



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE COUNCIL

Tuesday, 10 March 1998

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 3.30 pm, and read prayers.

HON THOMAS PERRY - CONDOLENCE MOTION

HON E.J. CHARLTON (Agricultural - Minister for Transport) [3.32 pm]: I move -

That this House record its sincere regret at the death of Hon Thomas Perry and tender its deep sympathy to his family.

Tom Perry was born at Collie on 17 January 1914 and was educated at the Bullading State School. He left school at the end of 1927 and worked on his father's sheep farm in Darkan until 1939, when he then leased the farm from his father. He served with the Royal Australian Air Force following enlistment on 1 February 1942.

Mr Perry was a member of the Darkan branch of the Farmers Union and the Darkan Progress Association, foundation chairman and honorary life member of the Darkan St John Ambulance Association and an official member of various sporting clubs including 57 years as a member of the Darkan Rifle Club. Mr Perry was a member of the West Arthur Roads Board from 1946 to 1965 and president of the board from 1949 to 1958. He was vice president of the Great Southern Shire Councils Association from 1959 to 1965 and spent six years as a representative on the Country Shire Councils Association of Western Australia.

A member of the Country Party for 42 years, Mr Perry was elected to Parliament as the member for Lower Central Province on 22 May 1965. He remained as member for the next 12 years until he retired from Parliament on 21 May 1977 following a car accident. Mr Perry was a member of the honorary royal commission inquiring into the treatment of alcohol and drug dependence from 30 May 1972 to 1 May 1973.

I knew Tom Perry only in recent years. He was one of those congenial, happy, exuberant sorts of fellows from the country who had great enthusiasm for what they believed in. He was a very popular man in his own area and a great family man. It is only as the years go by and we reflect on so many of the members who have passed through this place that we understand the sorts of people they were, their family backgrounds, what they did in the community before they entered Parliament, and what they continued to do after leaving Parliament. It is a shame that we reflect on these people only when they pass away and not while they are in this place and as they live their lives and contribute to their communities. Many other members would have known Tom Perry better than I. He was one of those enthusiastic fellows with whom I enjoyed having a chat as he told me about what he thought should happen in Western Australia, particularly as far as country people were concerned.

It is with sadness that we reflect on his passing. We extend our sympathy to his family, to his relatives and friends, and to the Darkan community in which he spent most of his life. He was a great Western Australian.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.35 pm]: I second the motion. On behalf of all members on this side of the House, and on this occasion the Greens WA, the Australian Democrats and the Australian Labor Party members, I join with the Acting Leader of the Government in expressing sympathy to the family of Hon Tom Perry. We have only just heard of the death of this former member. However, since then, we have had a chance to read about the achievements of this man as a member of Parliament and as a citizen of Western Australia. He was in the Royal Australian Air Force during the Second World War, something that distinguished him in a very special way for the role he played in this Parliament. We have again seen the death of yet another of the small band of members who fall into the category of having served in the armed services during the Second World War.

We offer to the Perry family and his friends, particularly those with whom he worked in the Country Party, our sympathy.

HON W.N. STRETCH (South West) [3.37 pm]: I wish to be associated with this motion. Over the years I knew Tom Perry quite well. He farmed about 40 miles north of my family's property. My family got to know him in that regard and also in his work as a parliamentary representative.

Tom was another of those quiet achievers. Some time ago we spoke in the same vein about Jack Thomson from Albany. Tom Perry came from the same mould. He was very close to the local issues. He was a Collie boy and they are a very special breed; they certainly know how to look after their own. I got to know Tom particularly well when my father challenged him for the seat that he represented. Tom was a very gracious winner, as my father was a gracious and very solid loser.

Tom always had a twinkle in his eye and always had the interest of the Collie and Darkan people at heart. He was

a very keen follower of the horses. I always thought that as a soldier, he must have been very formidable because I once sat next to him at a race meeting in Bunbury; he was his usual chatty self but at one stage became a little withdrawn. Finally it was announced over the loudspeaker that a protest on a race had been dismissed. Tom relaxed a bit and said, "Good decision. I am nineteen hundred quid better off because of that decision". However, one would not have known a second before that he had anything swinging on the protest because he was chatting away convivially. He was always good company, a top representative and a top man. He will be missed and I express my sincere sympathy to his family.

HON MURRAY MONTGOMERY (South West) [3.38 pm]: I wish also to be associated with this condolence motion. I had the good fortune of getting to know Tom during my years in this place. I met him a few months before I was elected. He had a strong belief about where Parliament should sit in the governing of this State and he also had a very strong belief about where, in his words, the Country Party should be. He did not mind telling anybody, including his friends and those in Opposition, about what he felt.

Tom also had a great love for and interest in farming. His sons now run the family farm. He believed fiercely in his electorate and in country people. He believed those people were the backbone of this nation and it was they who had put WA in the position it is in today. I also had to smile at Hon Bill Stretch's story about Tom Perry's love of horses. If one wanted to catch Tom Perry on a Saturday, one would go to Collie because that was the closest TAB. He obviously therefore supported the Government of the day by assisting the TAB, although he did not always win. He always said there was another day for that.

Tom helped me when I entered this place, and I do sincerely believe he will be sadly missed in the community of Darkan, as he will be missed by me. I have pleasure in joining in this condolence motion.

THE PRESIDENT (Hon George Cash): Before I put the question, I want to add a few words to those spoken by the Acting Leader of the Government, Hon Eric Charlton; the Leader of the Opposition, Hon Tom Stephens; Hon Bill Stretch and Hon Murray Montgomery. I, like all other members in this House, was not a member of this place when Hon Tom Perry was a member. He left when the father of our House, the Leader of the Government, Hon Norman Moore, joined the House, so none of us had the opportunity of serving with Mr Perry.

Obviously those members who have spoken to people in the south west have learnt much about Mr Perry and about his great service to local government over many years. As has been stated, he served as a member of a local authority for 19 years, was the representative of his area on the Country Shire Councils Association for six years, and was the President of the West Arthur Roads Board for six years. When Mr Perry retired from local government in 1965, he entered the Legislative Council and remained a member of this place for 12 years, again serving the region that he loved so much.

I inform members that I will ensure that a copy of *Hansard* is forwarded to the Perry family so that it will understand that a condolence motion has been moved today on behalf of our late colleague, and I will ensure that the family is advised of the circumstances of today's motion.

Question passed, members standing.

HON JOHN HARMAN - CONDOLENCE MOTION

HON E.J. CHARLTON (Agricultural - Minister for Transport) [3.43 pm]: I move -

That this House record its sincere regret at the death of Hon John Harman, and tender its profound sympathy to his family.

John Harman was born at Bassendean on 22 March 1932, and was educated at York Convent, St Patrick's Boys School and St Charles Seminary. He joined the Public Service as a junior clerk in the Lands and Surveys Department in 1950, and later joined the Native Welfare Department, where he served from 1952 to 1968 at Broome, Derby, Port Hedland, Kellerberrin, Kalgoorlie and Perth.

John Harman was a member of the Australian Labor Party from 1960 and was elected to Parliament as member for Maylands on 23 March 1968. He remained a member of Parliament for the next 18 years, until 8 February 1986. John concentrated during his maiden parliamentary speech, as one would expect from his working background, on native title and land rights for Aborigines. He referred also to housing and land prices and the federal pastoral award.

John Harman was government Whip from 1971 to 1973, and Minister for Labour, Immigration, Prices Control and Consumer Protection from 1973 to 1974. John was elected Speaker of the Legislative Assembly on 22 March 1983 and served in that position until his retirement in February 1986. John also served as a member and later as the Chairman of the Public Accounts Committee from 20 July 1970 until 24 May 1973. John Harman was also a member

of the honorary royal commission appointed to inquire into the marketing and distribution of beef and sheep meat products from 1975 to 1976, and deputy chairman of the select committee appointed to inquire into offices of profit of members of Parliament and members' contracts with the Crown from 1980 to 1982.

I have known John Harman for 40 years, and I was not just a boy then, so that will tell members something! As I told some people the other day, I first met John in the saloon bar of the Commercial Hotel in Northam, and they said it was amazing how many people first met John Harman in those sorts of circumstances. I was a member of the young football association side and we played carnivals in Northam in those days, which was during John's time in Kellerberrin.

It was said at John's requiem mass last week that he was best described as a good bloke, and he really was. I had the privilege of knowing John during that time, and in recent times I had contact with him on more than the odd occasion through his son Graeme, who as all members know is associated with my office. I have the highest respect for Graeme as a very capable, efficient and enthusiastic member of not only my staff but also the Public Service, and as a person who has tremendous capacity to get things done for the betterment of people in Western Australia. He is obviously a bit of a chip off the old block when it comes to his commitment to what he believes is right.

I am sure the Leader of the Opposition will go into more detail about John Harman during that time. On behalf of members of the Government, I express our sympathy to his sons. They have had their share of family worries over the years with the passing of their mother and now with the passing of their father, which is something that all families have to face. John made a great contribution to Western Australia. As was said at his mass the other day, the Harman family had three great interests in life: Politics, their Catholic religion, and sport, including racing, football and all those other good things in life. That is what true Australians are all about. We wish the Harman family our sincere sympathy on the passing of their father.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.48 pm]: I second the motion. On behalf of all members of the Labor Opposition, and on this occasion also on behalf of the Greens and the Democrats, I join with the Government in expressing our sympathy to the Harman family on the death of John Harman. John was a highly esteemed member and Speaker of the Legislative Assembly, and a much respected Minister of the Crown.

Those of us who attended the funeral mass held last week for our former colleague heard the very moving eulogy delivered by his brother, Frank. John was born in 1932 at the height of the Great Depression, and few Australians would have failed to experience the great hardship of that time, followed by the war and then the postwar austerity. John was one of that generation who was determined to make sure that future generations of Australians would not have to face similar experiences.

John Harman's political values were influenced by his strong religious values. As we have heard, in 1947 at the age of 14 he began study for the Catholic priesthood at St Charles Seminary in Guildford. He did not finish his studies. He entered the State Public Service, initially with the Lands Department, and in 1952 he joined the then Department of Native Welfare. In those days, State Governments had exclusive responsibility for the welfare of Aboriginal people. The Commonwealth Government was unable to make laws for Aboriginal people until 1967. An Act of Parliament and government policies in this State regulated the lives of Aboriginal people in a way that today we would find unacceptable.

In the role of an officer of the Native Welfare Department, John brought a great sense of justice and fairness to a system which from current perspectives contained many inadequacies. In the 1950s and 1960s John travelled extensively with his family and lived in various parts of the State. He travelled to the Kimberley, the Pilbara, the goldfields and the wheatbelt in the service of the department and the people of Western Australia. While he was in those parts of the State, John formed friendships and associations that lasted him a lifetime. My colleague Hon Mark Nevill and his family treasured a friendship with John that dates from that time in Kalgoorlie. In many regions, John had immense responsibilities placed on him in his work. By today's standards communications were poor and head office was 1 000 miles away at times. He discharged those demanding duties with the support of his family, and he made and retained the friendship of the Aboriginal people and the wider community.

In 1968 John's other passion - the Australian Labor Party - drew him into standing for the seat of Maylands. He won that seat at the general election of March 1968. John's maiden speech that year illustrated the political passion of the man. I will quote briefly from that speech, which reads -

I take my seat here not only as the member for Maylands, but also as the representative of a great movement in Australia. I refer to the Australian Labor movement . . . the movement has grown in strength, wisdom and understanding, and has made a tremendous impact upon the social, political, and industrial life of this country.

The Labor movement is one which a great number of people in this country look to and depend upon to see that things which matter to them receive attention, and that the great principles of the movement come to fruition. It is a movement which, over the years, has attracted quite a number of men and women into public life: a life to which, in some cases, they have given their all.

Those people have worked unceasingly and tirelessly for the humanitarian principles of this movement. I hope, as I now begin to tread the path of public life - and representing, as I do, the Australian Labor Party, that I tread this path with the same spirit as that shown by those who have gone before me.

We can all say that John Harman certainly lived up to the expectations he placed upon his public life as he served the Australian Labor Party and the people of Western Australia in that role. His maiden speech also showed John's connection with and feeling for the ordinary working men and women of his electorate of Maylands. His maiden speech is studded with sensitivities for the concerns of the people of his electorate. In that speech John also spoke of his concerns for Aboriginal people and detailed the difficulties with which the Aboriginal community would be faced as the effects of the award pay and conditions - awarded just a few months before in September 1967 - filtered through into the regions, and into the pastoral country of Western Australia. He spoke about the need for an effort to ensure that Aboriginal people were not retrenched from the stations and would not simply be brought into the towns, lest they be left to live as fringe dwellers on town reserves. They were prophetic warnings.

