and Environment Learning area. The Teacher's Information Handbook for the Aboriginal Studies curriculum framework provides suggestions for the integration of the curriculum for teachers who wish to integrate Aboriginal Studies. The Aboriginal Studies K-10 curriculum can be a "stand alone" subject if the school chooses.

A strategy is being developed for the implementation of Aboriginal Studies within the framework of the future directions for all professional development, as announced recently by the Director-General of the Education Department.

- (3) The Aboriginal Studies K-10 curriculum material consists of:
 - A Teacher's Information Handbook;
 - Three Secondary Units:
 - 1) A Study of Traditional Aboriginal Societies;
 - 2) A Study of Aboriginal Societies from Early Contact to 1967; and
 - 3) A Study of Aboriginal Societies Post-1967.
 - Four Primary Units:
 - 1) Level 1 (K-1),
 - 2) Level 2 (Years 2-3),
 - 3) Level 3 (Years 4-5), and
 - 4) Level 4 (Years 6-7).

Two resource books have been compiled to support the Aboriginal Studies K-10 curriculum material:

- Resource Book 1 - In The Beginning;
- Resource Book 2.

SCHOOLS - BENTLEY PREPRIMARY CENTRE, CHANGES

1417. Dr GALLOP to the Minister for Education:

- (1) Are any changes planned for the Bentley preprimary centre?
- (2) If yes, what are those changes?
- (3) Can the Minister guarantee that the centre will not be closed?

Mr C.J. BARNETT replied:

- (1) Yes.
- (2) It is planned that building modifications will be made to classrooms in the "junior cluster" in order to accommodate the preprimary class.
- (3) Preprimary classes will continue to operate at Bentley Primary School in the foreseeable future.

SCHOOL CLEANING CONTRACTS

Mastercare Property Services, Contracts Loss

1418. Mr RIPPER to the Minister for Education:

- (1) What has the Minister put in place to prevent a repetition of last month's school cleaning shambles, which resulted on 31 May 1996 in Mastercare Property Services losing four contracts to clean 15 primary and secondary schools?
- (2) Can the Minister guarantee that no other schools are experiencing filthy conditions because of the Government's contract cleaning drive?

Mr C.J. BARNETT replied:

- (1) The Education Department cleaning contract stipulates specific standards of cleaning in schools. These standards will continue to be monitored closely in all schools. Contractors failing to perform to these standards may have their contract terminated and be excluded from further contracts for a period of two years. The Department responds quickly to any reported deterioration in cleaning standards. In serious cases, termination of cleaning contracts has been progressed, as evidenced in the termination of the Mastercare contracts. In most cases complaints about contract cleaning have been minor. Even so, the monitoring process is sufficiently thorough to detect such faults and have them rectified. In addition, I have undertaken to be personally involved in the review of contract cleaning services to be held later this year.
- (2) The Education Department has responsibility for the cleaning standards in all 770 government schools across the State, including about 600 schools cleaned by day labour. The same high standard of cleaning applies to all schools, and appropriate action is taken to rectify cleaning faults identified in any school whether day labour or contract cleaned.

SCHOOLS

Carlisle Primary, Cleaning Concerns

1419. Mr RIPPER to the Minister for Education:

Is the Minister aware of any parental concerns about cleaning at Carlisle Primary School including -

- (a) bins containing food scraps left for a week;
- (b) female and male toilets not being cleaned properly;
- (c) classrooms and verandahs not being cleaned properly?

Mr C.J. BARNETT replied:

The Education Department is aware of the cleaning concerns of the school, and is taking appropriate action to address the concerns. As the school cleaning was passed with all areas satisfactory or better at the vacation cleaning inspection on 15 July 1996, these faults would have been addressed by the cleaning company.

JUSTICE, MINISTRY OF

Acting Director General, Worker's Compensation Claims Submitted to SGIO Review

1462. Mr BROWN to the Minister representing the Attorney General:

- (1) Since being appointed to the position, has the Acting Director General of the Ministry of Justice had cause to review one or more workers' compensation claims submitted to the State Government Insurance Commission?
- (2) What reason did the Acting Director General have to carry out such a review?
- (3) How many claims were examined?
- (4) Were all claims examined that had been submitted to the SGIC in the past few years?
- (5) Was a review undertaken as a consequence of doubts being expressed about the authenticity of some claims?
- (6) What were the results of the review?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) No.
- (2)-(6) Not applicable.

JUSTICE, MINISTRY OF

Redundancy Packages Offered to Managers or Above Positions

1463. Mr BROWN to the Minister representing the Attorney General:

- (1) Since July 1995, has the Ministry of Justice offered a redundancy package to any employee holding the position of Manager, or above, in the Ministry of Justice?
- (2) How many such offers have been accepted?
- (3) What is the total amount of redundancy pay that has been paid out in that time?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) Yes. Redundancy packages are only offered following an expression of interest by employees and are only approved if they meet the eligibility requirements under the Redeployment and Redundancy Regulations. The exception to this are managers who are ministry redeployees.
- (2) 13.
- (3) \$1 263 652.10.

Intelligence Unit

1465. Mr BROWN to the Minister representing the Attorney General:

- (1) In the new organisational structure of the Ministry of Justice, who is in charge of the Intelligence Unit?
- (2) To whom does the Intelligence Unit report?
- (3) How many Ministry of Justice Officers have been assigned to the Intelligence Unit over the last twelve months?
- (4) Have any of the officers currently or previously assigned to the Intelligence Unit been instructed or authorised, as part of their official duties to attend hearings of the Royal Commission into the Wanneroo City Council?
- (5) Why has such instruction or authorisation been given by the Ministry?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) Mr Brian Lawrence.
- (2) Executive Director, Offender Management Division.
- (3) 10.
- (4) No.
- (5) Not applicable.

JUSTICE, MINISTRY OF

Intelligence Unit

1466. Mr BROWN to the Minister representing the Attorney General:

- (1) Is the performance and operation of the Intelligence Unit supervised, monitored or managed by senior management in the Ministry of Justice?
- (2) Who is charged with that responsibility now?
- (3) Has the Intelligence Unit always been supervised, monitored or managed by a senior administrative person in the Ministry?
- (4) Have any deficiencies been found in the operation and/or effectiveness of the Unit?
- (5) Were those deficiencies reported to -
 - (a) the Directory General;
 - (b) the Attorney General?
- (6) On what date or dates were such reports made?
- (7) What is the nature of the deficiencies found?
- (8) Are staff assigned to the Intelligence Unit required to limit their investigations/enquiries into work authorised by the Ministry of Justice?
- (9) Who authorises, on behalf of the Ministry of Justice, the work that may be undertaken by the Unit?
- (10) Has an examination or review been undertaken to ascertain if any of the work carried out by te

Unit falls outside of the work authorised by the Ministry?

- (11) Have any faults, problems or inefficiencies been found with the Unit's operations?
- (12) If so, what is the exact nature of the problems that have been encountered?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) Yes.
- (2) Executive Director, Offender Management Division.
- (3) Yes.
- (4) No.
- (5)-(7) Not applicable.
- (8) Yes.
- (9) Executive Director, Offender Management Division.
- (10)-(11) No.
- (12) Not applicable.

JUSTICE, MINISTRY OF

Private Prisons; Contracting Out Plans

1467. Mr BROWN to the Minister assisting the Minister for Justice.

- (1) Since July 1995, has the Government, Minister or Ministry of Justice given any consideration to -
 - (a) establishing private prisons;
 - (b) allocating work now performed by Government employees in prisons to the private sector?
- (2) If so, exactly what changes are under consideration?

Mr MINSON replied:

- (1) (a) No. However, the ministry has obtained information regarding private prisons for use in benchmarking.
(b) No.
- (2) Not applicable.

DISABILITY SERVICES COMMISSION- NON-GOVERNMENT ORGANISATIONS, ELIGIBILITY FOR SERVICES

1470. Dr WATSON to the Minister for Disability Services:

Further to question on notice 833 of 1996, on what basis would a service recipient of a non-government organisation become ineligible for the service for the reasons of -

- (a) no longer having a disability;
- (b) on the basis of no need for services,

when a disability is defined as permanent?

Mr MINSON replied:

The Disability services Act does not define disability as permanent. Section 3(a)(b) defines disabilities as permanent or likely to be permanent. As such, the grounds on which services for an individual with a disability may be withdrawn are -

if they no longer have a disability; or
on the basis of no need for service.

These factors may alter the amount or mix of services required.

SEX OFFENDERS- PEOPLE WITH INTELLECTUAL DISABILITY STATISTICS, INDEPENDENT THIRD PERSON AT POLICE INTERVIEWS

1474. Dr WATSON to the Minister for Disability Services:

- (1) Further to question on notice 647 of 1996, if there is no formal requirement to have an independent third person present when police are interviewing a person with an intellectual disability, will the Minister explain why he states that he does not agree that those persons may be wrongly charged?
- (2) Will the Minister consider amending legislation in order to provide for an independent third person in these circumstances?
- (3) If not, why not?

Mr MINSON replied:

- (1) The member's original question asked if I agree that it is highly possibly that many such people may be wrongly charged. I refer the member to my response to part (6) of question on notice 647. The safeguards described in that response lead to a lowered risk of wrongful charging. Incorrectly charging a person with an intellectual disability is unlikely to occur if -

the police recognise that a person has an intellectual disability; police officers receive training so that they are able to do so;

the person under investigation agrees to contact between the police and staff of the Disability Services Commission;

people with an intellectual disability known to the DSC are informed of their legal rights;

DSC regional staff or local area coordinators and local police maintain contact; this occurs.
- (2) The Access to Justice working party chaired by His Honour, Justice Nicholson, has recommended the establishment of an independent third person service under the auspices of the Office of Public Advocate. This proposal will be evaluated and considered by the Ministry of Justice.
- (3) Not applicable.

EMPLOYMENT - GROWTH (NATIONAL), IMPACT ON UNEMPLOYMENT RATE

1477. Mr RIPPER to the Minister representing the Minister for Employment and Training:

What is the likely impact on Western Australia's unemployment rate of a national rate of employment growth of 1.5 per cent per annum over the next two years as predicted by the OECD?

Mr C.J. BARNETT replied:

The Minister for Employment and Training has provided the following reply -

Since the coalition Government came into power in February 1993, 90 000 more Western Australians have found employment. These figures translate into an annual average growth rate of 3.6 per cent which is 0.7

per cent above the national rate of 2.9 per cent. Western Australia's unemployment rate is currently almost a full percentage point below the national average. The youth unemployment rate is currently at 20.4 per cent, which remains well below the national rate of 23.7 per cent. While it is not possible to give a definite statement on the impact of the OECD projection, the continued fostering of strong economic growth in Western Australia by this Government will ensure that employment opportunities for Western Australians are maximised.

JUSTICE, MINISTRY OF

Rowe Report, Public Service Commissioner Review

1478. Mr BROWN to the Minister for Public Sector Management:

- (1) Further to question on notice No 443 of 1996, exactly what matters have been reviewed by Public Service Commissioner, Dr Ken Michael?
- (2) When did the Public Service Commissioner commence his review?
- (3) When is it expected the Public Service Commissioner will complete his review?
- (4) Has the Public Service Commissioner made any recommendations or decisions arising out of the review?
- (5) If so, what recommendations and decisions?

Mr COURT replied:

- (1) The Public Service Commissioner has advised he is reviewing those issues raised by Mr Rowe in his correspondence of June 1994.
- (2) The correspondence was received by the Commissioner in June 1994 and action commenced in June 1994.
- (3) The Public Service Commissioner is currently finalising this matter.
- (4)-(5) Not applicable.

JUSTICE, MINISTRY OF

Section 9 Prison Act Inquiries

1481. Mr BROWN to the Minister representing the Attorney General:

- (1) Further to question on notice No 23 of 1996, is the Minister now able to answer sub-questions (11) and (12)?
- (2) If so, what is the answer?
- (3) If not, has the Minister attempted to obtain an answer from those attending the meeting in question?
- (4) If so, has any of the information provided indicated that consideration was given to using Section 9 of the Prisons Act 1981 to investigate matters of concern at the meeting between the Director of Public Prosecutions, the Deputy Commissioner for Police and others?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) Yes.
- (2) No.

- (3) Not applicable.
- (4) No.

DISABILITY SERVICES - ADVOCACY SERVICES FOR PEOPLE WITH DEVELOPMENTAL
DISABILITIES, COMMONWEALTH FUNDING

1484. Mr BROWN to the Minister for Disability Services:

- (1) Is the Minister aware the commonwealth Department of Health and Family Services provides funds for citizen advocacy services which arranges advocates to represent the interests and rights of people with developmental disabilities?
- (2) Is the Minister aware the Federal Government is considering devolving the funds it makes available for such services to the State Government?
- (3) Have any discussions been held between the Commonwealth and the State about the devolvement of such funds?
- (4) Has the State given any consideration to continue the funding of such advocacy agencies if the commonwealth funds are devolved to the State?
- (5) In the event of the Commonwealth making a block of or other untied funds available to the State for these or similar services, will the State hold discussions with the citizen advocacy services prior to determining the allocation of such funds?

Mr MINSON replied:

- (1)-(5) Please refer to response to question 1483.

EDUCATION DEPARTMENT

Construction and Maintenance Work on School Grounds, Safety Responsibility

1485 Mr KOBELKE to the Minister for Education:

- (1) When maintenance or construction work is taking place on school grounds, is it the principal who is solely responsible for the safety of the work with respect to students and staff?
- (2) If the principal does not carry sole responsibility for the safety of all students and staff when there is maintenance or construction work taking place, then what is the level and extent of the responsibility for safety which rests with the Principal?
- (3) What is the nature and extent of any responsibility still remaining with the Building Management Authority to ensure that when work is undertaken on school grounds that full consideration is given to the safety of students, staff and the general public?
- (4) How, if at all, has the responsibility of the BMA for the supervising and checking of safety changed since the move to contract out the supervision of construction and maintenance work on school facilities?
- (5) What is the level and duration of the training and safety courses given to Principals and Health and Safety Officers in schools to ensure that they can identify all hazards to students, staff and the public arising from construction or maintenance work being undertaken at Government schools?
- (6) How often are principals or Safety Officers required to take additional courses in order to update their knowledge and expertise in safety and health matters relating to their workplace?
- (7) What is the minimum number of hours annually required for training in health and safety that must be undertaken by all Principals and/or Safety Officers at Government schools?

Mr C.J. BARNETT replied:

- (1) The principal is responsible for maintaining a safe environment in schools as far as is practicable and within available resources. He/she is not expected to be an expert in construction and maintenance work as the Department of Contracting and Management Services/Facilities Manager/Contractor are responsible for these matters. The Principal may seek advice from these and other sources where circumstances warrant it. It is likely therefore that "responsibility" would need to be considered on a case by case basis as:-

The school principal carries some responsibility;

The contractor carries some responsibility; and

The Department of Contracting and Management Services carries some responsibility.

- (2) The level and extent of responsibility of the principal relates to those matters over which he/she has control (ie redirecting staff/students around the work area, rescheduling recess/lunch breaks as control measures and the like).
- (3) The Department of Contracting and Management Services has a responsibility to ensure that instructions provided to its contractors (contract documents) oblige contractors to take full consideration of the safety of students, staff and general public.
- (4) There is no significant change to the role of the Department of Contracting and Management Services with respect to supervision. Supervision of day-to-day work requirements is the responsibility of the contractor.
- (5) Principals attend a two day departmental safety management course run by the Employee Support Services Branch of the Education Department. School health and safety representatives attend a five day training course accredited by the Worksafe Western Australia Commission.
- (6) Principals and health and safety representatives update their knowledge as required by their particular workplace.
- (7) The time spent by individuals will be determined by school requirements.

EDUCATION DEPARTMENT

Painting of Schools; Lead Paint Tests

1486. Mr KOBELKE to the Minister for Education:

- (1) When government schools are painted as part of a maintenance or repair program, what criteria or conditions are used to judge as to whether or not the old paintwork should be tested for lead paint?
- (2) How many schools in the 1995-96 financial year had testing undertaken to ascertain whether the existing paintwork contained lead before cleaning or painting maintenance was undertaken?
- (3) Were Department of Occupational Health, Safety and Welfare regulations followed in all cases?
- (4) Where proper safeguards were either not in place or not followed for painting undertaken involving the removal or sanding of lead paint, what steps have been taken to ensure that this does not reoccur?

Mr C.J. BARNETT replied:

- (1) The Department of Contract and Management Services has instructed its staff and all Facilities Managers and its contractors involved in maintenance programs in schools to follow the interim version of work practices relating to lead-based paint. These practices have been based generally on the Commonwealth Environmental Protection Agency "Lead Alert" guidelines.
- (2) Unknown. In excess of \$4m worth of painting was undertaken for the Education Department of WA statewide in 1995/96, 90 per cent of which was undertaken by painting contractors. No records of paint testing for lead content are kept by the

Department of Contract and Management Services.

- (3) There are no occupational health and safety regulations prohibiting abrasive techniques for the removal of lead-based paints. Additionally, there are no occupational health and safety regulations which require the testing of paints for lead content prior to removal or recoating.
- (4) As a consequence of this matter being raised, the Department of Contract and Management Services and the Education Department are reviewing the process currently used for the painting of old schools where lead-based paints may have been used. Additionally, as mentioned in (1) above, instructions outlining interim work practices have been issued.

EDUCATION DEPARTMENT

Asbestos in Schools, Register

1487. Mr KOBELKE to the Minister for Education:

- (1) From what date did the Education Department of Western Australia cease maintaining a full and accurate register of all asbestos in Government schools?
- (2) Why did the Department cancel the program to collate an asbestos register for every school still containing asbestos?
- (3) How many schools currently have an up to date asbestos register?
- (4) In the case of maintenance at a school which does not have an asbestos register, who decides what contains asbestos during maintenance and construction work?
- (5) What are the steps required by the Principal or Health and Safety Officer in any school to ensure that maintenance work undertaken does not involve working with asbestos cement products without adequate warning and appropriate safety measures being undertaken?
- (6) Has the Education Department of Western Australia given clear guidelines for Principals to ensure that maintenance or repair work undertaken at their schools does not create health hazards due to the inadvertent handling or working with asbestos products?

Mr C.J. BARNETT replied:

- (1) The Education Department has not cancelled the asbestos register for schools. Each school has the responsibility of maintaining its own register in the manual titled Asbestos Management Procedures in the Workplace.
- (2) The Education Department does not have a program to collate this information. Only information on asbestos-cement roofs is collated.
- (3) This information is not readily available. All schools would have to be circularized and by the time the information was collated it would probably be out of date.
- (4) All material that resembles asbestos is treated as such.
- (5) The Principal and the Health and Safety Representative need not take any steps. Maintenance work is done out-of-hours in accordance with the 10 page work practice sheets drawn up by the Department of Contracting and Management Services.
- (6) Each school that has an asbestos-cement content has been given a 60 plus page instruction/reference manual titled Asbestos Management Procedures in the Workplace. These procedures have been agreed to by the Teachers' Union, Miscellaneous Workers' Union, the various Principals' Associations, Western Australian Council of State School Organisations and others.

EDUCATION DEPARTMENT

Administrative Computing Systems, Expenditure

1488. Mr KOBELKE to the Minister for Education:

- (1) What was the total expenditure by the Education Department of WA on administrative computing systems in the 1994-95 financial year?
- (2) What was the total expenditure by the EDWA on administrative computing systems in the 1995/96 financial year?
- (3) What is the estimated expenditure by the EDWA on administration computers in the 1996/97 financial year?
- (4) For each of the above, what was the budget for -
 - (a) hardware and its installation;
 - (b) training of staff;
 - (c) support services for the administrative system or Personnel 2000?

Mr C.J. BARNETT replied:

- (1),(4) The total central office expenditure by EDWA on administrative computing equipment and support for schools during 1994/1995 was \$930 750. Of this, approximately \$331 000 was committed to hardware purchase and installation and a further \$599 750 was committed to training and support.
- (2),(4) The total expenditure by EDWA on administrative computing equipment during 1995/1996 was \$3 175 034. Of this, approximately \$2 265 484 was committed to hardware purchase and installation and a further \$909 550 was committed to training and support. This expenditure included \$1.6m for P2000 hardware.
- (3),(4) The current estimates of expenditure by EDWA on school administrative computing equipment other than P2000 during 1996/1997 is \$1 347 850. Of this, approximately \$200 000 will be committed to hardware purchase and installation and a further \$1 147 850 will be committed to training and support. The extent of the allocation for P2000 is yet to be determined but is expected to be in the order of \$3.8m for hardware, training and support.

EDUCATION DEPARTMENT

School Land Sales Policy, Review

1489. Mr KOBELKE to the Minister for Education:

- (1) Is it correct, as stated, in an article in *The West Australian*, Thursday, 13 June 1996, that the Minister has initiated a review of the current Education Department policy under which schools can sell excess land in order to fund new facilities?
- (2) If so, then who is to undertake such a review?
- (3) What are the guidelines and parameters for such a review?
- (4) By what date is the review to be completed?
- (5) Will the current policy allowing school land to be sold continue while the review is taking place?

Mr C.J. BARNETT replied:

- (1) Yes.
- (2) The Executive Director of Resources and Services in the Education Department is to coordinate the review.

- (3) All aspects of the policy will be reviewed. Specific attention will be paid to equity issues.
- (4) The review process has commenced. It is anticipated it will be completed by the end of September 1996.
- (5) Investigatory processes on applications received from school communities for land excision will continue, but are to be subject to the outcome of the policy review.

HOMESWEST

Karawara Development

1491. Mr PENDAL to the Minister for Housing:

I refer to the Homeswest plans for the redevelopment and upgrading of Karawara and ask -

- (a) is it correct that Homeswest and the City of South Perth have agreed, or are on the brink of reaching agreement, about the issue of replacing and relocating the community centre;
- (b) if yes to (a), what is the Homeswest timeframe for the redevelopment from this point;
- (c) can the Minister also inform the House of the sequence of various stages of the redevelopment and advise of expected completion dates for each sequence and of the project as a whole?

Mr KIERATH replied:

- (a) There are ongoing positive negotiations.
- (b)-(c) Once agreement is reached the following initial milestones are planned in 1996-97 -

Legal agreement with the City of South Perth - one month;
 appointment of project manager - three months;
 rezoning - nine to 12 months;
 demolition - three months; and
 consultation with all stakeholders - ongoing.

WESTERN POWER

Meter Readings, Reduction Trial

1498. Mr THOMAS to the Minister for Energy:

- (1) Is Western Power conducting a trial program in Mandurah where meters will only be read every second billing period and averaged from the one before in the alternate periods?
- (2) What saving does Western Power anticipate it would make if this practice were implemented Statewide?
- (3) Has Western Power considered the alternative of sharing a billing service with AlintaGas as a means of reducing costs?

Mr C.J. BARNETT replied:

- (1) Western Power has conducted a trial program in Mandurah where meters have been read every second billing cycle. However, rather than the interim bill being an estimate based upon the previous bill, the estimate is based upon the bill for the property for the equivalent period last year.
- (2) Up to \$1m per annum.
- (3) Yes, the former State Energy Commission of WA was dissolved on 1 January 1995 and the two corporatised Government Trading Enterprises, Western Power and AlintaGas were created in its place. The two organisations compete for customers. To be competitive, each organisation must operate in a commercially prudent manner. Meter readings are the source of each organisation's revenue and also provide valuable marketing information. It does not make commercial sense for one competing

organisation to provide the other with this type of sensitive information. In addition, where billing customers every three months suits AlintaGas, this does not necessarily suit Western Power which has different cashflow requirements

HOMESWEST

Land, Caledonian Avenue, Maylands, Ground Water Contamination

1499. Dr EDWARDS to the Minister representing the Minister for the Environment:

- (1) Has ground water contamination been detected at or near the Homeswest site in Caledonian Avenue, Maylands?
- (2) If yes, at what sites and at what level?
- (3) If yes, what action has been or will be taken to clean up the area and protect public health and groundwater resources?

Mr MINSON replied:

The Minister for the Environment has provided the following reply:

- (1) Yes. Trace levels of poly chlorinated Biphenyls (PCBs) were detected in 4 private bores near the Homeswest site in Caledonian Avenue, Maylands.
- (2) The levels of PCBs detected by the Chemistry Centre of Western Australia are shown against the private bore sites.

Lot 16	119 Caledonian Avenue, Maylands	0.02 microgram per litre
Lot 23	16 Warnes Street, Maylands	0.02 microgram per litre
Lot 1	103 Caledonian Avenue, Maylands	0.01 microgram per litre
Lot 31	16 Morrison Street, Maylands	0.02 microgram per litre

The level of PCBs detected are present at trace levels and are lower than the National Water Quality guideline recommended for raw water which can be used as a source of drinking water.

- (3) Advice from the Health Department of Western Australia indicates that public health and ground water resources are not considered to be at risk as the trace levels detected are low and pose no perceived threat to private bore owners who may use the water for garden irrigation. The Commission recommends, and consistent with the advice from the Health Department, that untreated bore water should not be used for drinking since it may contain bacteria which may pose a much greater risk to human health. The Commission has submitted to the Community newspaper *Guardian Express* a media release advising the public of the results of the survey. The Commission will also be advising by letter the owners of private bores of the results.

PORT KENNEDY

Golf Course Development, Ground Water Licence Application

1500. Dr EDWARDS to the Minister representing the Minister for the Environment:

On receipt of the application for a Groundwater Licence pertaining to the golf course development at Port Kennedy, what further information was requested by the Water and Rivers Commission to demonstrate that the extraction would meet the environmental conditions set by the Environmental Protection Authority?

Mr MINSON replied:

The Minister for the Environment has provided the following reply:

After receipt of an application for a ground water licence pertaining to the golf course development at Port Kennedy, the Water and Rivers Commission requested further explanation of the golf course proposal. The Commission also requested that additional computer modelling of the ground water system be carried out

to better estimate the effect of the pumping on nearby damplands and to verify that the environmental conditions set by the Environmental Protection Authority would be met.

JUSTICE, MINISTRY OF

Intelligence Unit

1502. Mr BROWN to the Minister representing the Attorney General:

- (1) Have the recent revelations about the operations of the Minsitry of Justice Intelligence Unit caused the Minister, Government or Ministry to investigate or conduct a full inquiry into the role and operational methods of the Intelligence Unit?
- (2) Will the Government initiate an inquiry into the manner in which the Intelligence Unit has been used over the last two to three years?
- (3) If not, why not?
- (4) Has the Minister been made aware of the record keeping standards of the Intelligence Unit?
- (5) Are the record keeping standards of that unit in accord with Ministry of Justice requirements?
- (6) Does the Government, Minister, or Ministry of Justice intend to investigate the record keeping standards of the unit?
- (7) If not, why not?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1)-(2) No.
- (3) The Government is satisfied with the performance of the Intelligence Unit.
- (4) No.
- (5) Yes.
- (6) No.
- (7) The Government is satisfied with the performance of the Unit.

JUSTICE, MINISTRY OF

Intelligence Unit

1503. Mr BROWN to the Minister representing the Attorney General:

- (1) Did the Intelligence Unit at the Ministry of Justice play any part or provide any information to the enquiries concerning -
 - (a) cost over-runs in the Building Services Division of the former Department of Corrective Services;
 - (b) allegations about the Masonic Lodge;
 - (c) the alleged assault against prisoner Chapman;
 - (d) the alleged assault against prisoner McKenna;
 - (e) matters raised by complaints to the Police Task Force;
 - (f) abuse of the promotional system;
 - (g) bad administration of the Investigations Office;
 - (h) allegations of drug trafficking by prison officers;
 - (i) the influence of a prison clique known as the "Purple Circle"?
- (2) Did Mr Barry Corse provide any information to the Minsitry of Justice on any of the matters

contained in the aforementioned question?

Mr PRINCE replied:

The Attorney General has provided the following reply:

As the matters raised are sub-judice due to criminal charges being laid and court appearances set down for later this and next year, it would be inappropriate for me to comment until these matters have been determined in the court.

JUSTICE, MINISTRY OF

Human Resource Management

1504. Mr BROWN to the Minister representing the Attorney General:

- (1) Has the Ministry of Justice received any grievances about the operations of its Human Resource Management?
- (2) How many grievances have been received in the last two years?
- (3) What is the nature of the grievances that have been received?
- (4) Have the grievances been thoroughly investigated?
- (5) Have any of the grievances proved to be correct?
- (6) What is the nature of the grievances that have been proved to be correct?
- (7) What action has been taken to deal with those matters?
- (8) Is the Minister aware of the grievances that have been raised against the Human Resource Management at the ministry?
- (9) If not, will the Minister make himself aware?
- (10) Is the Minister prepared to ask the Commissioner for Public Sector Standards to review the Human Resource Management arrangements within the Ministry of Justice?
- (11) If not, why not?
- (12) Has the Ministry of Justice made any efforts to resolve the mismanagement of its Human Resource Management policies and procedures?
- (13) If so -
 - (a) what action is being taken;
 - (b) when did the action commence?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) There have been no grievances about the operations of the Human Resources Directorate. Grievances can only relate to individuals and their actions, not to operating branches or divisions.
- (2) Grievances are often lodged and resolved at the workplace and therefore no central records are kept. There have been twenty eight (28) formal written grievances processed by the Human Resources Directorate since October 1994, in their role as co-ordinate of the internal formal grievance process. Because of changes in the system of recording and handling grievances, comparative data is not available for the period before this - hence the data does not relate to the full two year period as requested.
- (3) the formal written grievances processed by the Human Resources Directorate relate to:

EEO Issues	10
Work Behaviour	7

Management Practice	10
Transfer Decision	1
Discrimination	4

The total number of grievance issues is greater than the total number of grievances as a single grievance can have multiple issues.

- (4) All grievances have been investigated, with seven (7) of the grievances investigated internally, twelve (12) of the grievances being investigated externally, and eight (8) undergoing both processes.
- (5) Grievances are rarely about a factual disagreement, therefore the findings are not about whether the grievance was correct, rather how can a similar situation be prevented and conciliation between the parties achieved. Twelve (12) of the twenty eight grievances resulted in some action by the Ministry of Justice or the parties involved, six (6) are still ongoing, and the remainder resulted in no recorded action, or were formally withdrawn.
- (6) Those grievance issues on which action was taken by the parties involved or the Ministry of Justice relate to:
- | | |
|---------------------|---|
| EEO Issues | 8 |
| Work Behaviour | 3 |
| Management Practice | 5 |
| Discrimination | 1 |
- (7) The actions resulting from these grievances issues are:
- EEO training
 - Management training
 - Review of policies and procedures
 - Employee assistance programs
 - Resolved with an apology
 - Resolved by mediation
 - Written apology
 - Review of work situation
 - Implementation of performance management system
 - Development of detailed guidelines for management of grievances (ongoing)
- (8)-(13) Not applicable.

JUSTICE, MINISTRY OF

Offender Management Division, Inquiries Into

1507. Mr BROWN to the Minister assisting the Minister for Justice.

- (1) How many investigations or inquiries have been conducted in the Offender Management Division of the Ministry of Justice since the commencement of 1994?
- (2) What was the nature of each inquiry or investigation?
- (3) What was the results of each inquiry or investigation?
- (4) Which inquiries were initiated as a result of the Ministry of Justice receiving complaints from either the public or employees other than those in Senior Management?
- (5) Did the Ministry of Justice examine whether the persons nominated to carry out each investigation or inquiry were appropriate to do so having regard to their other obligations and interest?
- (6) What steps did the Ministry take to ensure that the person or persons nominated to conduct the investigation or inquiry did not have a conflict of interest in carrying out the inquiry or investigation?

Mr MINSON replied:

The Ministry of Justice has provided the following information in respect of records held by the Investigations Unit.