In his maiden speech in 1968 John Harman also spoke of the need for the Brand Government to address the aspirations of Aboriginal people for land rights. Labor had been out of government at the state level for nine years and it seemed to John then that he would have a long wait before he and his colleagues could hope to form a Government. However, in 1971, despite a majority of only one seat - the Speaker held a casting vote - Labor achieved government under John Tonkin. John Harman had the unenviable job of government Whip in a House where the absence of a Labor member at the wrong time could have been fatal to the Government. In 1973 John Harman became Minister for Labour, Immigration, Price Control and Consumer Protection. It was one of the Tonkin Government's proudest achievements to establish a consumer protection agency in this State, and John took up a very substantial workload as a new Minister. The newspaper cartoon at the time of his appointment to the Cabinet showed Premier Tonkin passing to John his huge workload characterised by a very large briefcase.

The Tonkin Government lost the election in 1974 but John continued as shadow Minister for a range of portfolios over the next nine years in opposition. He worked very hard in Parliament serving his constituents, and was recognised by all in the electorate of Maylands. In those days, members' resources were minimal by comparison to those provided today. A member could expect to meet most of his or her constituents at some time during a term. Electors' views were formed by personal contact and the quality of service provided to the community. John Harman was able to ensure that in his electorate he gained positive responses to him and his party at the ballot box at successive elections.

When I arrived in this Parliament almost 16 years ago, John Harman greeted me with the genial welcome, "Tom, I have known something about every member of Parliament who has been elected to this place in the time that I have been here, but where the heck did you come from? I have never heard of you!" That was testimony to me, as a recently arrived "t'othersider" who had come via the north, that Western Australia was a special, close knit community where everyone basically knew everyone else. It brought home to me that John Harman was a conscientious networker of the community of Western Australia, and that I was an outsider, nevertheless being welcomed by him.

John Harman worked at knowing the people of Western Australia, those of his electorate and beyond. His reputation as an MP was outstanding and he gained large majorities at each successive election. His successor, the present member for Maylands, acknowledged the respect and appeal he retained in the community long after his retirement.

In 1983 John achieved the high office of Speaker of the Legislative Assembly. It is a little known fact that it was I who urged John to run for that position at the completion of the 1983 election. I saw John on the Sunday after the election and said that I hoped that he would run for the office of Speaker. He said that it had not even occurred to him. That week he stood in the Caucus room and said that he had been urged by one of the newcomers, Hon Tom Stephens, to run for Speaker. He said that he thought he could do that with the support of his colleagues, and he looked forward to that opportunity. I am pleased to have encouraged him in that way because he served in that role with great distinction. He provided a successful balance between the demands of an enthusiastic, newly elected Government and its Ministers and those of the members of the new Opposition who faced the difficult transition from government to opposition. John Harman brought great style to the office of Speaker. He showed no affectation and always saw his role as a servant of the Parliament and the people of the State.

He stood down from Parliament at the 1986 election. He had worked in the service of the people of this State all his life and turned to the private sector. He could have retired and lived a quiet life if he had chosen but his wide ranging

interests led him into many successful business ventures. As John's brother, Frank, told the mourners at last Thursday's funeral mass, this was not a strategy to become rich but an outcome of his interest in ideas and his desire to work with people to help them turn visions into reality. John has been involved in many business projects which have benefited the Western Australian economy. It was one of those ventures that led John to seek the help of my brother, Lawrence, in expanding a market opportunity into Papua New Guinea.

Another of John's involvements was as Chairman of the Yokine Pastoral Company, which had interests in Anna Plains in the Kimberley. I saw his colleague from that company, Tim Coakley, and his wife Louise at the funeral and heard from them how much John will be missed by his business partners as they tackle future board meetings. I am aware that a very tricky board meeting is scheduled for that company, and that they would long for the presence of John Harman in the chair. Many other business colleagues at the funeral bore testimony to the high regard in which John is held.

I would be remiss if I did not mention the high regard in which John Harman was held by our colleagues with whom he played bowls. John was a top rate and enthusiastic bowler. He was very good at ensuring that new members to the parliamentary bowling team were able to understand the game. He was able to share his skill and technique in encouraging other members of the bowling team to reach a better potential than they otherwise might have done.

He was valued in that arena not just for his solid performance on the green but also for the good feeling and cheer he brought to the play. He brought the same good grace and spirit to work and all other aspects of his life. As his brother Frank said at John's funeral last week, John's achievements in public life are all the more remarkable by today's standards because he never finished high school, he did not have university qualifications and nor did he have establishment connections through family or class.

John Harman faced private family losses that would have overwhelmed many - losing his daughter in a tragic accident and then his wife to a terminal illness. John has had constant support through all of this with the love of his sons and, in more recent years, that of his grandchildren. One of his sons, Graeme, is known to most members of Parliament. He has ably served members on all sides of the Parliament in his public service career.

On behalf of the Australian Labor Party, and on this occasion on behalf of the members of the Greens and the Democrats, I extend a sincere message of sympathy to the family and friends of the late John Harman. May he rest in peace.

HON MARK NEVILL (Mining and Pastoral) [4.01 pm]: John Harman transcended politics in many ways. That was no more evident than at his funeral, where there was a great cross-section of people from all sides of politics and a large contingent of staff from Parliament House.

John Harman was a great friend of the goldfields and country people. He was a regular visitor to the goldfields race meetings and he knew how to have a good time. If ever a member needed a bit of support in Caucus, John was one person who would immediately understand the member's point of view and provide that support. John could also boast of being a member of the august Kalgoorlie branch of the Labor Party, so he had good credentials before coming into politics.

I will refer to a little known aspect of his past that illustrates he was a man ahead of his time. When I worked for Western Mining Corporation I learnt about the Warburton copper project. John Harman was a catalyst and key person on that project. He was the superintendent of economic development for Aboriginal people, but he did not indulge in job creation - he was actually working at providing real jobs.

The Warburton project was a joint venture with Western Mining Corporation four prospectors and a large number of the Aboriginal people from the Warburton Range Aboriginal Mission, as it was known at that time. The project was a tripartite deal, with the profits being split three ways. Western Mining provided the capital, the four prospectors provided the mining expertise and the Aboriginal people worked on the mine. The lease was owned by an Aborigine called Tommy Sims and it was not taken over by Western Mining. It was a genuine cooperative. The project involved the mining of high grade copper from 1966 to 1969. Unprocessed copper containing about 60 ounces of silver per tonne was bagged and sent to Germany. It was not a money making deal for Western Mining Corporation, but it continued the operation for three years.

In the second year of operation, the project extended to cover exploration throughout the reserve. The leases were the property of the Aborigines and John Harman negotiated the conditions as he had for the previous deals. As part of that agreement, Western Mining set up a base and it agreed to train the local people and employ them wherever possible. They were taught basic prospecting skills, which they still possess, and mineral recognition techniques. If anything was found, the Aborigines would have title to it and Western Mining would have the first option to develop it. The company undertook a number of programs in that area involving geology, geophysics and geochemistry.

In the end, the only viable ore body was on Tommy Sims' lease and the project came to a halt in 1969. During that time many Aborigines at Warburton were trained in drilling, geochemistry and so on. Andrew Lawson, the chairman of the local Ngaanyatjarra Council for 15 years and a man of towering strength and leadership, was sent to Western Mining's analytical laboratories in Kalgoorlie and taught how to work as a geochemistry laboratory assistant. Some other Aboriginal people were sent to Central Norseman Gold Corporation to work underground, but that program did not work out and they returned home.

About the same time, John was involved in the development of Goanna Patch at Leonora where, again, Aborigines received a lot of training in percussion drilling, mining and sampling and geochemistry techniques. John Harman brokered another venture between Western Mining Corporation and the Aboriginal people involving Goanna Patch - an alluvial gold deposit. Western Mining paid Jim Lalor, later an exploration manager, and Warwick Hughes, who worked with the Aboriginal people to open up the deposit. It was not entirely successful - some of the Aboriginal people did not like working underground - but it continued for about three years before it was phased out. Western Mining again provided the supervision and equipment and the gold ore was treated at the Darlot State Battery.

Many years later I was talking to Douglas Haynes, another geologist with Western Mining, when we were exploring for coppers deposit in the Pilbara. He told me about the time he spent on the Warburton copper project. He started to think about the origins of copper deposits. These deposits do not occur by accident but as a result of some sort of systematic genesis. Because of the experiences and thoughts he had at Warburton he did a doctorate on the origin of copper deposits. The model he produced was used in the discovery of Roxby Downs, which is the biggest copper-gold-silver-uranium deposit in the world, and the Nifty deposits in the eastern Pilbara. It is amazing what has flowed from the Warburton copper project.

I will long remember John's kind face. I saw him in the bar of Parliament House with some other people about four or five days before he passed away so suddenly. I extend my condolences to his son Graeme and other members of John Harman's family.

THE PRESIDENT (Hon George Cash): I wish to add some words to those that have already been said in support of this motion. Like many members in this House, I knew John Harman well. I had the opportunity, as many members would know, of serving in the Legislative Assembly when he was Speaker. He held the seat of Maylands and I held the adjoining seat of Mt Lawley at the same time. That gave me the opportunity to see him at many functions while we were both members prior to his retirement in 1986. It always struck me that as a senior member of Parliament he was always prepared to lend a helping hand and advice to a younger member, even though I did not come from the same party as him.

Like other members of this House, I was shocked two weeks ago to hear of John's very sudden death. Like Hon Mark Nevill, I saw John in the House on the day to which the member alluded. In fact, John was a regular visitor to Parliament House after his retirement in 1986, and he was always prepared to exchange a few friendly words. Although he was not one to give advice to members, he always offered friendly and generous conversation.

After I heard of John's death, I thought about the time we had worked closely together as members of Parliament in adjoining seats, and it struck me that John was always respected and well thought of because he was always a very fair and compassionate man. As the Speaker of the Legislative Assembly, he always enjoyed the respect of all members in that House because he was fair, and a man of stature, and he carried out his duties as Speaker in a dignified and friendly way. Like other members of this House, I extend my sympathy to the Harman family, to whom I will ensure a copy of today's *Hansard* is forwarded.

Question passed, members standing.

BILLS (20): ASSENT

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

1. Fishing and Related Industries Compensation (Marine Reserves) Bill.
2. Family Court Bill.
3. Public Notaries Amendment Bill.
4. Wills Amendment Bill.
5. Mutual Recognition (Western Australia) Amendment Bill.
6. Sunday Observance Laws Amendment and Repeal Bill.

7. Acts Amendment and Repeal (Family Court) Bill.
8. Equal Opportunity Amendment Bill (No 3).
9. Commercial Arbitration Amendment Bill.
10. Maritime Archaeology Amendment Bill.
11. Pay-roll Tax Amendment Bill.
12. Road Traffic Amendment Bill.
13. Revenue Laws Amendment (Assessment) Bill (No 2).
14. Appropriation (Consolidated Fund) Bill (No 3).
15. Dampier to Bunbury Pipeline Bill.
16. Interpretation Amendment Bill.
17. Fuel Suppliers Licensing and Diesel Subsidies Bill.
18. Acts Amendment (Franchise Fees) Bill.
19. Statutes (Repeals and Minor Amendments) Bill.
20. Osteopaths Bill.

ABORTION - PETITION

Hon Cheryl Davenport presented the following petition bearing the signatures of 2 471 persons -

To the Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We the undersigned residents of Western Australia call for repeal of Section 199, 200 and 201 of the WA Criminal Code. We urge you to amend the law to reflect the view that the decision to terminate a pregnancy is one for the woman in consultation with her doctor.

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

[See paper No 1391.]

GRAFFITI - PETITION

Hon Peter Foss (Attorney General) presented the following petition bearing the signatures of 435 persons -

To the Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We the undersigned do, respectfully, request that the Legislative Council will support legislation to resolve the problem of graffiti.

1. To make unlawful the carrying, without lawful excuse, implements of graffiti or other articles capable of being used to deface property, between sunset and sunrise.
2. To give to the police the power to search suspect persons for implements of graffiti.
3. To ensure that any person convicted of any offence of graffiti damage be required to pay costs of the damage in every respect, or in the case of a juvenile, that his/her parent or guardian pay such costs.
4. And ensure that the penalty for the graffiti or carrying graffiti implements must in every case be incarcerated on a graduated scale, beginning with weekend incarceration without entertainment, television, sports facilities or other privileges usually enjoyed by the persons in custody.

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

[See paper No 1392.]

STANDING ORDERS COMMITTEE - AMENDMENTS TO STANDING ORDERS

Report Tabling

THE PRESIDENT (Hon George Cash): I have for tabling a report on proposed amendments to standing orders recommended by a Select Committee on the Committee System. Members will recall that on Tuesday, 25 November 1997, the House referred certain matters to the Standing Orders Committee requiring that certain standing orders be reviewed. If thought fit, it recommended we return to this House with a report recommending changes for inclusion in standing orders. I table that report.

[See paper No 1393.]

On motion by Hon John Cowdell, resolved -

That the report be printed.

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Report on Events Surrounding Denial of Tenure to the Late Dr David Rindos by UWA

Hon Kim Chance presented the "Public Administration Fourth Report - Events Surrounding Denial of Tenure to the Late Dr David Rindos by UWA" tabled pro tem in December 1997, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 1389.]