- (1) 1994 152 investigations
 1995 100 investigations
 1996 50 investigations up to 30/6/96
- (2) Investigations are classified as Deaths, Escapes, Assaults or General.
- (3) 272 investigations have been completed and appropriate recommendations made; 30 investigations are still underway.
- (4) A number of the investigations were as a result of information obtained from the public and staff. Specific numbers are not available without extensive manual checking of records.
- (5) Yes.
- (6) The Manager of the Investigations Unit is responsible for ensuring that staff members selected to carry out particular investigations do not have any conflict of interest in relation to the subject of the investigation.

JUSTICE, MINISTRY OF

Adult Offender Division, Crisis

1508. Mr BROWN to the Minister assisting the Minister for Justice:

- (1) Is there a crisis in the Adult Offender Division of the Ministry of Justice?
- (2) How many critical incidents have taken place at Casuarina and Canning Vale Prisons in 1996?
- (3) How many critical incidents took place at both prisons in calendar year 1995?
- (4) How many prison officers were assaulted during these periods?
- (5) How many prisoners were assaulted during these periods?
- (6) How many visitors were assaulted during these periods?
- (7) Is it the role of the Ministry of Justice to try to pre-empt these situations?

Mr MINSON replied:

- (1) No.
- (2)-(3) Nil.
- (4) 1995 - 5 Prison Officers at Casuarina and Canning Vale Prisons
 1996 - 4 Prison Officers at Casuarina and Canning Vale Prisons
- (5) 1995 - 42 Prisoners at Casuarina and Canning Vale Prisons
 1996 - 28 Prisoners at Casuarina and Canning Vale Prisons
- (6) 1995 - 2 at Casuarina and Canning Vale Prisons
 1996 - Nil at Casuarina and Canning Vale Prisons
- (7) Yes.

1510. Mr BROWN to the Minister assisting the Minister for Justice:

- (1) Does the Government intend to release the Middleton report into certain matters in the Ministry of Justice?
- (2) If not, why not?
- (3) If so, when will the report be released?
- (4) What were the recommendations in the Middleton report?
- (5) Did the report recommend an judicial enquiry into the Ministry of Justice or certain operations of the Ministry of Justice?
- (6) Does the Government intend to hold a judicial inquiry?
- (7) If so, when?
- (8) If not, why not?

Mr MINSON replied:

Please refer to question 1511.

TRAFFIC VOLUMES - MITCHELL FREEWAY SOUTH OF HUTTON STREET

1521. Mrs ROBERTS to the Minister representing the Minister for Transport:

- (1) With reference to question on notice 460 of 1995 is the Minister aware of a Main Roads WA document "Average Weekday Traffic Flows - Perth Metropolitan Area 1987 to 1994", which indicates that the growth in total traffic volumes on the Mitchell Freeway south of Hutton Street is approximately 7 per cent to the middle of 1994?
- (2) Can the Minister advise what the growth in total traffic volumes on the Mitchell Freeway south of Hutton Street has been up to 1996?
- (3) Can the Minister advise the expected increase in traffic volume on the Mitchell Freeway from the city northern bypass?
- (4) Will the Minister now authorise further noise level measurements in the residential areas of Mt Hawthorn and Glendalough, east of the Mitchell Freeway and will these measurements be done on peak traffic days (Wednesday to Saturday)?
- (5) Has the Minister or his department investigated measures used in other Australian capital cities to reduce noise pollution in residential areas abutting freeways and railways?
- (6) If yes, do the freeways in any of those cities have noise attenuation walls on both sides?
- (7) Will the Minister explain why noise barrier walls were installed on the western side of the Mitchell Freeway at Leederville and Glendalough, but not on the eastern side where residential properties appear to be located closer to the freeway?
- (8) Will the Minister give a commitment to the people of Mt Hawthorn and Glendalough to protect them from further noise pollution by installing a noise barrier from Britannia Road to an appropriate position north of Powis Street?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) Yes.
- (2) Annual average weekday traffic volume on Mitchell Freeway south of Hutton Street has

grown from 87 610 in 1993-94 to approximately 98 600 when measured in February 1996.

- (3) The central section of the Mitchell Freeway will experience a reduction in traffic when the City Northern Bypass is opened, and traffic on the section from the City Northern Bypass north to Loftus Street will increase by about 14 per cent. This will reduce to 7 per cent at Vincent Street and continue reducing further to the north.
- (4) Main Roads is authorised to carry out noise level testing as it considers appropriate. I remind the member that a noise measurement program was conducted at residences in the Mt Hawthorn area in May-June 1992 before the commencement of works to accommodate the northern suburbs transit system. Monitoring at the same residences after the completion of this work was conducted in November 1993. The results confirm that houses close to the freeway recorded a slight reduction in traffic noise and little or no change occurred at homes further away. Traffic flow on the freeway has increased since but I am told the effect on noise is minor. Currently under development is a program of regular noise monitoring along the metropolitan road network. This program will include areas such as Mt Hawthorn and Glendalough.
- (5) Yes, Main Roads uses the same measures of noise control as used in other state capital cities in Australia. These measures include earth mounds, walls and special road surfacing. Westrail has not carried out any investigations into measures used in other Australian capital cities to reduce noise pollution in residential areas abutting freeways and railways.
- (6) In some situations.
- (7) When the northbound carriageway of Mitchell Freeway was being designed in 1992, noise predictions at that time indicated that when the new carriageway was due to be opened to traffic, homes in some areas along the western side of the freeway would experience an increase in noise. To avoid this unexpected increase in noise, a wall was included in the design of the freeway in the vicinity of residential properties. Noise predictions for residential properties to the east of the freeway indicate a slight reduction in noise would occur when the northbound carriageway was opened to traffic. A before-after noise monitoring program at residences in Mt Hawthorn confirmed that a reduction in noise did occur.
- (8) Based on 1993 noise monitoring in Mt Hawthorn, installation of a noise barrier is not warranted at this time. However, as previously indicated, measurements of noise in Mt Hawthorn and Glendalough will be part of a program being developed to monitor noise along major metropolitan roads.

INDUSTRIAL RELATIONS COMMISSION

Minimum Wage Recommendations

1513 Mr GRAHAM to the Minister for Labour Relations:

- (1) On what dates in -

- (a) 1994;
- (b) 1995,

did the Minister receive recommendations from the Western Australian Industrial Relations Commission on increases in the minimum wage?

- (2) What minimum wage did the commission recommend in -

- (a) 1994;
- (b) 1995,

- (3) What minimum wage did the Minister set in -

- (a) 1994;
 - (b) 1995,
- (4) On what date did the minimum wage adjustment operate from in -
- (a) 1994;
 - (b) 1995,
- (5) Did the Minister endorse any recommendations made by the Industrial Relations Commission in -
- (a) 1994;
 - (b) 1995,
- (6) If not, why not?
- (7) Has there been a delay between the date the Minister received the Industrial Relations Commission recommendation and the date on which a new minimum wage was made operative?
- (8) If so, what is the reason for the delay?
- (9) Has the Industrial Relations Commission recommended the minimum wage be further adjusted this year?
- (10) When did the commission make that recommendation?
- (11) What minimum wage has the commission recommended?
- (12) Does the Ministry intend to implement the commission's recommendation?
- (13) If so, when?
- (14) Has the Minister previously attacked the basis upon which the Industrial Relations Commission reached its recommendation on the minimum wage?
- (15) If so, what was the nature of the attack or criticism made by the Minister?
- (16) Does the Minister intend to adopt any recommendations on the minimum wage made by the Industrial Relations Commission this year?
- (17) Has the Minister received any -
- (a) reports;
 - (b) advice;
 - (c) recommendations;
 - (d) any other form of communication,
- in 1996 from any other person or organisations on the minimum wage?
- (18) If so -
- (a) who;
 - (b) what organisation/s?
- (19) What minimum wage has been recommended by that person or organisation/s?
- (20) Does the Minister intend to reverse his previous practice by declaring a minimum wage recommended by the Western Australian Relations Commission?
- (21) Does the Minister intend to follow his previous practice of setting a minimum wage lower than that recommended by the Industrial Relations Commission?
- (22) Given this is pre-election year, will the Minister increase the minimum wage above recommended/suggested by the Industrial Relations Commission in order to increase the

Government's electoral prospects?

- (23) Apart from the Industrial Relations Commission, does the Minister intend to seek any advice, information or views from any person, organisation or agency on the minimum wage he should prescribe in 1996?
- (24) If so, what -
- (a) person;
 - (b) organisation;
 - (c) agency?
- will or does the Minister intend to seek advice from?
- (25) Will the Minister table or otherwise inform the Parliament of such advice?
- (26) If so, when?
- (27) If not, why not?

Mr KIERATH replied:

- (1) (a) 31 May 1994.
(b) 31 May 1995.
- (2) (a) \$300/week for 21 years of age and over.
(b) \$325.40/week for 21 years of age and over.
- (3) (a) \$301.10 for 21 years of age and over.
(b) \$317.10 for 21 years of age and over.
- (4) (a) 29 August 1994.
(b) 29 September 1995.
- (5) (a)-(b) Yes, the recommendation relating to apprentices and trainees.
- (6) I did not support the rationale used by the Western Australian Industrial Relations Commission of linking the rate to 78 per cent of metal trades rate of pay.
- (7) Yes.
- (8) Time taken to consider the WAIRC recommendations.
- (9) Yes.
- (10) 31 May 1996.
- (11) Section 15 of the Minimum Conditions of Employment Act 1993 requires me to publish orders not less than 12 months apart. The last order was published on 29 September 1995. Therefore, I am unable to publish another order before that date. Accordingly, in my view, it is inappropriate to announce the WAIRC recommendation at this time.
- (12) The commission's recommendation is still the subject of consideration and I will inform this House of my decision when, as required by section 15 of the Minimum Conditions of Employment Act 1993, I publish a new minimum wage.
- (13) See questions (11) and (12).
- (14) Yes.
- (15) See question (6).
- (16) See questions (11) and (12).

- (17) Yes.
- (18) (a) Professor Plowman.
(b) The Graduate School of Management at the University of Western Australia.
- (19) No specific recommendation has been made at this time.
- (20)-(22)
See questions (11) and (12).
- (23) Yes.
- (24) Professor Plowman, the Department of Productivity and Labour Relations and Treasury.
- (25) See questions (11) and (12).
- (26) I will table the report by Professor Plowman at the appropriate time.
- (27) See questions (11) and (12).

GOVERNMENT DEPARTMENTS

New Names Consideration

1514. Mrs HENDERSON to the Minister for Labour Relations:

- (1) Is any consideration being given to altering the names of any department or agency under the Minister's control?
- (2) Which departments or agencies may have their names changed?
- (3) What is the purpose of the change?
- (4) Has any consideration been given to a new name for any department or agency?
- (5) What new name or new names have been proposed or adopted?
- (6) Are any of the names of existing departments or agencies inappropriate?
- (7) If so, which agencies or departments?
- (8) Why are these names inappropriate?

Mr KIERATH replied:

Department of Productivity and Labour Relations -

- (1) Yes.
- (2) The Department of Productivity and Labour Relations.
- (3) Simplicity and efficiency.
- (4) See (1) above.
- (5) Ideas are being considered by the department but no change has yet been recommended to me.
- (6) No.
- (7)-(8) Not applicable.

Commissioner of Workplace Agreements -

(1)-(8) No.

WorkSafe Western Australia -

(1)-(8) WorkSafe Western Australia is appropriately named and no consideration is needed, or being given, to any change.

WorkCover WA -

(1)-(8) No.

Western Australian Industrial Relations Commission -

(1)-(5) The Department of the Registrar, Western Australian Industrial Relations Commission is not under consideration for any change to its name.

(6)-(8) The name of the department is entirely appropriate; it properly distinguishes it from The Western Australian Industrial Commission established under the Industrial Relations Act 1979, and its mission is to administer the resources needed for that commission to function.

PRODUCTIVITY AND LABOUR RELATIONS, DEPARTMENT OF

Productivity Measures and Wage Increases

1515. Mrs HENDERSON to the Minister for Labour Relations:

- (1) Does the Department of Productivity and Labour Relations provide advice to public sector employers on productivity measures?
- (2) Does the Minister/department advocate the use of productivity measures in wage and conditions negotiations?
- (3) Have the departments and agencies under the Minister's control applied productivity measures in assessing wage rates and wage increases for their staff?
- (4) Have all departments and agencies advised employees of the productivity measures used to assess wage adjustments?
- (5) Are those productivity measures used uniformly across all department and agencies under the Minister's control?
- (6) If not, why not?
- (7) Prior to offering a wage adjustment to any employee through a workplace agreement or enterprise bargain, is an assessment made of the value of productivity improvements that will be achieved through the enterprise bargain or workplace agreement?
- (8) Is it the practice of any department or agency under the Minister's control to apply more favourable productivity measurements and/or wage increases to employees engaged under workplace agreements than to enterprise agreements?

Mr KIERATH replied:

(1)-(2) Yes.

- (3) Any changes in an agreement that are proposed are assessed in order to make a judgment as to what contribution those changes will make in adding to an agency's productivity. This then enables an assessment about the amount by which wages should be increased.
- (4) All departments and agencies are encouraged to fully consult with their employees in developing agreements. It is up to each department and agency to determine for itself how this occurs.

- (5) No.
- (6) The types of measures used would depend on the initiatives in the agreement. The application of consistent principles in the development of measures is encouraged to the extent that it is possible.
- (7) Yes.
- (8) No.

PRODUCTIVITY AND LABOUR RELATIONS, DEPARTMENT OF

Workplace Agreements and Enterprise Bargaining Agreements Promotion

1516. Mrs HENDERSON to the Minister for Labour Relations:

- (1) Does the Department of Productivity and Labour Relations promote workplace agreements in the public sector?
- (2) Does the Department of Productivity and Labour Relations promote enterprise bargaining in the public sector?
- (3) Is the promotion on workplace agreements and enterprise bargaining agreements carried out with equal vigour?
- (4) If not, why not?
- (5) Is it true the Minister and/or the Department of Productivity and Labour Relations has endeavoured to thwart, delay or frustrate enterprise bargaining negotiations in order to encourage or cajole employees into signing workplace agreements?
- (6) Has the Minister and/or the Department of Productivity and Labour Relations supported workplace agreements in the public sector under which employees cash out conditions of employment in order to maximise superannuation or redundancy pay outs?

Mr KIERATH replied:

- (1)-(3) Yes.
- (4) Not applicable.
- (5) No.
- (6) No. Maximisation of superannuation and redundancy payouts has never been given as an objective of an agreement.

BUILDING INDUSTRY TASK FORCE

Information Service

1517. Mr THOMAS to the Minister for Labour Relations:

- (1) Does the building industry taskforce provide information to -
 - (a) employers;
 - (b) employees;
 - (c) employer and employee organisations?
- (2) Does the taskforce provide accurate information?
- (3) Has the taskforce misled or otherwise provided inaccurate information to any of the people, agencies or organisations it provides information to?

- (4) Has the Minister become aware of any inaccuracies or misinformation provided by the taskforce?
- (5) What was the nature of the inaccurate information or misinformation?
- (6) If so, what action has been taken in relation to that matter?
- (7) Has any inaccurate or misinformation given rise to damages claims being lodged against the Government and/or Government offices?
- (8) Has the Minister made any enquiries as to whether the building industry taskforce has provided misleading or inaccurate information?
- (9) What inquiries has the Minister made?
- (10) After making those enquiries, can the Minister report to the House that the taskforce has not provided inaccurate or misleading information to any person, organisation or agency?
- (11) Does the Minister communicate directly with the taskforce?
- (12) If so, has the Minister advised the taskforce of any plans in relation to the implementation of Government policy or legislation?
- (13) Has or does an officer on the Minister's staff liaise with the taskforce?
- (14) Has any person on the Minister's staff advised the taskforce of Government plans or proposals on proposed legislation or its implementation?

Mr KIERATH replied:

- (1) Yes
- (2) The provision of full and accurate information is one of the important underlying principles for the Government's Customer Service focus, to which all Government agencies have a strong commitment.
- (3-6) The Task Force has not mislead or otherwise provided inaccurate information to any of the people, agencies or organisations to which it provides information. However, I am aware of two issues where information from the Task Force has been challenged:
 - (1) On 24 May 1996, a Task Force Industrial Inspector provided information to an employer in relation to the authority of building union officials to inspect time and wages records. The information was challenged by a BLPPU official and the Inspector indicated he would check the validity of the information immediately.

That research indicated an error and a written explanation was provided to the Secretary of the BLPPU by the Executive Officer of the Task Force that day, which clarified the matter.
 - (2) The other matter related to a statement made by the Hon Denis Burke MLA, Minister for Work Health in the Northern Territory Parliament. On that occasion there was a misunderstanding by Minister Burke over the use of the term charges. Minister Burke misunderstood the 160 investigations carried out following complaints made to the Task Force to be 160 charges made against the CFMEU.

This was clarified by Minister Burke following the matter being brought to the attention of the Task Force's Executive Officer.
- (7-8) No
- (9-10) Not applicable
- (11-14) As Minister for Labour Relations I am responsible for the implementation of the Building and Construction Industry code of conduct, which includes the activities of the Task Force.

Therefore there are regular communications between the Task Force, my staff and myself on these matters.

PRODUCTIVITY AND LABOUR RELATIONS, DEPARTMENT OF - AWARD BREACH PROCEEDINGS
AGAINST MINISTER FOR LABOUR RELATIONS RECORDS

1518. Mrs HENDERSON to the Minister for Labour Relations:

- (1) Since the Minister became the Minister for Labour Relations in February 1993 has -
 - (a) the Minister;
 - (b) any member of the Minister's staff;
 - (c) any person employed by a department or agency under the Minister's control; researched or reviewed records of award breach proceedings taken against the Minister prior to him becoming a member of Parliament?
- (2) If so -
 - (a) why was this information sought;
 - (b) on what dates was the information sought and obtained?

Mr KIERATH replied:

- (1)-(2) The member for Thornlie is well aware of the dangers of directing departments to undertake certain activities so the member can be assured that the request for information on the 1983 case was totally in order and above reproach. As Minister of the Crown it is my duty to ensure that the good name of the Government is not brought into disrepute.

The Opposition has used the cover of privilege to mount a number of scurrilous attacks on me in connection with a 1983 Industrial Magistrates Court hearing relating to my former cleaning company. I requested the Department of Productivity and Labour Relations to examine the public record of proceedings to confirm the facts on the outcome of that case. That public record shows that the Opposition is continuing to use untruths in a desperate yet futile effort to discredit the Government. The record shows that the union involved in the Industrial Magistrates Court case was severely criticised for incompetence. Not only did the four employees request that they did not want the matter to proceed, leaving the union without a case, but the union was also criticised for wasting the court's time. The Industrial Magistrate in fact recorded that the union was in difficulty because of its own poor procedures. The record shows that the case was thrown out and the union castigated.

The Leader of the Opposition knows what the court record shows and it is a disgrace that he could permit untruths and innuendo to continue to be made under the protection of privilege.

INDUSTRIAL RELATIONS LEGISLATION - FREEHILL, HOLLINGDALE AND PAGE, ASSISTANCE

1519. Mr THOMAS to the Minister for Labour Relations:

- (1) Has the Government sought any advice or assistance from the law firm Freehill, Hollingdale and Page on any of the changes it has made to industrial relations legislation since being elected in 1993?
- (2) How much has been paid to Freehill, Hollingdale and Page since that time?
- (3) On what dates were the payments made?
- (4) Has the Government sought any advice from the independent Bar on its industrial relations legislation since 1993?
- (5) What are the names of the members of the legal profession the advice was sought from?
- (6) How much has been paid to each?
- (7) What was the date of each payment?

- (8) Has the Government involved the law firm Freehill, Hollingdale and Page in the drafting of its industrial relations legislation or part thereof since 1993?
- (9) What work has this law firm undertaken in that respect?
- (10) Has the Government engaged any other law firm or legal practitioner to provide advice or otherwise assist in the drafting of its industrial relations legislation since 1993?
- (11) What law firms or legal practitioners have been involved?
- (12) How much has been paid to each law firm and legal practitioner?
- (13) Has the Government utilised the services of Mr Russell Allan in drafting or otherwise of its industrial relations legislation since 1993?
- (14) Has Mr Russell Allan been involved in any way in the drafting and/or formulation of the Government's industrial relations legislation?
- (15) In what way has Mr Russell Allan been involved?
- (16) Has the Government made any payment for his services?
- (17) What payments have been made?

Mr KIERATH replied:

Since being elected in 1993, the Government has sourced its legal advice on industrial relations legislation through the Ministry of Justice. I am aware that on one occasion a private practitioner, Mr Harry Dixon, was engaged to advise on the draft legislation.

INDUSTRIAL RELATIONS INSPECTORS

Number

1520. Mr THOMAS to the Minister for Labour Relations:

- (1) How many industrial relations inspectors are employed by the Department of Productivity and Labour Relations?
- (2) How many industrial relations inspectors are involved in dealing with claims or complaints by employees that they have been underpaid or otherwise denied contractual benefits?
- (3) How many inspectors are involved in providing general advice?
- (4) How many inspectors are engaged on work other than that mentioned in the previous two sub questions?
- (5) What work are such inspectors involved in?

Mr KIERATH replied:

- (1)-(3) 18.
- (4) Two additional inspectors are engaged by the Western Australian Building and construction Industry Task Force.
- (5) Monitor and where necessary require compliance with the code of practice for the Western Australian building and construction industry.

TRAFFIC VOLUMES - WHARF STREET, QUEENS PARK-SEVENOAKS STREET INTERSECTION, ACCIDENT

1522. Mrs ROBERTS to the Minister representing the Minister for Transport:

- (1) Can the Minister advise whether traffic counts have been undertaken to ascertain the number of vehicle movements in Wharf Street, Queens Park between Albany Highway and Welshpool Road since traffic lights were installed at the intersection of Wharf Street and Albany Highway?
- (2) If yes, has there been a marked increase in the volume of traffic in this section of Wharf Street?

- (3) Was the intersection of Sevenoaks and Hamilton Streets, Queens Park identified as being a "black spot" under the commonwealth government black spot program?
- (4) Will the Minister advise whether Main Roads has, in recent times, done a comparison of traffic movements between the Sevenoaks/Hamilton Street intersection and the Wharf/Sevenoaks Streets intersection?
- (5) Can the Minister advise the accident statistics for the Wharf/Sevenoaks Streets intersection?
- (6) Can the Minister advise if consideration is being given to installing traffic signals at the intersection of Wharf and Sevenoaks Streets, Queens Park?
- (7) If yes, will the installation of traffic signals at this intersection be given priority and when will the signals be in use?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) One traffic count has been undertaken on Wharf Street since the traffic signals were installed in December 1993. This was at a location just east of Albany Highway on 10 May 1995 and indicated an annual average weekday traffic volume of 8 085.
- (2) Yes. The previously measured traffic volume at the same location during 1992-93 was 3 210.
- (3) Yes.
- (4) Yes, and similar traffic movement requirements were found. The signals to be installed will operate the same as for Hamilton/Sevenoaks.
- (5) There were 152 traffic accidents at the intersection of Wharf and Sevenoaks Streets between April 1986 and March 1996. Of these, none was fatal; six required hospital treatment; 25 required medical treatment; 79 involved major property damage, and 42 involved minor property damage.
- (6) Yes.
- (7) The traffic signals are planned for installation in December 1996.

WESTRAIL - PEDESTRIAN CROSSINGS, SUBURBAN RAILWAY STATIONS, ELECTRONIC GATES' INSTALLATION

1523. Mrs ROBERTS to the Minister representing the Minister for Transport:

- (1) Will the Minister identify which suburban railway stations will have electronically operated gates to pedestrian crossings installed?
- (2) Will the Minister provide details of which stations already have had the modifications carried out and the timetable for the remainder of the installations?
- (3) Can the Minister advise whether Westrail will provide further safety measures for visually impaired commuters using these crossings by installing special footpaths on the crossings similar to that in the Perth Cultural Centre?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1)-(2) Electronically operated pedestrian gates have been installed at the following stations -

Victoria Park
Lathlain
Carlisle
Oats Street
Welshpool
Queens Park
Beckenham
Kenwick
Maddington

North Fremantle
 Victoria Street
 Mosman Park
 Cottesloe
 Grant Street
 Swanbourne
 Loch Street

The remainder of the installations are timetabled to be completed as follows -

Gosnells	16 September 1996
Seaforth	16 September 1996
Kelmscott	29 September 1996
Burswood	22 October 1996
Challis	22 October 1996
Sherwood	26 October 1996
Claremont	23 August 1996
Subiaco	30 August 1996
City West	8 September 1996
Meltham	29 September 1996
Bayswater	29 September 1996
Bassendean	15 September 1996
Guildford	15 September 1996
East Guildford	15 September 1996

- (3) "Blind guide" walkways, the same as those installed at Victoria Park and Queens Park, will be progressively installed at all pedestrian crossings protected with electronically operated gates. The rubber paving panels and colour contrasted kerbing assists visually impaired people to negotiate the crossings.

JUSTICE, MINISTRY OF

Victims of Crime, Criminal Injuries Compensation Claims, Waiting Times

1524. Mrs ROBERTS to the Minister representing the Attorney General:

- (1) Will the Attorney General advise how long a victim or crime can expect to wait to have a claim for criminal injuries processed?
- (2) Can the Attorney General advise whether there is presently a backlog of claims to be processed by the office of the Assessor of Criminal Injuries Compensation?
- (3) Will the Attorney General advise what the current staffing levels is in this office?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) The present expected average period from lodgement to finalisation of a criminal injuries compensation claim is approximately 12 months.
- (2) The Assessor's office has 2650 applications awaiting processing and finalisation.
- (3) In addition to the Acting Assessor, the current staffing level at the office comprises:
 - 1 Personal Assistant to the Assessor
 - 1 Office Manager/Associate
 - 1 Senior Claims Processor
 - 1 Clerk

TAFE - CENTRAL METROPOLITAN COLLEGE

Television Advertisements, Costs

1525. Mr GRAHAM to the Minister representing the Minister for Employment and Training:

- (1) What is the cost of producing the central technical advanced further education advertisements being shown on television?
- (2) What is the cost of televising the central TAFE advertisements on television?

- (3) What is the purpose of the advertisements?
- (4) From which budget are the funds drawn?
- (5) What is the source of the funds for the advertisements?

Mr C.J. BARNETT replied:

The Minister for Employment and Training has provided the following reply -

- (1) \$42 500.
- (2) \$45 200.
- (3) The campaign aims to complement the TAFE-wide promotional campaign for second semester, specifically targeting the college's new School of Management and Business Enterprise. The campaign also targets potential students in employment who are seeking to upgrade their skills through part-time study.
- (4)-(5) The college funded the campaign from funds generated through fee-for-service activities.

WORKSAFE WESTERN AUSTRALIA

Occupational Health and Safety Inspectors, Numbers

1526. Mr GRAHAM to the Minister for Labour Relations:

How many Department of Occupational Health and Safety inspectors are permanently located in the towns of -

- (a) Kununurra;
- (b) Wyndham;
- (c) Broome;
- (d) Halls Creek;
- (e) Port Hedland;
- (f) South Hedland;
- (g) Newman;
- (h) Tom Price;
- (i) Paraburdoo;
- (j) Karratha;
- (k) Dampier;
- (l) Onslow;
- (m) Carnarvon;
- (n) Collie;
- (o) Geraldton;
- (p) Bunbury;
- (q) Albany;
- (r) Kalgoorlie;
- (s) Boulder;
- (t) Merredin;
- (u) Narrogin;
- (v) Northam;
- (w) Esperance;
- (x) Derby;
- (y) Mandurah;
- (z) Meekatharra?

Mr KIERATH replied:

WorkSafe Western Australia has inspectors permanently located in the following towns only -

- (j) Karratha - one inspector; and
- (p) Bunbury - four inspectors.

WORKSAFE WESTERN AUSTRALIA

Occupational Health and Safety Inspectors, Numbers

1527. Mr GRAHAM to the Minister for Labour Relations:

How many Department of Occupational Health and Safety inspectors are permanently located in the metropolitan area?

Mr KIERATH replied:

WorkSafe Western Australia has 78 inspectors permanently located in the metropolitan area.

SCHOOL BUSES - PORT HEDLAND, FARES INCREASE

1529. Mr GRAHAM to the Minister representing the Minister for Transport:

What are the reasons for the recently announced 40 per cent increase in school bus fares in Port Hedland?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

The student fare contribution on country public school bus services is linked to the Transperth zone 1 concession fare - currently 70¢ per trip but with the facility to obtain a multirider ticket at the equivalent of 60¢ per trip. The latest increase for country students achieves this parity - relative to the Transperth fare structure introduced in July 1995. At the same time an equivalent multirider ticket has been provided. There was an additional 10¢ per trip increase for students travelling in the Port Hedland area - compared to that applied elsewhere in Western Australia - as prior decisions were taken to exclude Port Hedland from the July 1994 rise in the Transperth concession fare. For two years then, Port Hedland students have been paying less than other country students. All such students are now on the same terms.

LAND ADMINISTRATION, DEPARTMENT OF - DISCUSSIONS

1530. Mr GRAHAM to the Minister for Lands:

- (1) Who are the various parties with whom the Department of Land Administration has conducted the discussions referred to in my question 1115 of 11 June 1996?
- (2) What was the outcome of those discussions?

Mr KIERATH replied:

- (1) 14 members of the public, Department of Resources Development, Homeswest, the Town of Port Hedland, and BHP.
- (2) The names and addresses of the 14 members of the public have been recorded on the Department of Land Administration mailing list. Brochures providing land release details for land in Port Hedland will be forwarded to these people when they become available. The Department of Land Administration, the Department of Resources Development, Homeswest, the Town of Port Hedland, and BHP are currently investigating the major release of land in South Hedland to cater for the anticipated population growth attributed to BHP's direct reduced iron ore plant. DOLA is actively providing technical and professional advice to these agencies in this respect, and is undertaking conveyancing procedures on behalf of Homeswest. This information was provided to the member for Pilbara by me in correspondence dated 28 June 1996.

HOMESWEST

Discussion

1531. Mr GRAHAM to the Minister for Housing:

- (1) Who are the various parties with whom Homeswest has conducted the discussions referred to in my question 1115 of 11 June 1996?
- (2) What was the outcome of those discussions?

Mr KIERATH replied:

- (1) Homeswest has had inquiries from the general public, BHP, Haulmore Trailer Sales Pty Ltd and the Department of Resources Development.
- (2) The negotiations with BHP and the Department of Resources Development are ongoing, and Haulmore Trailer Sales Pty Ltd have acquired land.

NATIVE TITLE

Pretty Pool, Port Hedland, Residential Land Release

1532. Mr GRAHAM to the Minister for Lands:

On what date were the native title processes commenced with respect to the proposed release of further residential land at:

- (a) Pretty Pool; and
- (b) Port Hedland?

Mr KIERATH replied:

- (a) 31 January 1996.
- (b) The only proposed release of residential land at Port Hedland by the Department of Land Administration is at Pretty Pool.

AGRICULTURE PROTECTION BOARD

Expertise of Members

1533. Mr GRAHAM to the Minister for Primary Industry:

What is the particular area of expertise that qualifies Mrs Keryl Enright to serve on the Agriculture Protection Board?

Mr HOUSE replied:

All members bring individual expertise and knowledge with them. If the member would like a briefing or meeting, I will arrange it.

AGRICULTURE PROTECTION BOARD

Expertise of Members

1534. Mr GRAHAM to the Minister for Primary Industry:

What is the particular area of expertise that qualifies Dr Graeme Robertson to serve on the Agriculture Protection Board?

Mr HOUSE replied:

I refer the member to my answer to parliamentary question 1533.