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Report on the Hairdressers Administration Repeal Bill

Hon Kim Chance presented the "Public Administration Fifth Report - Hairdressers Registration Repeal Bill" tabled pro tem in December 1997, and on his motion it was resolved -

That the report do lie upon the Table and be printed. [See paper No 1390.]

[Leave granted for formal business to be continued.]

CRIMINAL CODE AMENDMENT (ABORTION) BILL

Introduction and First Reading

Bill introduced, on motion by Hon Cheryl Davenport, and read a first time.

Second Reading

HON CHERYL DAVENPORT (South Metropolitan) [4.40 pm]: I move -

That the Bill be now read a second time.

For many pro-choice activists this has been a lengthy, passionate and hard fought battle for a woman's right to choose. Despite the fact that anti-choice activists attempt to portray pro-choice activists as pro-abortionists, that is not the case. We are merely striving to ensure that women have the right to access safe, clean, professional medical abortion services which are within the Western Australian law. We do not urge women to abort their babies, but we do want women to have access to counselling on this issue that is legal and without fear of the law, and to services where they know doctors, nurses and other support staff are adequately taught during their training and who, as service providers, can be assured that such services are legal. In other words, we want women to have the choice to make an informed decision which is legal.

I acknowledge and understand that for some of my colleagues this will be a very difficult decision to make. Perhaps I can equate their decision to consider changing this antiquated law with the decision made by virtually every one of the 9 000 women a year in this State who present to have their pregnancy terminated. This will be for each woman one of the hardest choices she will make in her life, but she will not have made her decision frivolously. She will have considered many factors before presenting for her abortion.

On 6 September 1989 I delivered my first speech in this House on this controversial issue. I argued during the Appropriation Bill debate that the Western Australian Criminal Code was out of date and that the laws relating to abortion should be repealed. The basis of my speech was indeed about the shadowiness of the current laws, and as is recorded on page 1802 of *Hansard* in 1989, I warned -

... here the law is not in conformity to existing practice. As we all know, abortion is readily available here

for those who know how to get access to the services. However, the doubtful legal position means the situation in Western Australia is far from satisfactory.

According to the Western Australian Criminal Code, as amended in 1913, induced abortion is illegal, except if it is carried out to preserve the life of the woman concerned. That law has never been subjected to legal interpretation in the way it has in some other Australian States where abortion has been made legal by legal judgments.

I went on to say -

A conservative Government or police commissioner could change the situation, virtually overnight, if they decided that the law as it stands must be observed.

I ask members to think about this: While it was not the conservative Government which is in power, nor the Commissioner of Police, it was the advice of the Director of Public Prosecutions to local police which led to the recent charging of the two Rivervale doctors.

I did warn my Government in 1989 and 1991 that these kinds of charges were a distinct possibility, and it failed to act - though it was not for the want of women in our Caucus trying to persuade others that amendments were long overdue. The Court Government, following its election in 1993, has also failed to act. I acknowledge this is a difficult issue, but now we have no choice due to the urgent need for legal clarity. In making my decision to introduce this private member's Bill, I have spoken to many members in an attempt to present my case and respectfully urge them to consider the situation we now find ourselves in because previous legislators have failed to address this issue, although there have been several missed opportunities in the past. Those attempts were made, firstly, by the late Dr Hislop, a former Liberal member of Parliament, and in 1972 by Labor's Roy Cloughton.

I hope we can all address ourselves to the job in front of us with dignity and respect, and that debate does not become acrimonious and personal. It behoves us to make laws under which women and the medical profession can feel confident that the service they access or provide is legitimate and of high quality.

It is appropriate for me to mention a range of people who have been active in this debate for many years. Firstly, Association for the Legal Right to Abortion activists Denise White and, in particular, Megan Sassi - about whom I will talk in more depth - Ruth Greble and others; medical activists Dr Harry Cohen, Dr Gwen Leavesley, the late Dr Bob Short, Dr John Charters and Dr Judy Straton, who have fought for the past 25 to 30 years to repeal those sections within the Western Australian Criminal Code relating to abortion, as has Dr Victor Chan.

I want to dedicate this speech to Megan Sassi, who was a president of the Association for the Legal Right to Abortion for many years. To me, she was a shining light when I first became involved as an activist for choice. Megan worked tirelessly as a listener, a disseminator and a mentor. As her close friend Barbara Buick said once to me, "Megan gently expanded people's knowledge in this area without their really being aware of her influence." She was an internationally known and respected proponent for choice and was commissioned by the Western Australian Women's Electoral Lobby to research and write an in-depth report titled "Inequality of Access to Abortion Services in Australia". This was presented by Justice Elizabeth Evatt in 1988 to the United Nations Committee on the Elimination of all Forms of Discrimination Against Women, commonly known as CEDAW.

Megan was a librarian in the science and technology section of the Alexander Library and, as such, kept many of us, particularly politicians, informed on every new publication on abortion as it was released. World famous activists such as Francis Kissling, a Catholic nun from the United States who heads the organisation Catholics for a Free Choice, and Rebecca Cook, a Canadian law expert, respected and were proud to work with Megan Sassi. She was also an indefatigable writer on this issue to the editor of all Australian newspapers, books and journals. In May 1991 Megan died from a rare form of melanoma: She was diagnosed and died within several months. We still miss her terribly, and I hope throughout the passage of this Bill I will do justice to her years of constant dedication.

There is no doubt that issues such as this could not be tackled without the assistance of many people. I want especially to thank my Labor colleagues, the members for Perth and Fremantle and Carmen Lawrence, whose counsel I have valued immensely. My particular thanks also go to Tessa Hopkins from the office of the Leader of the Opposition for her expertise, encouragement and support which enabled me to keep my feet on the ground during this time. I also acknowledge my many women friends - too numerous to name, but they know who they are - who have provided me with constant verbal, physical, emotional and moral support. My thanks also go to my electorate office staff, Carol Treloar, Julie Kroeber and Wendy Andrews, who have coped admirably with tact and dignity with the many people who support or oppose my stand.

In addition, I also thank the Attorney General and his staff for the help they extended and his efforts to make this a genuine attempt to be bipartisan. As members will acknowledge, this is a difficult issue; nevertheless I have had an

exceptional association through this negotiation process with Hon Peter Foss and a number of his colleagues. Finally, I pass on sincere thanks to my son Ross who is an exceptional young man. As always, he has extended his unwavering love and support during a particularly difficult, although exciting, phase of my political life.

The situation today: Following the charging of Dr Victor Chan and Dr Hoh Peng Lee from the Nanyarra Clinic at Rivervale, uncertainty has beset those providing abortion services and women who wish to access those services. Firstly, we witnessed the tragic plight of Sue who, using a pseudonym, came forward to warn us of circumstances such as hers. Members will recall the front page of *The West Australian* on Saturday, 21 February, describing Sue's life-threatening illness. She became pregnant following the reversal of her husband's vasectomy. She seriously considered having her baby, but was advised by doctors of the slim chance her and her baby had of surviving. Sue is a Catholic who already has three children and has had three stillborn children. As she says, she will go to her grave not knowing whether she made the correct moral decision; but in a practical sense she has made a decision based on wanting to provide a reasonable quality of life for her family and herself. Members should ask this question: Do we, the politicians of Western Australia, have the right to deny her that choice? This is just one example of many that have been conveyed to me in recent times.

Secondly, within two days of the court appearance of Drs Chan and Lee, two women believed they would be unable to access termination of pregnancy and chose to self-abort. Both were hospitalised, one being quite seriously ill. Members should also ask themselves this question: Can we live with our conscience if we, the politicians, in failing to change the law, witness women dying or sterilising themselves unnecessarily because access to a safe, legal medical service is denied?

Thirdly, the day following the initial charging of the two Rivervale doctors a legal opinion provided by the Solicitor General to doctors and nurses around Western Australia who work in the public health system indicated that only those pregnancies which would threaten the mother's life could be terminated under Western Australian laws without fear of prosecution.

Following a meeting with the Commissioner of Police, the Director of Public Prosecutions and others, the Attorney General tried to reassure members of the medical profession that nothing had changed and they should continue to provide abortion services to women as usual. The legal profession was not convinced by the reassurance of the Attorney General. Neither was the medical profession, which then met and resolved unanimously to call on the Western Australian Parliament to reform the law to decriminalise abortion when performed with appropriate medical safeguards by a registered medical practitioner. Further, the meeting on 19 February resolved that unless abortion is decriminalised within the next six to eight weeks - that is, by April - existing abortion services will be withdrawn. As well, because of that uncertainty, women in the north of the State are now being referred to Darwin where the law is certain, and women awaiting genetic terminations are facing further stress due to lack of legal clarity.

Betty Cole, a nurse who resides in my electorate, wrote to me in February. She was subsequently interviewed on the ABC "State File" program. She had this to say of her nursing experience with abortion patients -

Firstly, make note, I could never have had an abortion for reasons of my own.

However, I have seen the results of backyard abortion "clinics".

For example, in 1942-43, a woman, mother of four young children refused to divulge the name of the abortionist, despite the never ending pleas of the Medical Superintendent appealing to her day by day (had he intervened he would have been charged under the law) and she died a "putrid" mess. Worst of all, she left behind four motherless children and a husband because she believed she deserved to die.

I've also seen dozens, yes, dozens of babies from a Roman Catholic orphanage come to us so malnourished they couldn't sit or talk. The ages ranged up to and about two years. Once again the Medical superintendent attempted to fight the authorities but he was warned. Later petrol became available and to my knowledge babies such as these were transferred to the Mater Hospital. Some of these children could have died - I can't remember these details - others were kept for months, then they were returned, we hoped, into a more caring environment. We were never informed.

She goes on to say -

I've attended a woman in a campsite who lost buckets of blood, yes buckets, on the back of the tray of a parked truck. Later I was warned by the Doctor, to whom I sent the case, never to go into these areas without a police escort.

I've attended women in low socio-economic areas, who already had seven or eight children, and who would have developed mental and other health related problems - and had them taken to King Edward Hospital where they had counselling and assessment, prior to being aborted.

I ask the legislators and other authorities, to provide what is necessary be it clinics that provide clean facilities, counselling competent medical staff who do not themselves live in fear of persecution. Clean up the legislation that is so inhumane. Very few women go into this situation without being traumatised, often for the rest of their lives. However, it is her body, her soul and her God she has to face, when that awful decision is made - and I stress with emphasis, that I have never worked with a doctor who has taken this operation lightly.

Be warned - history repeats itself.

As legislators, we will be responsible if we fail those women, who we already know will abort despite any deterrent law, by denying them access to a safe, legal medical service. We will not be exercising our responsibility to the medical profession if we do not repeal these laws.

Fourthly, on Saturday 21 February from the front page of *The West Australian* we learnt that according to the latest Westpoll 82 per cent of the Western Australian community - that is four out of five voters - want abortion legalised. This reflects opinion polling across Australia over the past 15 years. Like me, members will have received numerous letters from people who are pro-choice and those who are just as passionately anti-choice. During my time in Parliament I have never known an issue to engage people as much as this one. I have had men and women - the young, middle aged and seniors - telephone my office and approach me in public offering support and saying how stunned they had been to find that abortion was still not legal in Western Australia. Even the young men who play in my son's cricket team, many of whom I do not know, sent a message telling me the law was an ass, and I was doing a great job in advocating change. This issue has clearly engaged the hearts and minds of the Western Australian community.

This was reflected today by the rally held outside this place. We will stand condemned if we fail to deliver certainty to the various constituents affected by the current circumstances. Members should ask themselves whether as politicians they are listening to their community if they do not accept that change needs to occur. If members cannot accept that change is necessary, how will they justify their failure to their constituents?

I will refer to recent reputable Australian research on abortion which urges either repeal or clarity. In researching this issue I ask that members familiarise themselves with recent research, most of which is available in the Parliamentary Library. I will happily loan members whatever they need. The following are excellent references -

The Abortion Myth, a book written by bio-ethicist Leslie Cannold launched in February 1998.

"The Regulation of Abortion in Australia", which are public health perspectives prepared by the Public Health Association of Australia in 1997. A copy has been provided to every member of Parliament by the Public Health Association.

Commissioned research prepared by panels of experts drawn from appropriate Australian academic, professional, community and government organisations by the National Health and Medical Research Council released in 1997 and entitled "An Information Paper on Termination of Pregnancy in Australia".

A paper titled "Abortion in and out of the Courts" by Helen Pringle from the School of Political Science at the University of New South Wales published in 1997.

An excerpt from the Chief Justice's Task Force on Gender Bias titled "Abortion", pages 195-197. That report was commissioned in 1993.

Linda Savage Davis and Terri-Ann White's publication, *Stories of Our Lives: Women's Experiences of Abortion*.

As I indicated earlier in this speech, I know that some members of this place hold very different views on abortion that are a direct result of their religious or moral leaning. I respect their right to hold those views. I have read a range of Christian works on this issue and I am comforted to know that there are also eminent members of the church who support choice for women.

During my first speech in this place in 1989 I referred to the former Governor of the State of New York, prominent Catholic Mario Cuomo, who delivered a lecture titled "Religious Belief and Public Morality" to the theology faculty of the University of Notre Dame during the 1984 presidential election campaign. Cuomo claimed that the Catholic Church was his spiritual home, and he reaffirmed his respect for the teaching authority of the bishops. However, Cuomo went on to examine the issue of abortion in a political context saying -

... I believe, by noting that the Catholic Church's actions with respect to the interplay of religious values and public policy make clear that there is no inflexible moral principle which determines what our political

conduct should be. For example, on divorce and birth control, without changing its moral teaching, the Church abides the civil law as it now stands, thereby accepting - without making much of a point of it - that in our pluralistic society we are not required to insist that all our religious values be the law of the land.

Abortion is treated differently. Later in the lecture Cuomo states -

And it is here, in our attempt to find a political answer to abortion - an answer beyond our private observance of catholic morality - that we encounter controversy within and without the Church over how and in what degree to press the case that our morality should be everybody else's, and to what effect.

I repeat, there is no Church teaching that mandates the best political course for making our belief everyone's rule, for spreading this part of our Catholicism. There is neither an encyclical nor a catechism that spells out a political strategy for achieving legislative goals.

Respectfully, and after careful consideration of the position and arguments of the Bishops, I have concluded that the approach of a constitutional amendment is not the best way for us to seek to deal with abortion.

I believe that legal indictment of abortion by either the federal government of individual states is not a plausible possibility and even if could be obtained, it wouldn't work. Given present attitudes, it would be "Prohibition" revisited, legislating what couldn't be enforced and in the process creating a disrespect for the law in general.

These are quite profound words and the concept he paints for us is exactly how the reality of abortion has functioned in Western Australia for the last 30 years.

On Saturday, 21 February *The West Australian* newspaper in its "Belief and Beyond" column featured an interview by Gavin Simpson with well known Australian Catholic Jesuit Priest, Father Frank Brennan. Although I am not a religious person, I admire and respect the work that Father Brennan has done over many years. Indeed, during debate in this House on the ill-fated Native Title Bill, Father Brennan helped me to understand the ramifications of the legislation for Western Australian Aborigines. The article in *The West Australian* portrayed Father Brennan as a person who has a commanding physical presence and a towering intellect, tempered by a genial nature and a refreshingly down to earth attitude.

[Continued on page 13.]

[Questions without notice taken.]

QUESTIONS ON NOTICE 1102 AND 1103 - STATEMENT BY MINISTER FOR FINANCE

HON MAX EVANS (North Metropolitan - Minister for Finance) [5.31 pm]: On 27 November 1997, on behalf of the Minister for the Environment, I answered questions on notice 1102 and 1103. It has subsequently been found that part of the information provided on that occasion was incorrect and, accordingly, I wish to take this, the first opportunity available, to notify the House of the circumstances and provide the correct information.

On 23 October last year, Hon Giz Watson asked questions on notice about correspondence from Mr S. Kean to the Department of Environmental Protection. Dates given were 11 July and 15 October 1996. In the course of the reply, the answer to question 1102 stated, in part -

The Department of Environmental Protection has checked its files already and advised Mr S. Kean that there is no record of a letter of 15 October 1996 from him.

The answer to question 1103 stated, in part -

The Department of Environmental Protection has checked its files already and advised Mr S. Kean that there is no record of a letter of 11 July 1996 from him.

Those replies reflected the department's investigations to that point. However, further exhaustive searches were conducted following a specific request by the Minister for the Environment. On 4 February this year, the department located the missing letter dated 15 October 1996, and the chief executive officer, Dr Bryan Jenkins, advised the Minister accordingly. Dr Jenkins subsequently wrote to Mr Kean apologising for the earlier inability to locate the correspondence. The Minister has subsequently written to both Mr Kean and Hon Giz Watson. Since then, an earlier letter dated 11 July has also been found. This letter dated 11 July 1996 relates to Western Mining Corporation and sulphur dioxide levels.

In the course of a letter to Mr Kean, the Minister indicated that the department had now put a more secure system in place in relation to all correspondence received.

I seek leave to table the following correct replies to parliamentary questions on notice 1102 and 1103 and to incorporate them in *Hansard*.

Leave granted.

[See paper No 1397.]

The following material was incorporated -

1102. Hon Giz Watson to the Minister for Finance representing the Minister for the Environment:

I refer to letters dated October 15, 1996 and October 31, 1996 sent by Mr S Kean to the Perth office of the Department of Environmental Protection addressed to the Director, Pollution Prevention Division, Department of Environmental Protection, 141 St George's Terrace, Perth, WA, 6000 -

- (1) Can the Minister for the Environment check all the files and state whether both of the above letters have been received in the Perth office of the Department of Environmental Protection?
- (2) If not, why not?
- (3) Will the Minister instruct the Department of Environmental Protection to respond to all the queries in the letter dated October 15, 1996 from Mr S Kean given that it is over 12 months since the date of the letter?
- (4) If not, why not?

Answer:

- (1) On 2 February 1998 the Minister for the Environment asked the Department of Environmental Protection to check its files and ascertain if the letter dated 15 October 1996 from Mr Kean was received by any section of the Department.

The letter of 15 October 1996 was located by the DEP in its Perth office on 4 February 1998. The letter of 31 October 1996 (received by the DEP on 1 November 1996) sought a response to the letter of 15 October 1996.
- (2) Not applicable.
- (3) The DEP responded to the letter of 15 October 1996 on 16 February 1998.
- (4) Not applicable.

1103. Hon Giz Watson to the Minister for Finance representing the Minister for the Environment:

I refer to letters dated October 7, 1997 and July 11, 1996 sent to the Kalgoorlie Office of the Department of Environmental Protection from Mr S Kean -

- (1) Can the Minister for the Environment check all the files and state whether the above letter has been received by the Kalgoorlie Office of the Department of Environmental Protection?
- (2) If not, why not?
- (3) Will the Minister instruct the Department of Environmental Protection to respond to all the queries in the letter of July 11, 1996 given that it has been well over 15 months since the date of the letter?
- (4) If not, why not?

Answer:

- (1) On 24 February 1998, the Minister for the Environment asked the Department of Environmental Protection to check its files and ascertain if the letter dated 11 July 1996 from Mr Kean was received by any section of the Department including the Kalgoorlie office.

A letter of 11 July 1996 was located by the DEP in its Kalgoorlie office on 3 March 1998.

The letter of 7 October 1997 (received by DEP on 9 October 1997) sought a response to the letters of 23 September 1997 and 11 July 1996. The letter of 23 September 1997 (received by DEP on 24 September 1997) also sought a response to the letter of 11 July 1996.

- (2) Not applicable.
 - (3) On 5 March 1998 the Department of Environmental Protection responded to a letter from Mr S Kean dated 11 July 1996 regarding sulphur dioxide levels in Kalgoorlie. Mr Kean has been requested to provide a copy of his letter of 11 July 1996 to the DEP for a prompt response, if the one responded to above is not the letter of concern (ie, it relates to a different premises and issue).
 - (4) Not applicable.
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CRIMINAL CODE AMENDMENT (ABORTION) BILL

Second Reading

Resumed from an earlier stage of the sitting.

HON CHERYL DAVENPORT (South Metropolitan) [5.37 pm]: Earlier I referred to an article in *The West Australian* on 21 February. The article states -

Father Brennan is also careful to plot a cautious but certain path through the minefield of the controversy over abortion.

He has no problem, he says, with the churches being visible on the abortion issue. They have a legitimate role to play in speaking out. But, he says, they must also be respectful of the experience of all those people, including women, who are implicated in abortion. And the Catholic Church, in a pluralistic society, should be very careful when speaking out on the issue, especially because it speaks with the voice of a male, celibate clergy. "I have no problem with church leaders saying that abortion is a moral evil in most circumstances," he says.

"But that does not necessarily entail agitation for a strict enforcement of the criminal statutes which ban abortion in many circumstances. There must be a due regard for the differences which exist between the moral arguments, the law and social policy.

"And there must be a respect shown for the pain and agony of the woman involved."

Father Brennan argues that while you cannot treat abortion as if it were something like having a tooth pulled out, and that he fully acquiesces in the Catholic moral position on abortion, there are extraordinary complexities to be borne in mind.

He is unimpressed by the efforts of the 'armchair opponents' of abortion who make smug statements about abortion always being murder.

"If these people really believed that there were 70,000 murders committed in Australia every year as the result of abortions, then they should be doing much more about it than they are," he said.

Father Brennan goes on to illustrate his belief by relating this anecdote from his past -

"A friend had told him in strict confidence that another mutual friend was going to have an abortion but did not want him to know.

"I did nothing about it," he says. "But if I had been told that this friend was going off to commit a murder, I am sure I would have done something. I still believe I was right to do nothing. Like most Christians of goodwill, I made a distinction."

I believe that many Christians across the various religious denominations are able to grapple with this difficult issue and reach a moral conviction which sits comfortably with their religious belief. A recent example of a group of Christian women interviewed by *The West Australian* on 2 March, one a soon-to-be-ordained Uniting Church minister, clarified their own moral and religious view by saying, "It - abortion - is about providing a legal, safe, health-care environment for women and the medical professions who provide the service."

A telephone caller this week said -

"Good on you for your stance on abortion. I'm a Catholic but I can think for myself. There were anti-choice petitions at the front of the church on Sunday. Fifty year old men were signing them and the women were going out the back door. Several want to go to the march but fear discrimination for their children at Catholic schools. The women would need to wear hats and dark glasses."

Women and citizenship in relation to abortion laws: In researching my arguments to place this repeal Bill before the Parliament I have searched for new opinion and have discussed a recent argument put forward by University of Western Australia law lecturer Stella Tarrant in an unpublished paper in which she indicates that equal citizenship is denied to Australian women who have abortions and could be challenged under section 109 of the Commonwealth Constitution. Tarrant argues that section 109 is a powerful human rights tool and that many existing state laws, such as on abortion, may be deemed to be in breach. In this instance the Commonwealth Sex Discrimination Act, if tested legally, could override the state Criminal Code.

Therefore, were the laws relating to abortion to remain in the WA Criminal Code, as legislators we would be inviting women to continue to break the law, as well as not trusting them with the responsibility to determine decisions relating to their own bodies.

Tarrant argues -

A woman who is forced to live an unwanted pregnancy and raise her child or decide to have her or him adopted is denied the opportunity to decide when to have children and how many children to have. She is disadvantaged physically, psychologically, economically and socially. She is further disadvantaged in that her decisions are taken from her by the State and/or by the medical profession so that her enjoyment of self-determination or autonomy is denied or impaired. Moreover, a woman who has, in fact, had an abortion or who contemplates the possibility of having one in the future is disadvantaged insofar as she lives with a threat of prosecution and uncertain criminal laws. These disadvantages are likely to be experienced more seriously by women with few financial resources or who are Aboriginal or live in rural areas.

This could be seen to be in breach of Australian citizenship laws as well as sex discrimination laws.

Medical and Clinical Aspects: In 1996 the National Health and Medical Research Council published an information paper on termination of pregnancy in Australia. Members probably all know that the mission of the NHMRC is -

... to work with others for the health of all Australians, by promoting informed debate on ethics and policy providing knowledge based advice, fostering a high quality and internationally recognised research base, and applying research rigour to health issues.

Because of acknowledged sensitivities, the council received the report but has endorsed neither it nor its recommendations, instead directing that it be available as an information paper.

While an unknown number of women experience unintended or unhealthy pregnancies each year, about 80 000 of them will have their pregnancies terminated. Abortion services are a key aspect of health services for women, but the investigating panel found that the ambiguous legal status of abortion in various Australian jurisdictions has a significant impact on the organisation, accessibility and timeliness of services. For instance, access and affordability are generally better for women living in cities and for those able to use private services.

Low abortion mortality and morbidity rates experienced now in Australia indicate a generally good standard of clinical care, but the ambivalence of service providers is evident in the restricted availability of services for patients reliant on the public system, a lack of accurate information in the community and often very complex referral pathways. Some service providers are punitive. Of the millions of Australian women who have experienced abortion, few are able to speak publicly. I will relate to members the stories of two women as recorded by Linda Savage Davis and Terri-Ann White. When members hear the stories of older women who have had abortions they will realise that they are part of a depressing pattern - a pattern well known also by doctors and nurses practising in the 1940s, 1950s and 1960s.