AGRICULTURE PROTECTION BOARD

Expertise of Members

1535. Mr GRAHAM to the Minister for Primary Industry:

What is the particular area of expertise that qualifies Mr Don Watt to serve on the Agriculture Protection Board?

Mr HOUSE replied:

I refer the member to my answer to parliamentary question 1533.

AGRICULTURE PROTECTION BOARD

Expertise of Members

1536. Mr GRAHAM to the Minister for Primary Industry:

What is the particular area of expertise that qualifies Mr Ralph Burnett to serve on the Agriculture Protection Board?

Mr HOUSE replied:

I refer the member to my answer to parliamentary question 1533.

AGRICULTURE PROTECTION BOARD

Expertise of Members

1537. Mr GRAHAM to the Minister for Primary Industry:

What is the particular area of expertise that qualifies Mr Darrell Ramponi to serve on the Agriculture Protection Board?

Mr HOUSE replied:

I refer the member to my answer to parliamentary question 1533.

AGRICULTURE PROTECTION BOARD

Expertise of Members

1538. Mr GRAHAM to the Minister for Primary Industry:

What is the particular area of expertise that qualifies Ms Maxine Sclanders to serve on the Agriculture Protection Board?

Mr HOUSE replied:

I refer the member to my answer to parliamentary question 1533.

AGRICULTURE PROTECTION BOARD

Expertise of Members

1539. Mr GRAHAM to the Minister for Primary Industry:

What is the particular area of expertise that qualifies Mr William Dinnie to serve on the Agriculture Protection Board?

Mr HOUSE replied:

I refer the member to my answer to parliamentary question 1533.

AGRICULTURE PROTECTION BOARD

Expertise of Members

1540. Mr GRAHAM to the Minister for Primary Industry:

What is the particular area of expertise that qualifies Mrs Gail Bessen to serve on the Agriculture Protection Board?

Mr HOUSE replied:

I refer the member to my answer to parliamentary question 1533.

AGRICULTURE PROTECTION BOARD

Expertise of Members

1541. Mr GRAHAM to the Minister for Primary Industry:

What is the particular area of expertise that qualifies Mr Doug Dixon to serve on the Agriculture Protection Board?

Mr HOUSE replied:

I refer the member to my answer to parliamentary question 1533.

AGRICULTURE PROTECTION BOARD

Expertise of Members

1542. Mr GRAHAM to the Minister for Primary Industry:

What is the particular area of expertise that qualifies Mr Kim Keogh to serve on the Agriculture Protection Board?

Mr HOUSE replied:

I refer the member to my answer to parliamentary question 1533.

AGRICULTURE PROTECTION BOARD

Expertise of Members

1543. Mr GRAHAM to the Minister for Primary Industry:

What is the particular area of expertise that qualifies Mr Robin Scott to serve on the Agriculture Protection Board?

Mr HOUSE replied:

I refer the member to my answer to parliamentary question 1533.

AGRICULTURE PROTECTION BOARD

Expertise of Members

1544. Mr GRAHAM to the Minister for Primary Industry:

What is the particular area of expertise that qualifies Mr Ron Creagh to serve on the Agriculture Protection Board?

Mr HOUSE replied:

I refer the member to my answer to parliamentary question 1533.

AGRICULTURE PROTECTION BOARD

Pilbara Visits

1545. Mr GRAHAM to the Minister for Primary Industry:

(1) Has the Agriculture Protection Board visited the Pilbara since 8 December 1995?

(2) If not, why not?

(3) If so,

(a) which places were visited,

(b) what was the purpose for the visit/s?

Mr HOUSE replied:

(1)-(3) Agriculture Protection Board representative, Mrs Gail Bessen, attended the Zone authority's meeting on 22 March 1996 at Port Hedland. Mrs Keryl Enright, Board Chairman, Mr Roger O'Dwyer, Executive Director of Agriculture Western Australia's Industry Resource Protection Program and Mrs Bessen also attended the last meetings of the West Pilbara and East Pilbara Regional Advisory Committees (RAC) held in Karratha on 5 March 1996 and Port Hedland on 6 March 1996.

NATIVE TITLE

Port Hedland Light Industrial Area, Serviced Land Release

1546. Mr GRAHAM to the Minister for Lands:

On what date were the native title processes commenced with respect to the proposed release of serviced land in the Port Hedland light industrial area?

Mr KIERATH replied:

31 January 1996.

NATIVE TITLE

Turner River near Port Hedland, Horticultural Blocks Release

1547. Mr GRAHAM to the Minister for Lands:

On what date were the native title processes commenced with respect to the proposed release of the horticultural blocks at Turner River near Port Hedland?

Mr KIERATH replied:

The native title processes have yet to commence. This action will be initiated as soon as possible and will include other land proposals in the area.

DISABILITY SERVICES COMMISSION

Lewis, Greg, Employment

1549. Dr WATSON to the Minister for Disability Services:

- (1) Is, or was, Mr Greg Lewis an employee of the Disability Services Commission?
- (2) If he was a staff member and left, when was that?
- (3) Is Pro Em the training arm of PE Personnel?
- (4) Who are the directors of PE Personnel?
- (5) Has the DSC contacted Pro Em to provide management training?
- (6) If so, for whom or what groups?
- (7) What other agencies tendered for the contract?
- (8) Is Mr Lewis a trainer for Pro Em?
- (9) Did his former employment with DSC benefit Pro Em in the tender process?
- (10) What other work is Mr Lewis or this company engaged in on behalf of DSC?

Mr MINSON replied:

- (1) Yes.
- (2) Mr Lewis ceased as Director of Local Area Co-ordination on 1 July 1995 and went on extended leave without pay from the Disability Services Commission (DSC). From that date Mr Lewis had no official access to DSC information. Mr Lewis resigned from the DSC effective on 28 June, 1996.
- (3) Yes.
- (4) PE Personnel is a separately incorporated company not funded by DSC. DSC does not have information as to who are the Directors of PE Personnel.
- (5) Yes.
- (6) Non-Government Agencies.
- (7) State Supply Commission requires that details of unsuccessful responses to the tender shall remain confidential.

- (8) Yes.
- (9) No.
- (10) None.

DISABILITY SERVICES - ADVOCACY SERVICES, FUNDING

1550. Dr WATSON to the Minister for Disability Services:

- (1) How much money does -
 - (a) the State;
 - (b) the Commonwealth,
 allocate to advocacy services in Western Australia?
- (2) How are these moneys distributed?
- (3) Will the State continue to provide this critical service at the same level if the Commonwealth does not provide an allocation this year?
- (4) If not, why not?

Mr MINSON replied:

- (1) (a) The State Government has provided \$445 583 in the period 1 July 1995 to 31 May 1996.
- (b) This question should be referred to the office of the commonwealth Department of Health and Family Services for the information requested.
- (2) The State Government funds the following organisations -
 - Australian Council for the Rehabilitation of the Disabled - ACROD
 - Developmental Disability Council
 - Association of Relatives and Friends for the Mentally Ill
 - Headwest (Head Injured Society)
 - People with Disabilities
 - Spina Bifida
 - WA Deaf Society
 - WA Guild of Blind Citizens
 - Royal Western Australian Institute for the Blind
 - Personal Advocacy Service
 - Ethnic Communities Council of WA
- (3) The State Government will continue to meet its funding commitment and advocate strongly with the Commonwealth Government to ensure that it meets its responsibilities in this area.
- (4) Not applicable.

DISABILITY SERVICES COMMISSION

Former Employees now Consultants, "My Place", Contracts

1551. Dr WATSON to the Minister for Disability Services:

- (1) How many former employees of the Disability Services Commission are now consultants who have contracted their services back to DSC?
- (2) What are the agencies concerned?
- (3) Has the newly established agency "My Place" successfully tendered for work with the DSC?

Mr MINSON replied:

- (1) Three.
- (2) (i) Pro-Em

- (ii) Equal Educating for Quality and English
- (iii) Kretzschmar and Associates
- (3) No.

TAXI INDUSTRY FUND - FINANCIAL STATEMENTS; EXPENDITURE

1554. Mrs ROBERTS to the Minister representing the Minister for Transport:

- (1) How much money is currently in the Taxi Industry Fund?
- (2) Will the Minister provide the financial statements for the Taxi Industry Fund for each of the following financial years -
 - (a) 1992-93;
 - (b) 1993-94;
 - (c) 1994-95; and
 - (d) 1995-96?
- (3) What expenditures have been made from the Taxi Industry Fund so far during 1996?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) I assume the member is referring to the Taxi Industry Development Fund. As at 27 June 1996 the balance of the fund was \$2 998 616.87 in credit.
- (2) (a)-(b) The fund commenced in the financial year 1994-95.
- (c) A financial statement of the fund is published in the Department of Transport annual report on page 89.
- (d) The 1995-96 financial statements are in draft form and are yet to be audited by the Auditor General.
- (3) Expenditure made out of the fund up to 27 June 1996 was \$767 086.

TAXI INDUSTRY - DRIVERS, SAFETY MEASURES

1555. Mrs ROBERTS to the Minister representing the Minister for Transport:

- (1) What measures have been put in place this year to increase safety for taxi drivers and how have they been funded?
- (2) When is it intended that the tender for the secure taxi ranks be let?
- (3) When is it intended that the tender for the security cameras in taxis be let?
- (4) What support is available for taxi drivers to install security screens in their taxis?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) A taxi driver safety summit was conducted in April to bring all sections of the taxi industry together to discuss the growing problem of driver safety. The most significant outcome from the summit was a recommendation from the industry for the compulsory fitment of camera surveillance in all of Perth's taxis. I have supported this recommendation and undertaken to provide financial assistance from the Taxi Industry Development Fund to help minimise the cost. Some of the other actions being undertaken which should improve safety include -
 - an advertising campaign to encourage the prepayment of taxi fares;
 - the redevelopment of taxi driver training, with a greater focus on the skills needed to operate in a safe manner;
 - security assistance at major taxi ranks;
 - improved collection of data on assaults on taxi drivers;
 - a risk assessment being undertaken of driving a taxi;
 - an examination of the safety of barrier screens in taxis;

the re-establishment of a taxi industry peer support scheme;
 the development of a driver education booklet, incorporating safety tips;
 improved liaison between the taxi industry and police; and
 Worksafe Western Australia has undertaken to write to the industry advising it of its obligations under the safety legislation.

Any costs associated with these initiatives will be met from the Taxi Industry Development Fund.

- (2) A tender for passenger service and security assistants at major taxi ranks has closed. The successful tenderer will commence on 1 September.
- (3) The Department of Transport has called for a tender for the supply and fitment of surveillance cameras. Tenders have closed and evaluation of tenders is currently being undertaken by a panel with significant industry representation.
- (4) The Department of Transport is working with the New South Wales Road Traffic Authority to investigate the safety of fitting barrier screens in taxis. New South Wales has identified design problems with available screens that have the potential to cause serious injury to passengers in relatively minor traffic accidents. Currently, there is only one screen which has passed the latest Australian design regulations for impact protection, and that only fits the latest model Falcon sedan with bucket seats.

HOSPITALS

Waste Disposal, Contracts

1557. Dr EDWARDS to the Minister for Health:

- (1) Are individual hospitals responsible for managing disposal of their own waste?
- (2) Do most public hospitals contract out waste removal?
- (3) If yes, once a waste removalist has signed a contract with the hospital, who is responsible for managing the waste disposal?

Mr PRINCE replied:

- (1) Yes.
- (2) Not known but many do.
- (3) Final responsibility for a safe service overall would remain with the Health Service Manager, but this responsibility would be modified for cartage and/or disposal by the terms of the contract.

SUBIACO REDEVELOPMENT AUTHORITY

Businesses Financial Assistance

1565. Dr CONSTABLE to the Minister for Planning:

- (1) With regard to the Subiaco Redevelopment Authority area, how many businesses have received financial assistance from either the Government or the Subiaco Redevelopment Authority to relocate?
- (2) Which businesses have received financial assistance and what amount of financial assistance was received by each one?

Mr LEWIS replied:

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

SUBIACO REDEVELOPMENT AUTHORITY

Business Leases Purchase

1566. Dr CONSTABLE to the Minister for Planning:

- (1) Has either the Government or the Subiaco Redevelopment Authority bought back any leases from

businesses located within the SRA area?

- (2) If yes, which businesses and how much money was involved in each case?

Mr LEWIS replied:

- (1). Yes the Subiaco Redevelopment Authority has purchased long term leases with no break clauses.
 (2). (a) Carrier Air Conditioning (Holdings) Ltd, Frigopol Australia Pty Ltd and Direct Engineering Services Pty Ltd for a sum of \$2.444m;
 (b) Heytesbury Properties Pty Ltd for \$2.75m.

SUBIACO REDEVELOPMENT AUTHORITY

Businesses, Closures; Relocations

1567. Dr CONSTABLE to the Minister for Planning:

How many businesses located in the area of the Subiaco Redevelopment Authority have -

- (a) closed down; or
 (b) relocated because of the redevelopment?

Mr LEWIS replied:

- (a) The Subiaco Redevelopment Authority does not record the number of businesses that have closed down in the redevelopment area.
 (b) 17.

PUBLIC TRANSPORT - FOOTBALL MATCHES, SUBIACO OVAL

1568. Dr CONSTABLE to the Minister representing the Minister for Transport:

What is the current total capacity of -

- (a) trains; and
 (b) buses,

to transport football patrons to a football match at Subiaco Oval for up to two hours before an AFL match on -

- (i) Saturdays;
 (ii) Sundays?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (i) Saturdays -
- (a) Trains - 11 375 passengers.
 (b) Buses
 Saturday timetable services from Perth to Subiaco Oval
 Capacity - 325 passengers
 Special bus services -
 From Murdoch Park'n'Ride 1 200 capacity*
 From Rockingham 200 capacity*
 From Mirrabooka 100 capacity*
- (ii) Sundays -
- (a) Trains - 11 375 passengers.
 (b) Buses
 Sunday time table services from Perth to Subiaco Oval
 Capacity - 195 passengers
 Special bus services -
 From Murdoch Park'n'Ride 1 200 capacity*
 From Rockingham 200 capacity*
 From Mirrabooka 100 capacity*

*Additional capacity available on demand

FIREARMS - LEGISLATION

1569. Mr McGINTY to the Deputy Premier:

With reference to the Deputy Premier's comment in *The West Australian* of 27 June 1996 that the Western Australian firearms permits system would probably not need to be changed because licensing was tough enough -

- (1) Is the Deputy Premier aware that WA's laws currently do not provide for -
 - (a) compulsory firearms handling training; and
 - (b) a compulsory mental health background check?
- (2) Is the Deputy Premier aware that these two items are both part of the historic national guns controls agreed to by the Premier?
- (3) Does the Deputy Premier concede that our laws will need to be changed to accommodate these matters?

Mr COWAN replied:

- (1) (i)-(ii) Yes.
- (2) The agreement was reached by Police Ministers at an Australian Police Ministers conference.
- (3) Yes. The reference in the newspaper report was about those firearms currently permitted in Western Australia. Military style weapons and automatic centre fire rifles are already prohibited in this State.

SELECT COMMITTEE ON THE WESTERN AUSTRALIAN POLICE SERVICE REPORT

Argyle Diamond Affair, Perth Mint Swindle, Stephen Wardle Inquiries

1571. Mr McGINTY to the Premier:

With reference to the recommendations of the report by the Select Committee on the Western Australian Police Service, will the Premier accept the committee's bipartisan recommendation for judicial inquiries into the Argyle Diamond Affair, the Perth Mint Swindle and the death of Stephen Ward?

Mr COURT replied:

All of these matters will be addressed by the Anti-Corruption Commission.