Stories from our lives: Women's Experience of Abortion is a project compiled and written by Terri-Ann White and Linda Savage Davis in 1994. It includes the story of a woman who was engaged to be married at 18 in 1948. She and her 18 year old fiancé were considered too young to marry by their parents and had to wait three years. During that time, she had four backyard abortions, because having a child out of wedlock was considered even worse than marrying young. I quote -

By the time I was 25, I had four children. I nearly died during my third pregnancy, with twins, and so did one of the babies. After this, my doctor told me that if I got pregnant again, which he didn't recommend, he would do something about it for me. When the twins were 2, I fell pregnant. I had a 6 year old, a 4 year old and 2 year old twins. Financially, things were pretty impossible, but there was this added health risk. At that time, the doctor told me there was no reason that I couldn't have this child if I went to hospital for the last 4 months and took it easy. Which, of course, was impossible, with my husband doing shift work and with problems happening for my family and the four kids at home.

My husband and I talked it over. The abortionist I had used in the past had died and my neighbour told me

about another lady, again a former nurse. I went to her, and she used a syringe with carbolic soap. I had haemorrhaged badly during my 3 births: I had been told that the wall of my womb had been damaged. Thankfully, I had never needed to tell any of the hospital staff how this had happened, that it had been the glass tube from my abortions.

A neighbour came to look after the kids, but she got scared at what was happening and phoned my husband at work. He came home to find me in the toilet: I had expelled it into the bowl, but it hung on with the cord. My husband wrapped it in newspaper and buried it in the backyard.

This abortion was not very good at all because I did not lose the afterbirth until the following day. The pain through this whole business was non-stop. I wouldn't let my husband take me to hospital, because they gave you such a hard time about what had gone on. The kapok mattress on our bed was just soaked through with blood, dripping right through onto the floor. Septicaemia could have set in or anything, this was very dangerous.

I would never stand up and say that no one was allowed to have an abortion - there are always circumstances that make them necessary. And it is just as hard for the male partner.

My understanding of the legal situation in WA is that I think it is allowed. The authorities turn a blind eye to it. I don't believe that the clinics should ever be closed down - you can't take people's rights or their will away from them.

While this story is horrendous, it was not an unusual experience for women in our own not too distant past.

A second woman had this story to tell -

It was about 46 years ago and I had already had 3 children. Soon after I gave birth to my last child I realised I was pregnant again. With all 3 pregnancies I had been very sick for the first 4 months, and I didn't want to go through it all again, nor did we want another child.

I spoke to my husband, and then he tried to find out how I could end the pregnancy. He got the address of a women who did abortions, "illegal abortions", I supposed you'd call it. I went to see her - I don't recall it being very expensive. She gave me what I'd describe as a douche. I went home and had a period, but not very painful. I felt terribly relieved.

I've never told anyone this, except my husband.

In those days, no one talked about it. Lots of women did it to themselves, I think, with a coathanger or things like that.

I never felt I did anything wrong. I've had no guilt or regrets, and I am 80 years old now.

As Dr Judy Straton and others have pointed out, neither restrictive laws nor lack of access to professional services has ever stopped women from seeking abortion. It is dangerous and costs the lives and health of those women. I remind members that unless these proposed reforms are enacted we would predictably return to those times, and no one wants that.

A seeming paradox for many is that while abortion is technically illegal, Medicare rebates are provided. Australia wide, 80 000 abortions a year make it one of the most frequent surgical procedures. Most of them are first trimester abortions, but about 900 are second trimester procedures with most undertaken for foetal abnormality or for serious illness in the woman. However, the NHMRC notes that the continuing uncertainty about legal constraints, particularly any parliamentary debates regarding the organisation of services, also inhibits planning and development in this area of health care. It cites a 1991 report of the Royal College of Obstetricians and Gynaecologists (UK) -

Unwanted pregnancy can cause great stress to the woman and her family. The availability of safe abortion protects the mental and physical health of women, their children and their partners. The factors that cause unplanned pregnancy are complex and not fully within the control of the individual couple. The need for abortion should be seen, not as evidence of widespread sexual irresponsibility, but rather as evidence of an intention only to have wanted children and as an expression of widespread difficulty in the management of the sexual part of life. The adequate provision of services for women with unwanted pregnancies is fundamentally important. Women stressed by an unwanted pregnancy need easy access to sympathetic expert staff who can provide medical assessment, information, counselling and help with social support, abortion, antenatal care or adoption.

While the NHMRC terms of reference did not include a consideration of the appropriate legal arrangements, the panel did outline a plan to improve abortion and abortion experience including -

the need to maximise the autonomy women experience in decision making about termination of pregnancy - recognising that service providers must operate within the prevailing constraints of the legal framework - including freedom from coercion from families and partners;

the sensitivity of staff to the emotional needs of women experiencing an unplanned and unwanted pregnancy;

the availability of appropriate counselling for decision making and follow up counselling through agencies which do not themselves provide termination of pregnancy services;

the availability of appropriate counselling services at various stages in the experience, without coercion; specific assistance to women whose abortions are required because of foetal or maternal medical indications;

further efforts to provide supportive environments for staff of abortion services; and

evaluation research which elicits women's experiences of abortion and unplanned pregnancy.

These kinds of services and the support infrastructure are, in the view of all legal reformers, a necessary adjunct to legal abortion services operating in the health care system.

I take the opportunity to say that the phrases "abortion on demand" and "abortion on request" are inventions of the opponents of choice. Unfortunately, they have been appropriated by the media and others over the last three decades or so, and this has given an impression that women who are careless with their contraception walk into the surgery and demand abortion as they might a new dress or a new car. Let us all let go of these phrases and address choice; namely, the woman's choice of what to do with an unwanted pregnancy.

If abortion is legal, infrastructure support services, which include counselling - certainly before any abortion and as necessary afterwards - should be provided. The skilled and experienced counsellors who do this sensitive work provide the range of options suited to each individual woman and her circumstances. On the basis of that information, the woman can make an informed decision about how she will proceed. The decision may or may not be abortion, but it will be her choice. If her decision is abortion, she can then seek medical assistance. That is the aim of the Bill, and that is what Western Australian women expect of high quality, personalised women's health services.

Recent international law reform relating to abortion: The 1984 Netherlands termination of pregnancy legislation addresses a number of these and related issues. In summary, it licenses clinics and hospitals, restricts terminations to physicians, guarantees the privacy of women and pays heed to the decision making process. Women are never able to be punished and no-one must provide services or assistance if their conscience is opposed to termination. I understand that since this legislative structure was introduced, the number of abortions in the Netherlands has decreased.

The most recent legislation was passed in 1996 in South Africa when the old laws on abortion were changed to facilitate the new stand-alone Choice of Termination of Pregnancy Act. The legislation was assented to on 12 November. Primarily, it was intended to protect women from backyard abortionists. This was law reform to ensure that coloured and black African women were able to access safe and clean medical terminations. The new South African Act recognises the values of human dignity, the achievement of equality, the security of the person, non-racism and non-sexism, and the advancement of human rights and freedoms in South Africa. It also recognises that the state has the responsibility to provide reproductive health services to all, and also to provide safe conditions under which the right of choice can be exercised without fear or harm.

All credit must go to Minister Nkosazana Zuma, who in her second year in the Health portfolio took on this contentious and difficult issue. In her second reading speech she said that though termination of pregnancy was legalised in 1975, the vast majority of poor and mainly black women resorted to backstreet abortions because services were accessible only to the affluent. She went on to argue that the Bill was about saving the lives of women who would otherwise perish. The South African legislation was designed to allow women to uphold their religious beliefs and their cultural and moral values, and to exercise their choice, but that choice was not to be imposed on others. Unfortunately, as statistics on the rate of maternal deaths had not been collected, it was impossible to provide figures on the numbers of women who died, nor was it possible to indicate the numbers of women who became sterile as a result of botched abortions. It was known that many women perished or became sterile.

The debates on the South African measure were at times acrimonious and personal; however, sense prevailed and provisions enabled safe abortions to be provided legally for women during the first 12 weeks by a midwife; from the thirteenth week up to and including the twentieth week of gestation by a medical practitioner; and after the twentieth

week of gestation with the permission of two medical practitioners. Issues relating to the place where the surgical termination should take place, access to counselling, consent issues, notification, keeping of records and the like were all included in the legislation.

By comparison, this State's legislation can be far less proscriptive because we are not dealing at this time with the problems created by backyard abortionists. Reality has already regulated the practice in Western Australia. However, this reality was shattered by the events of 10 February last. Although much has been said, documented and published contrasting the health impact of unsafe and desperate abortion with that of safe and legal services, the decision to end an unwanted pregnancy is a health issue and a matter only for the woman concerned and her doctor.

Repeal: Following the past two and a half weeks of bipartisan negotiation, I have spoken at length to women, organisations representing women, the medical profession and political colleagues from all parties to ascertain what people thought about this matter. In the main, those discussions led me to the decision that the only realistic way forward was to introduce a simple repeal Bill. The main relevant sections are 199 to 201 of the Criminal Code under part IV, which is entitled "Acts Injurious to the Public in General", and sit with sections such as carnal knowledge of an animal, carnal knowledge provisions and prostitution. It is ironic that later this year the Government intends to repeal sections dealing with prostitution, and will regulate the industry through the Health Act; however, abortion could still remain inappropriately within the Criminal Code. References in the Evidence Act to the sections of the code listed for repeal will also be deleted.

Since the coalition party room meeting last week decided to introduce a government Bill, I have been inundated with telephone calls and facsimile messages from many doctors, health organisations, women's organisations and the public in general urging me to proceed with my repeal Bill. I have given the proposal many long hours of consideration prior to this decision. I acknowledge again that this Bill is seen as contentious, yet it is one of the shortest to be introduced into this place. It will repeal the three sections of the Criminal Code which could see a woman gaoled for seven years, and her doctor for 14 years, under sections inserted in 1902 which were adopted from the English code.

I sincerely urge members to exercise not only their consciences, but their hearts and minds when voting on this Bill. Members know what their constituents want, they know the consequences for women of illegal and unsafe abortion, and they know that medical practitioners and nurses can no longer practice within the law. Repeal is imperative for all parties. Be part of the history of the Western Australian Parliament which recognises that this State can provide women with access to safe and legal abortion services. This is a window of opportunity which may not present again for another 100 years. Do not let it be missed.

Debate adjourned, on motion by Hon Tom Stephens (Leader of the Opposition).

Sitting suspended from 5.58 to 7.30 pm

MINISTER FOR TRANSPORT - ADMINISTRATION OF PORTFOLIO

Urgency Motion

THE PRESIDENT (Hon George Cash): I have received the following letter addressed to me and dated 10 March 1998.

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising, adjourn until 9.00 am on Friday, 13 March 1998 for the purpose of discussing the culture of secrecy and concealment that characterises the administration of the Transport portfolio by the Minister for Transport, especially, but not limited to -

- (1) the involvement of the Minister for Transport in establishing a fee of \$1 000 to purchase the expression of interest document for the Naval Base/Kwinana Port; and
- (2) the use of private investigators to suppress the information on the impact of the Main Roads Department privatisation plans.

Yours sincerely

TOM STEPHENS MLC
Leader of the Opposition in the Legislative Council

In order to discuss this matter, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [7.32 pm]: I move -

That the House at its rising adjourn until 9.00 am on Friday, 13 March.

I wish to speak about a Minister who is displaying a level of arrogance and incompetence with reference to his portfolio, and who has a commitment to secrecy and is out of touch with the demands of the community. This Minister is displaying a sense of wrong priorities about his administration of that portfolio. This Government had a pre-election commitment to open government, and since that time it has been found wanting.

In the Transport portfolio, public transport, roads and rail are all under threat, because of cosy deals with the cronies of this Government. The Minister's response to complaints about a \$1 000 fee for information, such as the document headed "Proposal for Port of Naval Base/Kwinana" is to say that there is nothing unusual. He said the Department of Resources Development had charged \$500 for one of its documents relating to the proposed sale of a pipeline. However, we know that was a huge technical document, full of specifications and packed with information, which does not compare with this relatively flimsy 14 page screed about the controversial Kwinana superport. This document lacks any technical detail. Anyone reading the document will agree that the \$1 000 price tag was invented to prevent public scrutiny of the Minister's real agenda on the wharves. The document states -

The Department considers that the implementation of progressive and innovative management and workplace practices at the new Port will result in significant benefits to stakeholders. . . .

It is expected that the Port owner/operator will seek to introduce innovative management and workplace practices which will promote the efficiency of the Port and deliver reductions in total costs to users. Proponents are advised that this is an essential element of this EOL.

It is also a fundamental requirement of this process that the Port owner/operator guarantees the continuity of operations of the Port.

Those are the quotes within the document that best reveal the Minister's real agenda, and why he has ensured this document has a \$1 000 access fee. The document confirms the long-held suspicion of the Opposition that the superport plan has little to do with sound infrastructure planning and that it is, in fact, designed to achieve an industrial relations outcome. The Opposition has discovered that the document makes it clear that bids for the new port that include a hard line approach in industrial relations will be viewed more favourably by the Government than those that simply reduce port costs for users. Under the selection criteria the ability to reduce total costs to port users is worth half the points of delivering the Government's preferred industrial relations regime. One extraordinary feature of the document is the revelation that the port will eventually span 8 kilometres from James Point to Alcoa.

Hon E.J. Charlton: Where does it say that?

Hon TOM STEPHENS: In the document.

Hon E.J. Charlton: It does not say that.

Hon TOM STEPHENS: I want to make sure people have the opportunity of subjecting our two claims to scrutiny. If the Minister were serious about covering costs, he could have charged tenderers a \$1 000 fee, rather than charge the public a \$1 000 document access fee. By charging such an exorbitant fee, the Minister is penalising ordinary citizens and members of the public in their attempt to gain legitimate access to what should be public information.

This travesty, of course, comes on top of the fiasco in which this Minister is up to his neck; that is, using a private investigator to question public servants. The Minister and his cohorts suspect that public servants may have tipped off the public to the damage being done to the road structure of this State by the Minister for Transport and his ideologically-driven policies of privatisation. I refer to the engagement of a private investigator and the deployment of an unlicensed investigator to seek out the source of a document leaked from Main Roads. That document exposed to the public the effect of this Government's privatisation and outsourcing policies in the Main Roads area. It exposed the damage those policies do to regional employment prospects and the loss of engineering expertise and road construction and maintenance expertise that is available within government, and should remain available in government. Also, and every bit as importantly, it exposed the risk to the lives and safety of the road using public of Western Australia that flows as a direct consequence of this Government's and this Minister's policies. The document the Minister was so desperate to hide was indeed a damning review of the Government's plan to sack 1 000 Main Roads employees, and contract out all the department's construction and maintenance functions to the private sector.

Hon E.J. Charlton: We don't sack anyone.

Hon TOM STEPHENS: That is not the word on the sites as the department has gone about indicating those areas in regional Western Australia in which he wants to shed his work force. That review was prepared by the department's executive director of road technology and it warned of major risks to the safety of motorists, a higher probability of disasters, increased legal liability and increased costs in program delays. The Government's actions in attempting to track down and punish the whistleblower responsible for leaking the report are contrary to the recommendations of both the 1992 royal commission and the Commission on Government. They both warned that secrecy laws are being used to protect the narrow party political interests of Government rather than to serve the public interest. It was stated in the Commission on Government report in August 1995 that information held by a public sector body which is not classified as protected data should be available to the public. The report leaked to the Opposition, and subsequently released to the media, was not classified as protected data and, therefore, according to the recommendations of the Commission on Government, it should not have been suppressed in the first place. Given that the report warned of the risk to public safety, it is clearly in the public interest for it to be released.

However, neither the Minister nor Mr Drabble have bothered to explain why it should not have been released publicly. Instead, they have launched an investigation to track down and punish a public servant who, in the view of so many, was clearly acting in the public interest. These were extraordinary lengths to take to suppress information to which the public should have right of access. The Minister is clearly determined to suppress any information that undermines the Government's privatisation plans. The Commissioner of Main Roads and the Minister for Transport have warned that the employee who is responsible for the leak faces the sack if discovered. What atrocious and reprehensible threats and attempts to intimidate a whistleblower within the system of government. This Government and its henchmen no longer want to operate a public service that is intent on serving the people of Western Australia. This Government is endeavouring to operate some sort of secret service. The Minister for Transport is no longer prepared to leave in place the dedicated and respected expertise that is available within Main Roads. The Minister is determined to flog off every last one of the people's assets and to allow the running down of the road system of Western Australia and of the infrastructure that has been built up over years of effort, toil and expense by the working men and women and taxpayers of Western Australia.

The Minister knows that this exercise has involved high farce, where the police are now investigating whether the investigator who was commissioned by the Minister or his department breached the law by employing an unlicensed investigator. The cost of that investigation has blown out from an original figure of \$5 000 to some \$20 000, and that is without adding the cost of the rearguard action to defend from subsequent investigation by the police the chosen investigator and those who chose him.

The Minister for Transport presides over a portfolio in which there is fresh evidence that secret plans are afoot to close railway lines in the wheatbelt areas of this State. The Minister presides over a portfolio in which larger, but nonetheless secret and furtive, plans are afoot to sell off the remainder of Westrail.

Dexter Davies is right, the National Party is right, and the people of Western Australia are right: The Minister for Transport is a dud.

Hon Kim Chance: Did Dexter Davies say that?

Hon TOM STEPHENS: It appears that Dexter Davies is very keen to obtain the resignation of the Minister for Transport. I support the call of Dexter Davies. What is even worse is that in my view, and I hope in the majority view of the people of this House, the Minister has displayed time and time again an incompetence, an arrogance and a breach of responsibility to the people of Western Australia. He is not fit to hold the high office of a Minister in Cabinet, even in a Cabinet with such low levels of accountability as those maintained by the Court Coalition. The Minister is not even up to fitting its poor standards.

Hon E.J. Charlton: That is not what you told me in the corridor when I put in all those roads in your electorate.

Hon TOM STEPHENS: The Minister for Transport has been endeavouring to track down a whistleblower who has alerted the people of Western Australia to the dangers implicit in his policies and who faces the sack if discovered. Someone has been caught out. Someone has been exposed as derelict in his duties. Someone has been shown as wanting in his capacity to understand the job, let alone do it. That person is the Minister for Transport. It is time the Minister for Transport gave the people of Western Australia a fair go. On behalf of the people of Western Australia and in the interests of open and accountable government, the Labor Party calls on the Minister to resign.

Points of Order

Hon J.A. COWDELL: I ask the Leader of the Opposition to table the document which he identified and to which he referred at length during his speech.

The PRESIDENT: Order! Can the Leader of the Opposition identify the document in the first instance?

Hon E.J. CHARLTON: Has the Leader of the Opposition clarified to his satisfaction whether he can table that document? Has he had that matter checked out?

The PRESIDENT: The House is not aware of the content of the document, and that obviously includes me. Standing orders require that a member identify and table a document when called upon to do so by another member. Hon John Cowdell has quite properly, in accordance with standing orders, sought to have a document identified and tabled. It is not for me to determine whether the content of the document is correct and whether the Leader of the Opposition needs to form a particular view. In the first instance, will the Leader of the Opposition identify the document; and, secondly, will he table it?

Hon TOM STEPHENS: During my contribution I identified the document as a proposal for port of Naval Base-Kwinana. I am happy to table the document.

[See paper No 1402.]

Debate Resumed

HON NORM KELLY (East Metropolitan) [7.44 pm]: The first point of the motion refers to the Minister for Transport establishing a fee of \$1 000 for the expression of interest document, which I believe has just been tabled in this House. I have spent some time over the past few weeks investigating this matter and trying to find some more information about the content of this document, partially because of my interest in my portfolio area of Transport, but also because I have received a large number of calls from constituents who want to know about the Government's plans for Cockburn Sound.

The proposal to establish a port in the Naval Base-Kwinana area which will be designed, built and operated by a private operator has raised many concerns in that area because it is just one more development proposal for that area. The residents are looking for answers about the future of their area, but they are being met with stonewall after stonewall from various government departments. The Department of Transport is just one in a long line of government departments which is refusing to answer their questions. These residents now have to fork out \$1 000 just to get an idea of what this Government is planning for their area. One can argue about whether these plans are for the benefit of the State. However, that is not the main point of this debate. The main point is that the residents of the Cockburn area have a right to know about the Government's plans.

Hon E.J. Charlton: The Leader of the Opposition has just said there is nothing in the report.

Hon NORM KELLY: That is an intriguing point. Surely it is important that the public be given access to that \$1 000 report to see whether there is indeed nothing in it? The residents are concerned that the Government is continuing to put a veil of secrecy over any plans that it may have. I do not like to refer to it, but unfortunately this matter is manifesting what we saw during the WA Inc days in the 1980s. In withholding these sorts of documents from the public, the same accusations can be levelled at this Government.

It was reported in *The West Australian* that the Minister for Transport said that any resident who wanted to find out about plans for a strike free port in Kwinana should buy a bloody copy of the \$1 000 document. The following day, it was reported that the Minister was not telling residents but was just telling *The West Australian* to buy a bloody copy.

Hon E.J. Charlton: That is exactly right.

Hon NORM KELLY: In all of these arguments about who should pay for and have access to this document, the residents are missing out. I will outline some of the concerns of residents in that area about the Government's proposal for a private port - a private port which, on the department's own calculations, will not be necessary for at least the next 15 or 20 years. This Government wants to get rid of unions on the waterfront, and rather than try to negotiate true waterfront reform, it wants to take the soft option of building a new port that will be union free and of using that to get around the Maritime Union of Australia and anyone else. The Government has spent \$60m to \$100m on fighting the unions.

Hon E.J. Charlton: The Government has not spent anything on that.

Hon NORM KELLY: The Government has wasted not only that money but also vital resources in the meantime. We should have proper waterfront reform. In that regard I have expressed my opinion to the Minister, because we would support true reform on the waterfront. However, we do not support these moves to defeat the unions.

Since reading the report in question I have become aware of the reliability of the service. Before that I was not aware of the contents of the document. I am also aware that because of other considerations the Government thinks the report is a good one; however, no-one seems to know the full contents of the document. The residents in the area are missing out. The proposal is to add other developments such as the southern harbour facility at Jervoise Bay, together with new roadworks through the regional park; that is the southern expansion of the South West Highway.

The regional park is to be cut in half and the area on both sides will deteriorate as a result. Residents will be denied access because of the resiting and widening of the road. We have already witnessed beach closures throughout the Cockburn area. Currently people have little beach access between Perth and Rockingham. I am talking about the residents in the hinterland as far away as Armadale and the hills who will not have access to beaches for recreational fishing and other pastimes. Access for them is rapidly becoming depleted, while residents in the northern suburbs are not restricted in this way. Commercial and recreational fishing stocks have been affected -

Hon E.J. Charlton: People go down that way to work as well!

Hon NORM KELLY: I know that commercial fishermen go down to work in the area, but the fishing stocks will be depleted as a result of increased pollution if the proposal goes ahead. That has been predicted by the Environmental Protection Authority. We have seen some improvement in the rate of pollution in Cockburn Sound over the past 20 years, but it seems now that the Government is hellbent on returning to the 1970s when pollution was very bad in the area.

At a recent meeting in Cockburn more than 1 000 residents turned out, only to hear platitudes by the Minister's representatives who were not willing to provide any answers. We still seek the answers, but unfortunately the Minister wants to maintain a veil of secrecy. I appreciate that the paper in question has been tabled, but unless this veil of secrecy is broken these arguments and the leaking of documents to the media and members of Parliament will continue. It is very wrong that members of Parliament must go to these lengths to obtain some idea about the Government's proposals. I have been to the Minister and asked for a briefing, but he says that his hands are tied -

Hon E.J. Charlton: You had a briefing.

Hon NORM KELLY: I was not given any answers about the proposal. We can receive as many briefings as the Minister likes, but unless we receive some answers they are useless.

Hon Bob Thomas: It was not the case when we were in government!

Several members interjected.

The PRESIDENT: Order! Hon Ljiljanna Ravlich will get her turn in a moment.

Hon NORM KELLY: I would like to see a change of heart by the Minister for Transport. I would like to see him make public such documents before they become cloaked in a veil of secrecy by his imposing a \$1 000 fee to obtain the documents. The freedom of information laws are such that the paper is regarded as a public document even though it costs people \$1 000 to see it. This is another process by which the Government closes access to such documents.

HON J.A. SCOTT (South Metropolitan) [7.55 pm]: I am pleased that the Leader of the Opposition has moved this urgency motion because I have been very angry about both issues. I have received a large amount of feedback from the Cockburn, Hope Valley and Wattleup communities. For more than 10 years people have been very worried about the future of Hope Valley and Wattleup. The residents feel that they are being pushed from the area by the port expansion. We have seen an indication of that from many studies, such as "Towards Optimising Kwinana", which indicate that Wattleup and Hope Valley are expendable as far as the Government is concerned. People have a right to know what work is proposed for the area. They have been messed around by the Government for too long, and it is about time that the Government came clean about what will happen to these people because their land and property values continue to drop. I believe that rather than forcing people out immediately the Government's plan is to gradually industrialise the area, and as each resident leaves the Government will buy up the property and industrialise the area. That can be a cheap way to buy land, because land values are being driven down continually. It is most unfair because residents have had to put up with this uncertainty for a long time.

The use of private investigators to suppress the details of the impact of Main Roads' privatisation plans is outrageous. Main Roads is ready to pillory people who have done nothing more than anyone would do in the public interest when discovering that public safety is at risk, and when Main Roads will not come clean about the issue.

The Commission on Government report No. 2 under "Disclosure in the Public Interest" at 5.3 reads -

... an important issue raised in our *Discussion Paper No. 6* (1995) sought to identify the categories of information which should, in the public interest, attract protection under a whistle blowing scheme. We suggested the following matters may be appropriate categories and sought the public's views as to the inclusion of any other matters which should be disclosed in the public interest:

- (a) illegality;
- (b) improper conduct;
- (c) maladministration

- (d) waste, mismanagement and improper use of public funds;
- (e) potential environmental damage; and
- (f) risks to public health and safety

The leak of information fits well with (f). The Government has said that it is one's public duty to disclose such a situation, but people have been pilloried for doing just that, when they should have been awarded a medal.