HOMESWEST

Bunbury Properties

1573. Mr RIEBELING to the Minister for Housing:

- (1) With regard to the following list of former Homeswest properties -
 - (a) 31 Balgore Way, Bunbury;
 - (b) 16 Bright Street, Bunbury;
 - (c) 32 Bright Street, Bunbury;
 - (d) 38 Bright Street, Bunbury;
 - (e) 20 Frankel Street, Bunbury;
 - (f) 8 Gurinda Street, Bunbury;
 - (g) 38 Hands Avenue, Bunbury;
 - (h) 1 Kimber Street, Bunbury;
 - (i) 17 Little Street, Bunbury;
 - (j) 28 Mitchell Street, Bunbury;
 - (k) 29 Xavier Street, Bunbury;
 - (l) 43 Xavier Street, Bunbury;
 - (m) 13 Woonar Street, Bunbury;
 - (n) 45 Xavier Street, Bunbury;
 - (o) 49 Xavier Street, Bunbury;

- (p) 12 Yorla Road, Bunbury;
- (q) 22 Stallard Place, Bunbury;
- (r) 30 Stallard Place, Bunbury;
- (s) 42 Stallard Place, Bunbury;
- (t) 12 Glover Street, Bunbury;
- (u) 41 Balgore Way, Bunbury;
- (v) 5 Boyalla Street, Bunbury;
- (w) 14 Charterhouse Street, Bunbury;
- (x) 217 Clarke Street, Bunbury;
- (y) 221 Clarke Street, Bunbury;
- (z) 9 Craven Court, Bunbury;
- (aa) 6 Dixon Street, Bunbury;
- (bb) 7 Ecclestone Street, Bunbury;
- (cc) 13 Ecclestone Street, Bunbury;
- (dd) 3 Frankel Street, Bunbury;
- (ee) 39 Frankel Street, Bunbury;
- (ff) 27 Frankel Street, Bunbury;
- (gg) 29 Gibbs Street, Bunbury;
- (hh) 83 Hudson Road, Bunbury;
- (ii) 11 Kimber Street, Bunbury;
- (kk) 44 Lockwood Crescent, Bunbury;
- (ll) 131 Mangles Street, Bunbury;
- (mm) 1 Wisbey Street, Bunbury;
- (nn) 7 Wisbey Street, Bunbury;
- (oo) 5 Wright Street, Bunbury;
- (pp) 46 Xavier Street, Bunbury;
- (qq) 51 Xavier Street, Bunbury;
- (rr) 25 Yorla Road, Bunbury;
- (ss) 17A & B Davenport Way, Bunbury;
- (tt) 81 Hudson Road, Bunbury;
- (uu) Kaoroo Apartments, Bunbury;
- (vv) Parkside Mews Apartments, Bunbury;
- (ww) 82A & B Parade Road, Bunbury;
- (xx) 9 Stallard Place, Bunbury;
- (yy) 23 Stallard Place, Bunbury;
- (zz) 44A & B Stallard Place, Bunbury;
- (aaa) 14 Westwood Street, Bunbury;
- (bbb) 40 Westwood Street, Bunbury;
- (ccc) 2 Whitley Place, Bunbury;
- (ddd) 10 Mawson Place, Bunbury;
- (eee) 64 Parade Road, Bunbury;
- (fff) 9 Plowers Place, Bunbury;
- (ggg) 5 Poinciana Place, Bunbury;
- (hhh) 28 Rendell Elbow, Bunbury;
- (iii) 20 Rendell Elbow, Bunbury;
- (jjj) 14 Rendell Elbow, Bunbury;
- (kkk) 12 Rendell Elbow, Bunbury;
- (lll) 31 Rendell Elbow, Bunbury;
- (mmm) 7 Rendell Elbow, Bunbury;
- (nnn) 28 Stallard Place, Bunbury;
- (ooo) 18 Stallard Place, Bunbury;
- (ppp) 10 Sulphur Street, Bunbury;
- (qqq) 34 Sweeting Way, Bunbury;
- (rrr) 44 Westwood Street, Bunbury;
- (sss) 24 Westwood Street Bunbury;
- (ttt) 10 Whitley Place, Bunbury;
- (uuu) 11 Winton Street, Bunbury;
- (vvv) 1 Wisbey Street, Bunbury;
- (www) 7 Wisbey Street, Bunbury;
- (xxx) 39 Wilkerson Street, Bunbury;
- (yyy) 41 Wilkerson Street, Bunbury;
- (zzz) 3 Jacaranda Crescent, Bunbury;
- (aaaa) 34 Stallard Place, Bunbury;

can the Minister indicate for each property -

- (a) who purchased the property; and
- (b) the name of the selling agent?

- (2) With regard to the following list of Homeswest properties -

-
- (a) 451 Beddingfield Street, Bunbury;
 - (b) 460 Crompton Street, Bunbury;
 - (c) 11 Chapple Street, Bunbury;
 - (d) 477 Horden Street, Bunbury;
 - (e) 103 Woodley Street, Bunbury;
 - (f) 161 Kurrajong Street, Bunbury;
 - (g) 196 Kurrajong Street, Bunbury;
 - (h) 203 Kurrajong Street, Bunbury;
 - (i) 176 Bryant Street, Bunbury;
 - (j) 115 Sungrove Street, Bunbury;
 - (k) 6 Pearce Street, Bunbury;
 - (l) 31 Larson Street, Bunbury;
 - (m) 87 Oldham Street, Bunbury;
 - (n) 25 Sandford Street, Bunbury;
 - (o) 117 Orchid Street, Bunbury;
 - (p) 248 Pritchard Street, Bunbury;
 - (q) 255 Nalbarra Street, Bunbury;
 - (r) 261 Nalbarra Street, Bunbury;
 - (s) 5 Ecclestone Street, Bunbury;
 - (t) 203 Pritchard Street, Bunbury;
 - (u) 110 Orchid Street, Bunbury;
 - (v) 229 Mosedale Street, Bunbury;
 - (w) 306 Neilsen Street, Bunbury;
 - (x) 6 Travers Street, Bunbury;
 - (y) 145 Slee Street, Bunbury;
 - (z) 104 Bandak Street, Bunbury;
 - (aa) 14 Forster Street, Bunbury;
 - (bb) 193 Monger Street, Bunbury;
 - (cc) 198 Yardley Street, Bunbury;
 - (dd) 223 Mosedale Street, Bunbury;
 - (ee) 151 Brand Street, Bunbury;
 - (ff) 154 Brand Street, Bunbury;
 - (gg) 159 Brand Street, Bunbury;
 - (hh) 218 Brand Street, Bunbury;
 - (ii) 437 Hamilton Street, Bunbury;
 - (jj) 317 Marshall Street, Bunbury;
 - (kk) 48 Parkfield Street, Bunbury;
 - (ll) 2 Matilda Street, Bunbury;
 - (mm) 237 Milligan Street, Bunbury;
 - (nn) 70 Cambridge Street, Bunbury;
 - (oo) 268 Ocean Street, Bunbury;
 - (pp) 8 Moolyee Street, Bunbury;
 - (qq) 130 Cingelese Street, Bunbury;
 - (rr) 174 Kurrajong Street, Bunbury;
 - (ss) 191 Holly Street, Bunbury;
 - (tt) 129 Erica Street, Bunbury;
 - (uu) 123 Orchid Street, Bunbury;
 - (vv) 52 Nalbarra Street, Bunbury;
 - (ww) 24 Clarke Street, Bunbury;
 - (xx) Xavier/Bright, Bunbury;
 - (yy) 17 Strickland Street, Bunbury;
 - (zz) 578 Carlson Street, Bunbury;
 - (aaa) 240 Oates Street, Bunbury;
 - (bbb) 177 Carr Street, Bunbury;
 - (ccc) 140 Garfield Street, Bunbury;
 - (ddd) 34 White Street, Bunbury;
 - (eee) 328 Nandup Street, Bunbury;
 - (fff) 293 Bright Street, Bunbury;
 - (ggg) 232 Nalbarra Street, Bunbury;
 - (hhh) 10 Parade Street, Bunbury,

can the Minister indicate for each property -

- (a) the name of the purchasing agent;
- (b) the name of the vendor; and
- (c) the name of the builder (where applicable)?

Mr KIERATH replied:

- (1) (a) This information is readily available through the Department of Land Administration

- (b) Customer Remote Search System located in the Library at Parliament House.
The selling agent for each property is as follows:

(a)-(p)	Bunbury City Realty
(q)-(ee)	G H Teede & Sons Real Estate
(ff)	Century 21 Real Estate
(gg)-(kk)	G H Teede & Sons Real Estate
(ll)	Century 21 Real Estate
(mm)-(rr)	G H Teede & Sons Real Estate
(ss)	Bunbury City Realty
(tt)	Bunbury City Realty
(uu)	Public Tender (Kaoroo Apartments)
(vv)	Public Tender (Parkside Mews Apartments)
(ww)-(ccc)	Bunbury City Realty
(ddd)-(uuu)	G H Teede & Sons Real Estate
(vvv)	See (mm)
(www)	See (nn)
(xxx)	G H Teede & Sons Real Estate
(yyy)	Bunbury City Realty
(zzz)	Bunbury City Realty
(aaaa)	Bunbury City Realty

Please note that:

- (1) G H Teede & Sons Real Estate was the appointed agent for selling Homeswest properties under the 'Right to Buy' scheme. The appointment was from 18/12/93 to 31/08/95 and was made from expressions of interest called from the industry to participate in the scheme.
 - (2) Century 21 Real Estate (Bunbury) has been appointed as the selling agent under the 'Right to Buy' scheme from 1/09/95.
 - (3) In March 1995 Homeswest called for expressions of interest from local Real Estate Agencies to manage the sale and lease of Homeswest properties in Withers & Carey Park (Not including 'Right to Buy'). Bunbury City Realty was appointed in May 1995.
 - (4) The Public Tenders were for the sale of Kaoroo Apartments and Parkside Mews Apartments.
 - (5) The properties sold by Teede & Sons (with the exception q r and s) were sold under the 'Right to Buy' scheme.
- (2) (a) It is assumed that the member is referring to the selling agent in this question. The answer is found in the attached Table.
- (b) This information is readily available through the Land Information Access system at Parliament House.
- (c) The names of the builders are as follows:

ADDRESS	AGENT	BUILDER
a.	Peet & Co/Southern Districts Estate Agents	Brian & Trevor Smith Constructions
b.	Barr & Strandley	Brian & Trevor Smith Constructions
c.	Peet & Co/Roy Weston	Yawony Building Co. Pty. Ltd.
d.	Barr & Strandley/Southern Districts Estate Agents	Brian & Trevor Smith Constructions
e.	Not Applicable	Brian & Trevor Smith Constructions
f.	Not Applicable	Brian & Trevor Smith Constructions
g.	Not Applicable	Brian & Trevor Smith Constructions
h.	Not Applicable	Brian & Trevor Smith Constructions
i.	Not Applicable	Spot purchase, previously built
j.	Not Applicable	Spot purchase, previously built

k.	Not Applicable	Ital Developments
l.	Not Applicable	Princi Constructions Pty. Ltd.
m.	Not Applicable	Ital Developments
n.	Barr & Strandley/Status Realty	Plunkett Homes Pty. Ltd.
o.	Not Applicable	Yawony Building Co. Pty. Ltd.
p.	Not Applicable	Spencer Developments (1972)
q.	Not Applicable	Spencer Developments (1972)
r.	Not Applicable	Spencer Developments (1972)
s.	Not Applicable	Ietto Developments Pty. Ltd.
t.	Not Applicable	Spencer Developments (1972)
u.		Not owned by Homeswest
v.	Not Applicable	Spencer Developments (1972)
w.	Lighthouse Realty	Spencer Developments (1972)
x.	Lighthouse Realty	Spencer Developments (1972)
y.	Not Applicable	Spencer Developments (1972)

ADDRESS	AGENT	BUILDER
z.	Not Applicable	Spencer Developments (1972)
aa.	None	Spot purchase, previously built
bb.	Not Applicable	James Constructions (W.A.) P/L
cc.	Not Applicable	James Constructions (W.A.) P/L
dd.	Not Applicable	James Constructions (W.A.) P/L
ee.	Not Applicable	James Constructions (W.A.) P/L
ff.	Not Applicable	James Constructions (W.A.) P/L
gg.	Not Applicable	James Constructions (W.A.) P/L
hh.	Lighthouse/Barr & Strandley	James Constructions (W.A.) P/L
ii.	Barr & Standley	Signorini Construction & Design
jj.	Barr & Standley	Signorini Construction & Design
kk.	Barr & Standley/Roy Weston	Signorini Construction & Design
ll.	Barr & Standley/Peet & Co	R & M Prosser & Son
mm.	Not Applicable	R & M Prosser & Son
nn.	Not Applicable	Spot Purchase, previously built
oo.	Not Applicable	Spot purchase, previously built
pp.	Not Applicable	Pannett Homes
qq.	Not Applicable	Spot purchase, previously built
rr.	Not Applicable	R & M Prosser & Son

ss.	Not Applicable	R & M Prosser & Son
tt.	Not Applicable	R & M Prosser & Son
uu.	Not Applicable	R & M Prosser & Son
vv.	Not Applicable	J. Corp Pty. Ltd.
ww.	Bunbury Land & Estate Agency	Signorini Construction & Design
xx.		Insufficient address information.
yy.	Not Applicable	Ietto Developments Pty. Ltd.
zz.	Not Applicable	Brian & Trevor Smith Constructions

ADDRESS	AGENT	BUILDER
aaa.	Not Applicable	Spencer Developments (1972)
bbb.	Not Applicable	James Contructions (W.A) P/L
ccc.	Lighthouse Realty/Southern Districts Estate Agency	Ital Developments
ddd.	Bunbury Land & Estate Agency	Spencer Developments (1972)
eee.	Not Applicable	Spencer Developments (1972)
fff.	Not Applicable	Spencer Developments (1972)
ggg.	Not Applicable	Ietto Developments Pty. Ltd.
hhh.	None	Spot purchase, previously built

- Please note that:
1. Where 'Not Applicable' is identified as agent, the lot has been selected from land that was developed by Homeswest, or there was no agent involved.
 2. Where two agents are nominated, the sale was a conjunctional sale.

TRANSPORT - PERSONAL MOTORISED; PUBLIC, STATISTICS; FARES; SUBSIDIES

1574. Mr RIEBELING to the Minister representing the Minister for Transport:

- (1) How many Western Australians have personal motorised transport?
- (2) What percentage of Western Australians rely on passenger transport provided by others?
- (3) What are the splits for the metropolitan area and the regions?
- (4) What are typical trip fares per km in the metropolitan area by school bus, taxi and public transport?
- (5) What proportion of costs are covered by fares?
- (6) What are the per passenger km subsidies for public transport in the metropolitan area and Bunbury?
- (7) What are the per passenger km subsidies for train journeys to/from Perth/Kalgoorlie, Northam and Bunbury?
- (8) What is the Government's policy on assisting people in the regions who have no personal motorised transport?
- (9) What, if any, lessons has the Government learned from the Human Rights Commission case on access by physically challenged people to Perth buses about the need to provide better personal transport for Western Australians who live in the regions?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

This question from the member for Ashburton is not altogether clear and some of the information he is seeking is not readily available. The following information may be helpful -

- (1) As at 30 June 1996 there were 1 494 952 vehicles registered in Western Australia. Historically, approximately 54 per cent of these vehicles are for private use equating to 807 274 vehicles for personal motorised transport in the whole of the state.
- (2) In respect of metropolitan transport, it is estimated that 13 per cent of people is driven as a passenger in a car and 6.4 per cent uses public transport in Perth, giving a total of 19.4 per cent that travel on transport provided by others.
- (3) Apart from the information provided in the answer to part (2) of this question, which was accessed from a survey, no separate information is available in relation to the metropolitan and non-metropolitan area.
- (4) School bus services provided by Transport - 8.8¢ per kilometre, assuming a one-zone trip as typical. Travel is free on school services provided under contract to the school bus unit of the Minister for Transport.

Taxi - \$1.28 per kilometre.

Public transport - Standard 13¢ per kilometre and on a concession 5¢ per kilometre. This is based on the two-zone fare - given that the highest proportion of trips is over two zones.