The Commission on Government report, at page 135, also states -

In more recent times the High Court of Australia has expounded and expanded on the public interest test. For instance, in *Commonwealth of Australia v John Fairfax & Sons Ltd* (1980) 32 ALR 485, Mason J stated that:

It is unacceptable in our democratic society that there should be a restraint on the publication of information relating to Government when the only vice of that information is that it enables the public to discuss, review and criticise Government action . . .

Page 136 of the report states -

In relation to Western Australia's secrecy laws the WA Royal Commission formed the view that:

Secrecy in the conduct of government and public administration provides the veil behind which waste and impropriety can occur . . . To be effective at all, whistleblowing legislation must override the secrecy laws currently imposed on officials.

It is claimed that three people are involved. I do not think that has been proved in the court. If it is, I hope that the people who have blown the whistle on this matter get their just reward; that is, public gratitude. The Government's usual approach is to pillory the people who speak out. That is the usual treatment of whistleblowers by corrupt and improperly acting governments or government departments. It is an outrage. The Minister should get onto that department and tell it to pull its head in at once. The department should deal with the risk to public safety, not the people who tell them about the problem.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [8.01 pm]: I thank the Leader of the Opposition for the manner in which he delivered his speech. He was no doubt embarrassed. I could see that he had been ordered to do this to create a bit of controversy and to back up the poor old *The West Australian*. Unfortunately, it was the only one denied information; it wanted the information for nothing. I had not been asked a question about the \$1 000 fee until my close acquaintance from *The West Australian*, Torrance Mendez, asked me on the steps of the Armadale City Council whether he could have a free copy. I suggested that he buy one just like everyone else. Until that point the public had no interest in this issue. Mr Mendez and *The West Australian* managed to generate some interest in the issue. My response was that anybody who wanted the information could call my office. The only telephone call I received was from Hon Norm Kelly, who said that I did not tell him anything. The Leader of the Opposition said tonight that there was nothing in the issue for the public.

Hon Tom Stephens: Nothing but a sinister plot!

Hon E.J. CHARLTON: That document contains the plans and specifications of the proposed port and it would be of interest to those people with \$50m or \$100m to build a new port. It is about providing an efficient service. It will be a new experience for Australia to have a port where a ship can unload and reload and get on its way.

Hon Tom Helm: And the workers did not get paid award wages.

Hon E.J. CHARLTON: They will probably be paid more. It might need only 50 people instead of 100 to do the job, or five instead of 10.

The PRESIDENT: Order! If the Minister for Transport addressed the Chair, Hon Tom Helm and Hon Ljiljanna Ravlich would not interject.

Hon E.J. CHARLTON: The document was put together by the Department of Transport in conjunction with a number of people, including Arthur Andersen, a world recognised and credible organisation. To ensure that only people with a genuine interest in building this new port sought out this document, the recommendation made to the Government was that a charge of \$1 000 be made. The charge has nothing to do with keeping information from the public. If at 31 March a contract is entered into we will undertake a full environmental study of the plans. No port would cover 8 kilometres of coastline. That would involve \$120b! The previous Labor Government set this area aside for future port expansion in the 1980s. This Government reconfirmed what the Labor Party put in place. We have asked whether anybody will put their hand up to build a port.

Hon Ljiljanna Ravlich: You prepared the report with taxpayers' money and then asked \$1 000 for it.

Hon E.J. CHARLTON: The problem for members opposite is that there were no pictures in the report. That is where they got bogged down. Twenty reputable organisations purchased the document calling for expressions of interest. On 31 March we will discover which of those firms expresses an interest in building a port. Then Hon Jim Scott, and everyone else in Western Australia, will know who they are. We will then implement the next process, which is calling tenders for the construction of the port.

This is all about port reform and many other things. Members opposite refer to the available capacity in the Port of Fremantle. Why is that port underutilised? It is because business cannot operate as efficiently as it would like. If it could operate efficiently the Port of Fremantle would be much more productive. Business in Australia cannot export and import products at the same cost as elsewhere in the world, because of the excessive costs here. Western Australia is leading the nation in waterfront reform. Improvements have been made in every State in Australia. These were not brought about by stevedoring companies or the Maritime Union of Australia but by this Government's influence. We have implemented changes in the Fremantle Port Authority. Employees are now more efficient, which has reduced charges. The Port of Fremantle has made a profit. We have reduced debt, though not in the areas where waterside workers are involved. They do not work for the Government. They work for P & O and Patrick. Until now those two companies have not been interested in port reform, because they have a monopoly. Why would they want competition? We will give them some competition and then we will see how good they are. They will run screaming because they will not be able to compete with the new operator.

The Opposition needs to take on board that 70 per cent of Main Roads' work is done by outside contractors. That is not a result of this Government's actions, but of the previous Government's. The percentage is still 70 per cent but the contractors are doing 70 per cent of nearly twice as much! Main Roads is undertaking more work than previously. That is because the Labor Government starved it of money. The Labor Government would not give Main Roads the money to look after the interests of members' constituents. Each member of the Opposition has written to me saying he or she wants roadworks in their electorates. Everyone in this Government has been totally supportive of Main Roads. This Government has tried to deliver to the people of Western Australia the ability to travel in safety and with fewer environmental influences on the atmosphere.

Hon J.A. Scott: Rubbish! That is untrue, Minister.

The PRESIDENT: Order! Hon Jim Scott.

Hon E.J. CHARLTON: Freight rates have gone down. Main Roads must change: It needs to oversee all the work itself. If members opposite have any criticism of Main Roads it will be because it has not overseen all the work done by its contractors. Some of that supervision is done by consultants. Consultants have a place in design and other aspects; however, Main Roads' staff must supervise its projects.

The Commissioner of Main Roads has recommended that would be the best process for future contracting out of road building and maintenance. The report to which Hon Jim Scott referred is an indictment of the person who wrote it. He said that contracting out will jeopardise safety standards. Main Roads is supposed to be overseeing the work.

How can any contractor deliver substandard work to Western Australia if Main Roads is overseeing it? If that were to happen, it would mean that Main Roads would simply not be doing its job. The person from Main Roads who has spoken to the Opposition has got it wrong. Members opposite will agree with me, as the community as a whole does, that they want to have Main Roads overseeing work and ensuring that the contractors are doing work in country Western Australia and delivering it for the benefit of road users across the State. That is what I want to see happen and what we will ensure does happen.

When the Commissioner of Main Roads asks for comment on a new process to ensure that Main Roads has increased control and one person who has got it totally wrong leaks his opinion to the Opposition to make mischief, he has done himself and his colleagues at Main Roads a total disservice. If that person in Main Roads wants to play politics and to make mischief, there is an in-house requirement to make recommendations to the commissioner and to do his or her job properly, if that is what the person is trying to do.

Motion lapsed, pursuant to standing orders.

PARLIAMENTARY ADMINISTRATION REORGANISATION - STATEMENT BY PRESIDENT

THE PRESIDENT (Hon George Cash): Many members are aware that a reorganisation of administration is occurring in the Parliament. The principal aims of the reorganisation are to improve efficiency, to increase expertise in several areas, to provide a better coordination of ancillary services and to focus ancillary services more directly towards the Houses, committees and members.

A major aspect of the reorganisation is the amalgamation of the joint areas of responsibility into one department. Heading up that department will be Mr Graeme Davy, who has a broad experience in a number of fields. He will

commence work as Executive Manager, Parliamentary Services on 16 March 1998.

An essential part of the reorganisation is the creation of a Management Executive Committee. The Management Executive Committee consists of the Presiding Officers, the Clerk of each House and the Executive Manager, Parliamentary Services. All major policy decisions will be made through that committee in order to more closely focus the delivery of services towards the Houses, committees and members. The vital role of that committee is to ensure a coordination of services which has not been achieved until now, and to ensure that all relevant parties are involved in the major policy and budgeting decisions. The significantly increased role for each of the Clerks will ensure a much better coordination than has been possible until now.

A further aspect of the administration is the proposal to amalgamate the House, Library and Printing Committees into one committee - the Parliamentary Services Committee. That advisory committee will work in much the same way as the Joint House Committee does at the moment, but across a broader range of areas. A proposal to establish the Parliamentary Services Committee will be put to the Houses shortly.

Full integration of the joint departments will take place from 1 July 1998, but a de facto integration will occur as from 31 March 1998.

A further statement will be made at an appropriate time.

LOCAL GOVERNMENT AMENDMENT BILL

Second Reading

Resumed from 26 November 1997.

HON TOM HELM (Mining and Pastoral) [8.16 pm]: The Labor Party supports the Bill. I will take a moment to highlight the previous debate, especially some of the remarks from this side of the House about the standard of the Cabinet of the coalition Government and how the Minister for Transport is the worst of a bad bunch.

Hon N.D. Griffiths: He is bad but not that bad!

Hon TOM HELM: He is terrible. The Bill before us is an example of what good government is all about. The Local Government Act was started by the Labor Government a long time ago during a long, wearying, extensive consultation period. We can look at this amendment Bill and compare it with the methods used by the Minister for Transport to try to hide his intentions from the public of Western Australia. He talks about the support of the community and then wants to charge \$1 000 for a report. The arrogance he has shown towards the Press and members of this House is an example of a bad part of a bad Cabinet. The Bill before us is an example of a good part. The Minister for Local Government, Mr Omodei, must be congratulated for putting such work into the principal Act. I see Hon Bruce Donaldson nodding his head in agreement. The Minister and his staff have worked very hard.

Hon Bob Thomas: We kick started him.

Hon TOM HELM: That may be, but it does not detract from the fact that he and his staff have worked hard. They met with community and bipartisan support. The previous Bill successfully passed through this House to become the principal Act. This Bill tidies up some parts of the principal Act. If we treat Acts like dynamic pieces of legislation that move with the times and with people, we are bound to get small Bills before us which contain amendments which become necessary after some time.

It is nice to have an opportunity to praise people and to say that we hope this Government can learn a lesson from the Minister for Local Government and be less secretive than the Minister for Transport. If we can get this type of legislation before us, we will be heading down a track of better government. We support the Bill.

HON B.K. DONALDSON (Agricultural) [8.18 pm]: I support this omnibus amendment Bill which brings into line a lot of the anomalies, of which all of us during the debate on the Local Government Bill in 1995 recognised there would be a number. To the credit of the Opposition and the government members, they recognised that at the time and said that it would be better to get the Bill bedded down and to find after the Act had operated for 18 months what changes would be required. This Bill represents the start of some of those changes which have clearly been shown to be necessary.

When one considers the size of the Local Government Act and how it started off with the previous Government in 1986, one cannot think of any other piece of legislation where the principles behind the Bill have been so widely debated for so long. Even after all the consultation, Alannah MacTiernan said that she understood and welcomed the changes made to the previous Act but recognised that there were a number of anomalies. If we had gone through them clause by clause we could have been here for three or four months and still have had to make the changes. It has picked up some of those interesting situations to which the Local Government Advisory Board referred when it

said that only councillors can be members but an elected president or a mayor could not take part in board membership. I think only one president is elected in this State and that is the President of the Shire of Carnarvon. However, a number of mayors could be appointed by their relevant associations to the Local Government Advisory Board at some stage.

Some of the other unintended consequences include giving non-Australian citizens who owned land and had registered to vote a lifetime tenancy of voting. However, that also allowed them to become councillors. It has been law since 1984 that local government councillors must be Australian citizens. However, they were allowed to complete their terms of office. The Governor now has the power to revoke laws made by local government authorities without having to wait for the expiration of a 14 day period, mainly in the case of the Government of the day realising that the law is inconsistent with state practices and also is inconsistent across the State. We do not want different local government authorities putting in place different laws.

An authority wanting to close a thoroughfare for an annual gala event is now able to apply to have that thoroughfare closed every four years without having to re-apply every year. The legislation also allows for a thoroughfare to be closed for short periods - for example, for two hours on Christmas Eve - without the gazetting of such a closure. It also brings into line penalties for the late payment of rates within 35 days. Presently, the period is three months. Councils are not prohibited from entering into arrangements in cases of hardship as councils do now every day of the year.

At the moment, the Act provides that swimming pool inspections be carried out only by council employees. Councils should be able to contract out that task to another organisation - for example, the Royal Life Saving Association.

I appreciate the Opposition's support of this measure and the credit its lead speaker gave to the Minister for Local Government. I am pleased that the amendments came forward as quickly as they did. I am sure that, as Hon Tom Helm pointed out, they are the forerunner of more to come as more anomalies come to light. Everybody in this place expected it. We recognised in 1995 that it would happen. However, we are being responsible in ensuring that the changes continue.