- (5) 20.7 per cent in 1994-95 in respect of public transport in the metropolitan area.
- (6) 27¢ per passenger kilometre in the metropolitan area and 39¢ per passenger kilometre in Bunbury for 1994-95.
- (7) 12.07¢ per passenger kilometre in Perth-Kalgoorlie (*Prospector* services) in 1994-95 and 19.89¢ per passenger kilometre Perth-Bunbury (*Australind* services) in 1994-95. Actual subsidies for the 1995-96 year have not yet been determined. The Northam services commenced in 1995-96 year; however, separate statistics are not kept for intermediate stations on the *Prospector* or *Australind* services.
- (8) A number of travel subsidies are provided in relation to the operation and use of public transport. For example - operating subsidies to retain public bus and air services in regional areas; fare subsidies to allow persons - namely, pensioners, seniors and students - to access public transport; and fare subsidies for people with disabilities to access taxis.
- (9) Through substantial consultation with people with disabilities, their carers and advocates, the Department of Transport has identified many of the barriers that can be addressed to make public transport services more accessible for people with disabilities. These issues have already begun to be addressed and resolved in consultation with consumers as part of the Government's commitment to improving accessibility for people with disabilities who live in Perth. Once evaluated, if appropriate, similar solutions will be considered as part of the department's disability services plan, and applied to related services in regional areas. However, an important lesson from the work in the metropolitan area is the key role local councils have in ensuring access to their communities.

Improved access to public buses or other forms of transport in the regions will only be worthwhile to people who have a disability when local councils ensure that their communities, including pedestrian environments as well as their local bus stops, are accessible. There will be no point getting out of an accessible bus, taxi or community transport service, when there is no accessible path through or place to go in the local community.

HOLMES A COURT, JANET

Chair of Centenary of Federation Council; Replacement

1575. Mr McGINTY to the Premier:

- (1) With reference to the Howard Coalition Government's decision to dump respected business leader and Western Australian Mrs Janet Holmes-à-Court as chair of the Centenary of Federation Council and given the Premier's frequent complaints about the Eastern States' bias of the previous Federal

Government and its boards and committees, has the Premier lodged a protest with the Prime Minister on behalf of Western Australians over Mrs Holmes-à-Court's shabby treatment by the Federal Coalition Government, and if not, why not?

- (2) Given that Mrs Holmes-à-Court's appointment by the previous Government received a glowing endorsement from the then Deputy Coalition Leader, Mr Tim Fischer, does the Premier have any reason to doubt her suitability for the position?
- (3) Will the Premier use his influence with the Prime Minister to ensure that Mrs Holmes-à-Court, if not reappointed, is at least replaced by a Western Australian?

Mr COURT replied:

- (1-2) I am informed that Mrs Janet Holmes-à-Court was appointed by the Federal Government as Chairperson of the Centenary of Federation Council on 26 January, 1996 but later chose to resign from the position.
- (3) I have already announced publicly that Western Australia will be represented on the Federal Council by Mr Ron Birmingham, Chairman of the State Committee for the Centenary of Federation. I am confident that Mr Birmingham will ably represent the interests of Western Australia as planning continues for the celebration of the centenary of the Australian Federation.

POLICE SERVICE - TILBURY, MR AND MRS, PARENTS OF STEPHEN WARDLE

1577. Mr McGINTY to the Minister for Police:

- (1) Did the Western Australia Police Service place any listening device on the Mundijong home telephone of Mrs and Mrs Ray Tilbury, following the death of their son Stephen Wardle in February 1988?
- (2) If yes, why was the listening device placed on the telephone?
- (3) Who authorised the device to be placed on the telephone?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

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

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

QUESTIONS WITHOUT NOTICE

ECONOMIC INDICATORS - FORECASTS, CHANGES

380. Mr McGINTY to the Premier:

In the light of the confirmed federal Budget cutbacks for Western Australia, as well as publications in this State on indicators showing falls in consumer confidence, building approvals, job advertisements and the formation of companies, does the Premier stand by the forecasts for inflation, growth, employment, stamp duty and other key indicators contained in this year's state Budget?

Mr COURT replied:

I have had no indication that there will be any need to change our stance on those indicators. The Western Australian economy has been developing in many ways differently from the economy in some other States. The most important indicator has been the level of new investment. The indicators appear to be fine. Things are looking good in Western Australia, and we are on track.

OLYMPIC GAMES, ATLANTA - ATHLETES' PERFORMANCES

381. Mr MARSHALL to the Premier:

In light of the outstanding performances by the Australian athletes at the recent Atlanta Olympic Games, can the Premier advise the House of the performances by our Western Australian athletes?

Mr COURT replied:

Mr Speaker -

Mr McGinty: The Premier is wasting question time with this sort of nonsense.

Mr COURT: Before the Leader of the Opposition jumps in, I think it is appropriate that on the day that Western Australians -

Mr McGinty: It is an abuse. You did not even go to the dinner last night to welcome them back.

Mr COURT: The Leader of the Opposition has no decency and he knows it.

Mr McGinty interjected.

The SPEAKER: Order! I formally call to order the Leader of the Opposition.

Mr COURT: On the day that Western Australians welcome home their most successful ever Olympic team, surely the Leader of the Opposition would have something positive to say about it. It is quite appropriate -

Mr Brown: Why do you not make a ministerial statement about it?

Mr COURT: It is quite appropriate that this Parliament congratulate the athletes -

Mr Brown interjected.

The SPEAKER: Order! I formally call to order for the first time the member for Morley.

Mr COURT: I think it is appropriate that this Parliament congratulate the members of the Olympic team, particularly as the parents of some of the members of the Olympic gold hockey team are in the Parliament today.

Mr McGinty interjected.

The SPEAKER: Order, Leader of the Opposition!

Mr COURT: I cannot believe this. Surely the Leader of the Opposition would join all of us in congratulating the Olympic team on its performance on the day that we welcome them back here.
Government members: Hear, hear!

The SPEAKER: Order!

Mr COURT: In case the Leader of the Opposition does not know, 42 Australian athletes won 16 medals. It is also appropriate to congratulate the performances to date of the athletes competing in the para-Olympics in which there have been some outstanding performances. To date they have won 20 gold, 13 silver and 9 bronze medals. If the

Leader of the Opposition is not impressed, the Government certainly is. It is a magnificent performance. How about members opposite stopping their whingeing and in good grace get behind our Olympic Games team on the day that we are welcoming them back.

Mr McGinty interjected.

The SPEAKER: Order! The Leader of the Opposition will ask his question in a proper way.

BUDGET (FEDERAL) - CUTS TO GOVERNMENT PROGRAMS

382. Mr McGINTY to the Premier

I refer to the \$90m in cuts in federal funding to Western Australia and the Premier's statement to this State that he would discuss with his Ministers ways to reduce spending in order to accommodate those cuts.

- (1) Will the Premier tell the House what cuts will be made in government programs to accommodate that \$90m in reduced income to the State?
- (2) Has the Premier told the Federal Government which grants could be cut in Western Australia to accommodate the \$30m of cuts in specific purpose grants?

Mr COURT replied:

- (1)-(2) No, to the second part of the question.

Mr McGinty: You have not discussed it with them? You agreed to \$30m.

Mr COURT: The issue is in two parts.

Mr McGinty interjected.

Mr COURT: What happened to the Opposition while it had a bit of a break? It seems to have got to those members. There are two components.

Mr Ripper interjected.

Mr COURT: Do members opposite want to hear the answer or not?

Mr McGinty: Do you have an answer?

Mr COURT: Of course. The \$90m involved two components: \$60m in the general revenue grant which was the component that the State agreed to give back to the Federal Government as our contribution to assisting the Commonwealth with its budget deficit.

Mrs Henderson: Do you believe the \$8b?

Mr COURT: No, I think it is closer to \$9b. We had this debate at a Premiers' Conference when all States, including the Labor States' agreed to make that contribution. The \$60m has involved our working with the Ministers to find where we can generate savings without cutting the services and to date -

Mr Ripper interjected.

Mr COURT: Does the Opposition want to know or not? To date we have identified \$40m in savings without affecting levels of service. In relation to the specific purpose payments, we do not know how the Federal Government will cut the payments or to what programs the cuts will apply. We are concerned with the indication we have had that, when the Budget comes down tonight, those areas where there will be changes to the specific purpose payments will not be identified State by State. I hope that is not the case but, as I have said, we will have to wait for the announcements in that area. I do not have an indication; nor should I be privy to what is in the Budget.

BUDGET (FEDERAL) - CUTS TO GOVERNMENT PROGRAMS

383. Mr McGINTY to the Premier

Given that the Premier has identified \$40m worth of reduced expenditure against what was detailed in the State Budget, will he now tell the House where that \$40m will be taken out of the State Budget and will he provide a detailed statement to that effect? Accountability requires no less.

Mr COURT replied:

I have just explained there will be no cut to the level of services.

Mr McGinty: Answer the question.

The SPEAKER: Order! The Leader of the Opposition has asked his question. I ask him to cease interjecting.

Mr COURT: What a grumpy character we have on our hands today. When I outline to members opposite the initiatives we have brought in during our term in government, especially those concerning public sector management, the first thing they do is to ask why we are contracting out, why we are privatising. The fact of the matter is that we have the State's finances under control. We have brought about savings of hundreds of millions of dollars. We are able to live within our means. It is not easy. We have \$20m of savings to go, but we will find those savings so that we can meet that commitment.

PRODUCTIVITY AND LABOUR RELATIONS, DEPARTMENT OF - "WORK + FAMILY MAKES CENTS"

384. Mr BOARD to the Minister for Labour Relations:

Is the Minister aware of comments made by the Leader of the Opposition regarding the accuracy of a publication of the Department of Productivity and Labour Relations entitled "Work + Family Makes Cents"?

Mr KIERATH replied:

I cannot believe the Leader of the Opposition would make that statement again while sitting here in the House. I can inform the House there is absolutely no truth to the claims of the Leader of the Opposition that the Department of Productivity and Labour Relations brochure encourages people to break the law. He referred to nanny sharing. That area is the same as selling alcohol or other commodities where people must go through the proper procedures. A licence is required in the same way as a licence is required for driving a motor vehicle. If people talk about someone driving a motor vehicle, the assumption is made that that driver has a licence in accordance with the regulations. In both cases procedures and licences are required. What do we see? We see a Labor beat up, a load of rubbish, by a very desperate man - the Leader of the Opposition. First I thought I should examine the credentials of the Leader of the Opposition as a law-maker or law-breaker. When he was a member of the Australian Labor Party and a union secretary, did he criticise closed shops when they were against the laws of this State? Not on your nelly. In fact, I could not find one situation where he opposed closed shops. Indeed, I found a number of instances where he appeared to encourage the formation of closed shops. By his action, or inaction, he has been a willing participant in law-breaking to try to prop up dwindling numbers in an ailing trade union movement.

I took the time and trouble to read the media statement by the Leader of the Opposition. In it he states that all family friendly initiatives are in awards. Once again I give him none out of 10 for honesty. Let me make this clear to this House: When the legislation came in, under the Minimum Conditions of Employment Act, of 92 public sector awards, 22 had no maternity leave provision at all; 46 had only maternity leave provisions, but not paternity or adoption leave; and 57 had no provision for adoption. DOPLAR searched 69 current public sector awards and 300 private sector awards. Can members guess what it found? Not one of those awards contained leave to care for sick family members. However, this man made a public statement that all these initiatives were under awards. The Government could not find one award that had that provision. The Leader of the Opposition is not even close to the mark. That is why I say that I give him none out of 10 for honesty.

Point of Order

Mr RIPPER: The rules regarding relevance of answers are fairly broad. However, I believe that in this case the Minister is not dealing at all with the question asked of him.

The SPEAKER: Order! The standing orders of the Legislative Assembly of Western Australia contain no rule directing the reply or its relevance.

Questions Without Notice Resumed

Mr KIERATH: The truth hurts, does it not? When the Leader of the Opposition puts out a media statement, he has a duty to ensure that it contains some honesty - not complete and utter fabrication. At the end of the statement the Leader of the Opposition made a wild swing about public sector redundancies. I remind the House that they are all voluntary - against the backdrop of nearly 100 000 extra private sector jobs, the highest wage increase in the country, and some of the lowest levels of unemployment.

The SPEAKER: Order! I ask the Minister to begin to conclude his answer.

Mr KIERATH: I am about to conclude my answer. I found a headline in *The West Australian* some years ago "Hundreds of jobs must go, BMA told". Can members guess who the Minister for Construction was at the time? It was Mr McGinty.

The SPEAKER: Order! I ask the Minister to refer to members by their constituency or title.

Mr KIERATH: The member for Fremantle was the Minister for Construction at the time. He said that he would not prop up an inefficient public sector at taxpayers' expense. They are the words of the Leader of the Opposition. He

has changed since going from Minister to Leader of the Opposition. It is sheer hypocrisy indeed!

TRAVEL -MEMBERS OF PARLIAMENT

1385. Mr KOBELKE to the Premier:

I refer to the tabling today of interstate and overseas travel by members of Parliament in the three months to 31 December last year. Will the Premier now honour his promise to table the details of all taxpayer funded overseas travel during the July-August parliamentary break, including destination, duration and cost - or will he simply try to hide these details until after the forthcoming state election?

Mr COURT replied:

I thank the member for some notice of the question. I cannot believe he has the nerve to ask it. The Government tables all the travel information. His question mentions the destination, duration and cost. This Government reports on all of that. I do not want to upset the member for Nollamara, but I inform him that when the information for the September quarter, which covers July and August, comes out, it will also be tabled in this Parliament.

Mr McGinty: You're running scared, Premier. Peter Foss' trip was a good one!

Several members interjected.

Mr COURT: Running scared? I cannot believe that.

Mr McGinty interjected.

The SPEAKER: Order! I formally call to order for the second time the Leader of the Opposition. Not only are there too many interjections today, but the bellicose shouting down of the person on his feet cannot be allowed.

Mr COURT: Let us get the facts straight. The Labor Party when in government never tabled the information about travel. This Government tables all of that information in detail. I will comment about my trip to Japan and Korea. A statement was issued by the shadow Minister for Resources Development which described my trip to Japan and Korea as a costly overseas junket.

Mr Ripper: You should have been here defending the State against the cuts from the Federal Government.

Mr COURT: I will explain to the member what I was doing for the State. I visited all this State's major customers in Japan and Korea. They account for 40 per cent of this State's export income.

Dr Gallop interjected.

The SPEAKER: Order! I formally call to order the Deputy Leader of the Opposition.

Mr COURT: When I went to those countries I met not only the customers, but a number of potential customers. The Government has been working on arrangements for huge increases in sales of liquefied natural gas and steel, and in other areas. In case the member opposite does not know, I inform him that in the next five years the Korean market will grow by \$100b - and this State should get a share of that. Since I have returned from that so-called junket, as the member opposite described it, I have met people in Perth, Sydney and Melbourne, trying to work through those deals to achieve more investment, and more employment and more opportunities for our children.

Several members interjected.

The SPEAKER: Leader of the Opposition. Order!

Mr COURT: When I returned I got together 100 chief executives of Western Australia's leading public and private companies and gave them a full briefing on what we identified as new, not existing, opportunities in those two markets. No wonder people do not have confidence in the members opposite when they can criticise the Premier for going overseas to our major customers to try to attract new investment. I make no apology for doing that. All I can say to them is that this State will continue to go from success to success if we are able to retain the confidence that we have put back into this State's economy.

Mr McGinty interjected.

The SPEAKER: Order! The Leader of the Opposition.

Mr COURT: If the Leader of the Opposition comes out with statements describing these overseas visits as costly overseas junkets -

Mr McGinty interjected.

The SPEAKER: Order! I formally call to order for the third time the Leader of the Opposition.

Mr COURT: We are doing everything we can to promote this State internationally. We are proud that Western Australia has become Australia's most dynamic leading exporting State. As long as we are in government we will keep it in that position.

Several members interjected.

The SPEAKER: Order!

TRAVEL - MEMBERS OF PARLIAMENT

386. Mr KOBELKE to the Premier:

As a supplementary question, I accept from the second part of the answer that the Premier works harder overseas than Hon Peter Foss. That was not the point of the question. I asked whether he would table the information. It is now August, some nine months later. The Premier was reported in *The West Australian* of 27 July as saying with respect to Mr Foss "that he had no problem with releasing the full details of the trip". Did the Premier make that statement knowing that he would not fulfil it or has he since changed his mind and does not wish to provide the documents?

Mr COURT replied:

I just cannot believe this member. We table all travel information. Every quarter when we get the figures we table them. We have not tabled information for the quarter to September because it is August and we have a month to go. When we get the information we will give it. All I can say is that we provide it and the Opposition when in government never did.

MENTAL HEALTH BILL - INTRODUCTION DATE

387. Mrs van de KLASHORST to the Minister for Health:

I am concerned that the Minister was unable to give notice today of the Mental Health Bill, which is considered by the Government and I believe the Opposition to be a very important piece of legislation that urgently requires debate in this House.

Mr PRINCE replied:

I would like to acknowledge the offer of bipartisan support on this matter which we have received from the Opposition. Dr Gallop: Before the break - on the assumption that you would give it to us to look at during the break. That was the agreement.

Mr PRINCE: It was not an agreement, and there was no such assumption. That is what the member asked for and I said no.

Dr Gallop: There is no agreement with you. You are a failure as a health Minister and you have sold our health system.

Several members interjected.

The SPEAKER: Order!

Dr Gallop interjected.

The SPEAKER: Order! I allowed the Deputy Leader of the Opposition to get in some interjections. He must not continue.

Mr PRINCE: The instructing officers concerned with this and parliamentary counsel have been working very long hours including weekends to complete the matter. At the moment three draft Bills are in hand; the Mental Health Bill, the Criminal Law (Mentally Impaired Defendants) Bill and the Mental Health (Consequential Provisions) Bill. Some small matters to do with the Mental Health Bill are still outstanding. Parliamentary counsel hopes to have the final draft available at the end of this week. The forensic provisions have been causing some problems. They must be run past a number of agencies before they are finally agreed to. They include the Supreme Court, the Chief Stipendiary Magistrate, the Law Reform Commission and the Disability Services Commission. I hope that will be able to be completed within the next week to 10 days. I am sure that I should then have the Bills in a form to be able to take to Cabinet on 2 September. I am pleased to advise the House that is where we are at present. One Monday week it should be in Cabinet for approval to print, and then obviously the party room. I reiterate the commitment I have made: I will introduce these Bills as soon as I can. All members would agree that it is much better to introduce legislation as complete, insofar as it can be, before Parliament looks at it rather than introduce it and have a series of amendments following it through the legislative process, which is often cumbersome and leads to some extent to legislation on the run, which is not desirable, particularly in such an important area.

HOSPITALS - MANDURAH

*Delays***388. Dr GALLOP to the Minister for Health:**

I refer to the continuing fiasco that is the proposed upgrade of Mandurah Hospital and ask -

- (1) With whom is the Government still negotiating to provide these services?
- (2) How does the Government explain the continuing and debilitating delay in finalising the project?
- (3) Will the Government provide details of any deal to the Parliament and public before it signs a contract?
- (4) If not, why not?

Mr PRINCE replied:

- (1)-(4) With respect to those questions, no doubt the Deputy Leader of the Opposition has heard what I said at the public meeting in Mandurah last night.

Dr Gallop: I have not.

Mr PRINCE: In which case his leaks are not working as well as he thinks they are. It was a public meeting - that is probably why he does not know about it.

Dr Gallop: I have been to three public meetings down there. The first one -

Mr PRINCE: With whom are we dealing? We are dealing with -

Several members interjected. The SPEAKER: Order!

Mr PRINCE: We are dealing with the Health Solutions consortium, as we have done all along.

Dr Gallop: You are doing another backflip.

Mr PRINCE: It is not a backflip at all.

Dr Gallop: Yes it is.

The SPEAKER: Order!

Mr PRINCE: Health Solutions was the group which, as a result of a totally open process of expressions of interest and tender, was selected as the preferred group to negotiate with in December last year, and the negotiations have been going on ever since. A number of problems have arisen and they have been handled by the negotiating team, involving officers from the Health Department, the Treasury and others on the government side, obviously, and the Health Solutions people on the other side. I was assured yesterday that the negotiations are all but complete; they hope to be able to complete a few other matters in the next week to 10 days.

Dr Gallop: Do you know what they are?

Mr PRINCE: I will not interfere in the process; I will not be involved in the matters of detail.

Dr Gallop: Do you know what those matters are?

The SPEAKER: Order! The Deputy Leader of the Opposition will come to order.

Dr Gallop: Aren't you the Minister for Health?

The SPEAKER: Order! I formally call to order for the second time the Deputy Leader of the Opposition.

Dr Gallop: You have not got a clue what is going on.

The SPEAKER: Order!

Mr PRINCE: Yes I have.

Dr Gallop: You do not know what day of the week it is.

Mr PRINCE: Does the Deputy Leader want to debate health policy?

Dr Gallop: Are you going to pick up the typographical error? You are a smart Alec.

Mr PRINCE: This is an example of the ALP's getting its priorities right.

The SPEAKER: Order!

Dr Gallop: That has been corrected.

Mr PRINCE: I was going to congratulate the member for his plagiarism.

Dr Gallop: I did not think you would stoop to smart Alec tricks like that.

The SPEAKER: Order! The Deputy Leader of the Opposition has been interjecting at great length and continuing to interject when I am on my feet. He knows that that is highly disorderly. I could move to the next stage of his calls, but I will not do that. However, I advise the Deputy Leader of the Opposition not to continue interjecting while an answer is given to his question.

Mr PRINCE: I was going to congratulate the Deputy Leader on his plagiarism because most of what is in here is what the Government is doing now.

Dr Gallop: That is good; I am glad.

Mr PRINCE: With the exception of what the Deputy Leader says is a typographical error -Dr Gallop: There is a typographical error.

Mr PRINCE: The document states -

We need treatments, procedures and services that are effective; that is, do patients more harm than good.

Dr Gallop: That is right. These things happen, Minister.

Mr PRINCE: Yes they do.

Several members interjected.

Dr Gallop: Have you never had a typographical error?

Mr PRINCE: Yes. This was Freudian in the Deputy Leader's case.

Dr Gallop: Those little tricks will not work.

Mr PRINCE: With respect to the delay, I do not like it any more than anyone else.

The SPEAKER: Order! The Minister will bring his answer to a conclusion.

Mr PRINCE: I am absolutely determined that the process will operate as it should because the integrity of the process leads to the best result possible. Of course, there is an independent watchdog on this process, as there was with the Wanneroo-Joondalup exercise. I refer now to the question of whether deals and so forth will be seen. In the way in which this matter has been constructed, as was the case with Joondalup and the Bunbury collocations, when a contract has been completed and agreed it will be placed on the Table of this House. I have done that with the other two collocations and it will happen with this one.

Dr Gallop: We don't trust you to sign contracts like that. You should table it in the House.

Mr PRINCE: The Deputy Leader of the Opposition was the \$400m Minister and he should really look at himself first.

FISHERIES DEPARTMENT - MANDURAH, ADDITIONAL INSPECTORS

388. Mr MARSHALL to the Minister for Fisheries:

Mr Speaker -

Mr Catania interjected.

Mr Thomas interjected.

The SPEAKER: Order! I formally call to order the member for Cockburn.

Mr MARSHALL: The task of policing exploitation of recreational and professional fishing in the Peel region by only

two Fisheries inspectors is immense. In peak season, when marron, lobster, prawns, crabs and fish are available from the ocean, rivers, estuarine and inland waterways - that is the reason members opposite want to live in the region - a tremendous strain is put on the efficiency of the local Fisheries officers. Is the Minister aware that extra staff are required and is it possible to have two extra officers relocated to Mandurah for the spring season?

The SPEAKER: Order! I advise the member for Murray that that is not the type of question that should be asked in this House. Questions should be brief and to the point.

Mr HOUSE replied:

I thank the member for Murray for his bi-monthly question. The problem has been tackled in three ways. The number of Fisheries inspectors will always be an issue and with 6 000 kilometres of coastline in this State it is doubtful that there will ever be enough. Firstly, the Government has run a fairly extensive educational program. Secondly, a voluntary Fisheries liaison program has been in place for some time and, thirdly, additional inspectors have been appointed, one of whom will be stationed in the Mandurah area over the next few months. If all that fails, I will make the member for Murray an honorary Fisheries inspector.

PRISONS - PRIVATISATION PLANS

389. Mr BROWN to the Minister assisting the Minister for Justice:

Has the Government given any consideration to privatising one or more Western Australian prisons, building a private prison or contracting out the management, or part of the management, of any Western Australian prison?

Mr MINSON replied:

The Government has not given any consideration to privatising one or more Western Australian prisons. The Government is looking at whether it might privatise some sections of the prison service; for example, the transport of prisoners between the prisons and the courts. I have spoken to Ric Stingemore from the Western Australian Police Union of Workers about this issue. The Government has not made any decisions about building a private prison.

Mr Brown: Will you give any consideration to it?

Mr MINSON: I will be making an announcement at the end of this week or early next week about what the Government will do with respect to handling what is becoming a difficult situation in the prisons.

Mrs Henderson: It is gross overcrowding.

Mr MINSON: I would not call it that. Currently the occupation rate of the State's prisons is 10 per cent above the projections.

Several members interjected.

Mr MINSON: Since this Government came to office that has been the case. Every time the Government revises the occupation rate it finds it is consistently 10 per cent above the projected figure. Action will need to be taken and we wish to plan in the best way possible. No consideration will be given to privatising Western Australian prisons; however, the Government will be examining whether a section of the prison service could be done by external contractors. In particular, the Government is looking at transport and the possibility of involving the private health sector to provide medical services. No decision has been made in that respect, but there has been consultation with the Prison Officers Union and that will continue.

PRISONS - PRIVATISATION PLANS

390. Mr BROWN to the Minister assisting the Minister for Justice:

I have a supplementary question.

- (1) Is it true that the Government entered into an agreement which runs until the middle of next year, with the Western Australian Prison Officers Union, that it will not privatise any prisons or the functions of any prisons?
- (2) Is it equally true that any departure from that agreement would result in the Government breaching that undertaking?
- (3) Is it equally true that in reaching the agreement the members of the union conceded significant employment conditions and other benefits which yielded the Government about \$8m?
- (4) Does the Government intend to breach that agreement?

Mr MINSON replied:

- (1)-(4) I can assure the member that we will not be breaching that agreement. My understanding of the agreement is that we will not be privatising any of the existing prisons. We will not be privatising any prison. With respect to any part of it, I do not think that that was covered by the prison officers' agreement. It was a good agreement.

Mr Brown: Not strictly by the letter; that is the way you operate all the time.

The SPEAKER: Order!

Mr MINSON: I make it clear that I have a good relationship with the Prison Officers Union. I meet it regularly, and I have discussed this matter with the union, as has the Ministry of Justice. Ric Stingemore and his officers are quitesupportive and relaxed about our looking at better use of prison officers. Putting two or three prison officers in vans and other vehicles to cart prisoners all over the countryside is not good use of trained officers' time.

If we can use external contractors in some form to do that, as is done in other parts of the world and Australia, and if we can reach agreement with officers to do that, we may well go down that track. However, there is no question of breaching the agreement with the Prison Officers Union. If I thought it was breaching the agreement, I would tell the Ministry of Justice that we were to preserve the integrity of that agreement.

GENDER BIAS - CHIEF JUSTICE'S TASK FORCE REPORT

389. Ms WARNOCK to the Minister representing the Attorney General:

My question relates to Standing Order No 110. On 19 March 1996 I asked the Minister representing the Attorney General when the Government would respond to the Chief Justice's task force on gender bias. I remind the Minister that question on notice 149 has been on the Notice Paper for more than three calendar months. I first raised this issue under Standing Order No 110 on Thursday, 20 June this year, yet to date this question has not been answered. Will the Minister please indicate when an answer to this question will be provided?

Mr PRINCE replied:

I am unable to give the member such an indication as I represent the Attorney in this House. However, I shall certainly see him - I hope later today - and I will draw the matter to his attention and ask him to expedite an answer.

QUESTIONS ON NOTICE - UNANSWERED, 430

390. Mr KOBELKE to the Parliamentary Secretary representing the Minister for Tourism and the Minister for Racing and Gaming:

Under Standing Order No 110, in view of what the Deputy Premier said, I refer to question 430 I directed to the Parliamentary Secretary on 26 March of this year. Will it be answered today and, if not, why not?

Mrs PARKER replied:

I cannot tell the member today when the question will be answered. However, I will check again with the department to see when the answer will be forthcoming to provide that detail.

QUESTIONS ON NOTICE - UNANSWERED, 874, 878

391. Dr EDWARDS to the Premier:

On 2 May I asked two questions of the Premier regarding promises made prior to the last State election relating to the environment. When will questions 874 and 878 be answered?

Mr COURT replied:

My apologies; I thought all the questions had been answered. I will get onto it straight away.

QUESTIONS ON NOTICE - UNANSWERED, 679

392. Mrs ROBERTS to the Premier:

Under Standing Order No 110, I also ask the Premier when I can expect an answer to my question 679 asked on 30 April 1996? That question related to cross-cultural training programs.

Mr COURT replied:

I will get that answer to the member this week.

QUESTIONS ON NOTICE - UNANSWERED, 537

394. Mr CATANIA to the Minister for Police:

Under the same standing order, when will my question 537, asked on 28 March 1996, be answered?

Mr WIESE replied:

I am very pleased to be able to answer the member by indicating that the question was transferred to the Minister for Transport because the member for Balcatta got it wrong again - he asked the wrong person.

Mr Catania interjected.

The SPEAKER: Order!

Mr WIESE: It was transferred to the Minister for Transport on 28 March. I am told that the question has subsequently been answered. Perhaps I could save the member some trouble by indicating that question 539, which shows in the Notice Paper as not being answered, was submitted to the Parliament on 25 July. Also, questions 653 and 1 018 were submitted today, 20 August, and question 688 was submitted to Parliament on 25 July. I make that point to save him asking the same question several times.

Mr Catania: I had no intention of asking about those questions as I was aware that the Minister had answered them. On 28 March, did the Minister still hold responsibility for the licensing division? It is obvious that the Minister for Police does not know which questions to answer.

QUESTIONS ON NOTICE - UNANSWERED, 1011

395. Mr CATANIA to the Minister representing the Minister for Transport:

Under Standing Order No 110, question 1 011, asked on 9 May, still has not been answered. When can I expect an answer?

Mr LEWIS replied:

I will speak with my colleague and have the question answered as soon as possible.

QUESTIONS ON NOTICE - UNANSWERED, 744

396. Mr GRILL to the Minister for Aboriginal Affairs:

I ask this question under Standing Order No 110. On 30 April I asked a question of the Minister in relation to the settlement of an Aboriginal title claim by the Waljen community with Casey Resources. The question was a fairly long one in 11 parts. As yet I have not received an answer. I inquire of the Minister when I might expect one.

Mr PRINCE replied:

What number is that question? The Notice Paper shows no question to me on that date.

Mr Grill: It is question 744.

Mr PRINCE: In my Notice Paper that is addressed to the Premier.

Mr Grill: I have a copy of the Notice Paper in which it is addressed to the Minister for Aboriginal Affairs.

Mr PRINCE: There is some confusion. It says "Grill to the Premier". It will probably be answered by the Premier. Anyway, we will get an answer.

QUESTIONS ON NOTICE - UNANSWERED, 830

397. Dr WATSON to the Minister representing the Minister for the Environment:

Under Standing Order No 110, I remind the Minister that question 830 has been on the Notice Paper since 1 May. This is a question relating to the budget allocation from that portfolio to the upkeep and maintenance of conservation issues relating to the Canning River Regional Park.

Mr MINSON replied:

I shall contact the Minister's office and find out what happened to that question.