HON NORM KELLY (East Metropolitan) [8.25 pm]: The Australian Democrats support the Bill. We appreciate that it is a tidying up of the Local Government Act following the massive changes of a couple of years ago. Although there are aspects of the Act with which the Democrats are not happy, we will not seek to use this Bill to make those changes. Although I support the provision which prevents non-Australians from being councillors, I am concerned that it will detrimentally affect some councillors. It would be wrong to punish current councillors because of changes to the legislation. A departmental officer has advised me that the provision will not affect sitting councillors. On that basis I fully support the changes made in this Bill.

HON J.A. SCOTT (South Metropolitan) [8.26 pm]: The Greens WA have only one small concern about the Bill; that is, the amendment to section 3.14 of the Local Government Act. The second reading speech states -

An amendment to section 3.14 of the Act is included in this Bill to ensure that where this provision is used the Governor's amendment or revocation may operate immediately and not be subject to the normal 14 days' delay for the operation of local laws after gazettal.

What is the purpose of that? I imagine that could be quite draconian in some cases and could cause a lot of local problems. Why is it necessary to include a provision which immediately enforces the Governor's will?

HON E.J. CHARLTON (Agricultural - Minister for Transport) [8.27 pm]: I thank members for their support, and particularly the lead speaker for the Labor Party for the very cohesive way he put forward his support for the legislation in only a few words. Hon Bruce Donaldson covered the complete thrust of the Bill.

I do not have an answer to Hon Jim Scott's query with me tonight. However, I undertake to give him the information he requires following completion of the Bill. I commend the Bill to the House.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

RACECOURSE DEVELOPMENT AMENDMENT BILL

Second Reading

Resumed from 23 October 1997.

HON TOM HELM (Mining and Pastoral) [8.29 pm]: As we race towards passing the Racecourse Development Amendment Bill, on behalf of the Australian Labor Party I support the Bill! Not much reference is made in the

second reading speech to more tracks being developed north of the twenty-sixth parallel. I suspect that the Bill will help with the success of the Newman Racing Club, which, the House will be pleased to hear, opened again last season after being closed for a number of seasons. The Opposition looks forward to the Government and the racing industry being able to provide some support in the north so that the racing round will include Newman. I am pleased to support the Bill.

HON NORM KELLY (East Metropolitan) [8.31 pm]: The Australian Democrats support the Bill. It will basically put in place the recommendations of the Twogood review on the work of the Racecourse Development Act and the Racecourse Development Trust, which is funded by the unclaimed dividends from Totalisator Agency Board betting. It is not an insignificant amount of money. More than \$10m has been granted through the trust in the past six years. Mr Russell Twogood was appointed to investigate the workings of the trust and to see what changes were necessary. The changes are manifested in the Bill.

The one major objection raised in response to the report was from the WA Greyhound Racing Association. In this State greyhound racing is viewed as a separate operation from trotting and turf racing. That is appropriate and I cannot see any problem with it continuing in that way.

It is good to see that this Bill has been brought forward for a speedy resolution. The Democrats support it.

HON J.A. SCOTT (South Metropolitan) [8.33 pm]: The changes are all good. I am pleased that the Bill provides for proper representation of country members.

HON MAX EVANS (North Metropolitan - Minister for Finance) [8.33 pm]: I thank members and their parties for their support of this Bill. The Racecourse Development Trust has undergone a few changes. I commend the previous Labor Minister for Racing and Gaming, Pam Beggs, on the changes she made a few years ago. Originally part of the money went to country racing and the rest stayed with the Totalisator Agency Board. As a result of the changes, about \$2.1m a year of unpaid dividends is now shared among country and metropolitan racing. Every State treats unclaimed dividends differently.

Pam Beggs was responsible for some positive changes including changes to the Lark Hill training track, which was developed very well. Unfortunately in the past the Racecourse Development Trust has not been able to help Lark Hill or the fine trotting track at Byford. With this change those training tracks, which are very important to the racing codes, can apply for funds from the trust.

Another important change is that funds granted to clubs may be treated as loans. When a track is sold at a later date the money is to be repaid to the Racecourse Development Trust and used for other racing clubs.

I am glad Hon Tom Helm mentioned the Newman Turf Club, although I am not sure whether it is turf; it is probably sand.

Hon Tom Stephens: Haven't you been on the Newman race track? It was perfectly green when I last saw it.

Hon MAX EVANS: It was closed last year. We should visit that track. Many northern tracks are made from red loam mixed with oil to make them harder. I am glad it is up and running again; it will be very good for the town. As for trotting in the north west, codes will not be commenced in new areas. The area has a 50 year tradition of racing. It would probably not be successful unless it were run under lights. Today trotting rounds do not occur in country areas.

This is good legislation which tidies up aspects of the present Act. To allow country racing to select its own representatives on the board is a good move, although I think they have been fairly well represented in the past. I thank all parties for their support of this legislation.

Question put and passed.

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

SUPREME COURT AMENDMENT RULES No 2

Motion for Disallowance

HON J.A. SCOTT (South Metropolitan) [8.36 pm]: I move -

That the Supreme Court Amendment Rules No 2 1997 published in the *Gazette* on 1 July 1997 and tabled in the Legislative Council on 19 August 1997 under the Supreme Court Act 1935, be and are hereby disallowed.

Like my colleagues in the Greens (WA) party I believe our legal system should be available to all citizens regardless

of their level of income. The proposed Supreme Court amendment rules changes are part of a series of financial hurdles raised by both the State and Federal coalition Governments to provide barriers to the Supreme and District Courts for the many people who most need them. Those people come before the courts because of either poverty or ignorance of the law.

Women will be among the people most likely to fall into the category of having insufficient funds to seek court action.

Hon Peter Foss interjected.

Hon J.A. SCOTT: I am saying that the people most affected as a result of insufficient funds will be women because they tend to have less income.

Hon Peter Foss: Do you know what the minimum jurisdiction is for the Supreme Court?

Hon N.D. Griffiths: Many players in the District Court are impecunious and they rely on the goodwill of lawyers to pay their filing fees.

Hon J.A. SCOTT: Not only have the fees for commencing court proceedings in both the Supreme Court and the District Court increased from \$265 to \$500, but also the taxing fee on the bill of costs will rise from 2.5 per cent to 7.5 per cent. The argument put forward by the Supreme Court review committee is that that would not meet the full cost anyway. The reality is that it is a very steep increase for most people. The problem with such increases is that they come at a time when legal aid is becoming increasingly difficult to obtain. A whole range of changes are being proposed in our legal system. Every day we hear of proposed changes to, for instance, the right to remain silent and the presumption of innocence. These are very dangerous times when we have proposed changes in those areas, combined with big increases in the costs of court fees plus the initial access to legal expertise.

I am surprised the Chief Justice has signed his name to this document, even though the changes came at the instigation of the Treasury, as was reported by the Joint Standing Committee on Delegated Legislation in this House. I say that I am surprised because an article about the difficulty of gaining access to the courts due to the cuts in legal aid in *The West Australian* on Saturday, 4 October 1997 reported -

WA Chief Justice David Malcolm has condemned the Federal Government's cuts to legal aid as a potential disaster for women and a threat to a fair court system.

He says it will be impossible for Australia to meet its international obligations and maintain the rule of law if the full force of the cuts is implemented.

His comments come as dire predictions on the impact of the cuts are realised across the State - just two months after they came into effect.

Community legal centres report they have been swamped with people turned away by Legal Aid WA since July.

The Women's Legal Service has had a 40 per cent increase in demand for its services mainly because of the cuts and is struggling to cope without extra resources. Despite increasing volunteer staff and doubling its business hours, it is turning women away.

The Welfare Rights and Advocacy Service has reported a 30 per cent increase in people referred to it from Legal Aid WA. Its switchboard was jammed for two days recently when the Legal Aid WA telephone advice service was cut from one day to one morning a week.

Justice Malcolm was speaking at the University of Western Australia on women's access to justice and he said that women were disadvantaged because as a group they generally have more limited financial resources than those available to men. The article continues -

"This barrier can be overcome where a litigant has access to State-funded legal assistance. However, many women are unable to obtain access to this form of assistance," he said.

On one hand the Chief Justice is saying that because of the lack of finance and the lack of ability to access the court system in a fair way, it is difficult for women to obtain representation. On the other hand, he is prepared to put up the charges very considerably. Of course, all court cases vary in the amounts that are set with regard to the taxing fee. Some may not be substantial, but in many cases they are quite substantial.

Hon Peter Foss: You know what the taxing fee is.

Hon N.D. Griffiths: He was on the delegated legislation committee. He knows what it is.

Hon Peter Foss: It is something you recover.

Hon J.A. SCOTT: An article in *The West Australian* on 21 April 1997 entitled "New lawyers start service for needy" states -

Giving free legal advice to the needy and breeding a generation of caring lawyers are the goals of WA's first legal clinic which opens officially today.

Run by the Murdoch Law School with Government and private funding, the clinic gives final-year law students experience in helping clients with legal problems - much as medical students work with patients at major hospitals.

Director Michael Hovane said the Rockingham-based clinic would give advice at a time when legal costs were putting the law out of the reach of many . . .

Since opening its doors two weeks ago, the clinic has been swamped by people seeking help - a reflection of the growing demand on community legal centres in the wake of escalating legal costs and cuts to Legal Aid.

It received 100 inquiries in its first week, predominantly in the areas of family law, credit finance, insurance, contracts, unpaid wages, unpaid benefits and domestic violence.

In some circumstances people find themselves needing to access courts. In fact, people will have costs ordered against them even though they did not seek to take the matter to court. It is not a matter of those people who take out the writs paying the costs. The crux of this matter is that we are seeing a move towards the user-pays system, rather than one of equal access. This is a very dangerous move. The Greens (WA) and I will be rejecting very vigorously any attempts to block the poor from the courts.

I see some unsatisfactory likely effects arising from these increases. First, some people will benefit because it will free up the courts for the wealthy to monopolise. Many worthy cases will not get to the courts because of the extreme cost. Many people will end up in gaol because they will be unrepresented in court.

Hon Peter Foss: How?

Hon J.A. SCOTT: They will end up having too little money to be represented because of the costs involved, and they will not be able to access legal aid. They will end up with financial problems because of their attempts to get justice.

Hon Peter Foss: How will they end up in gaol?

Hon J.A. SCOTT: Because they will not have any money. Even lawyers take action against people who do not pay their bills.

Hon Peter Foss: You don't go to gaol for not paying a bill.

Hon J.A. SCOTT: People do all sorts of things to pay debts, and they get into trouble. The Minister should go out and discover what practically everyone else knows; that is, poverty is one of the main reasons people end up in our gaols. If he has not learnt that yet, he has a long way to go.

Hon Peter Foss: You have got that wrong; it is because of drugs.

Hon J.A. SCOTT: Many people will be impoverished and degraded by their experiences. Antisocial behaviour against the poor, such as sexual harassment and other unfair treatment at work, will occur, and people will not have the money to take legal action against the perpetrators. There will be an erosion of respect for the law. Although it is already seen as a law for the rich, that feeling will increase.

When a large number of people have no respect for the law we begin to see the breakdown of society. That is when we will really run into trouble. The Greens (WA) will not be a silent witness to injustice. We strongly oppose this Bill because it disfranchises many of our fellow Australians from their right to be protected by the laws of this land.

HON N.D. GRIFFITHS (East Metropolitan) [8.51 pm]: The provision of justice is the fundamental function of government. For that reason the Australian Labor Party supports the motion moved by Hon Jim Scott. I am most obliged to him for doing so because I had intended to move such a motion myself. I am very pleased to see that in relation to justice the Greens go along with the ALP. We go along with them; we think justice is of primary importance to this State. It is an area where this Government is falling down very badly indeed.

The fee increases contained in these rules are so vicious and drastic they will undermine justice in Western Australia. They are particularly bad because they are occurring when justice in Western Australia is being tarnished by so many

other issues. I mention them in passing to point out that if we get rid of these fee increases, we will go some way to restoring the faith the community should have in the administration of justice in this State. Those areas are well known to all members: Continued delay in process, whether criminal or civil; problems with bail and parole; overcrowding in prisons; deaths in custody; a cavalier approach to law reform; the treatment of compensation for victims; and so many other areas of justice. I do not want to mention the Byron-Fletcher affair. I could mention the name of another gentleman, but that would bring into play a substantive issue.

The fee increases proposed are drastic. I refer to the 28th report of the Joint Standing Committee on Delegated Legislation. I do not intend to speak at length on this because the report has been considered under another order of the day. However, some matters have not been pointed out clearly to date. The report touched on the level of increases by way of reference to a couple of examples, as did Hon Jim Scott. I will tell members what these increases involve so they will have an idea how drastic they are. We have all heard Treasurers from both sides of politics say how inflation has been broken; for example, Rt Hon Paul Keating and somebody who tries to emulate him, but only in matters which are arguably deleterious. The starting point in looking at the increases is part 1 of the fifth schedule - commencement of a cause or matter. The cost of lodging a writ is to increase from \$265 to \$500. There is no relationship to the rate of inflation. This is an introduction of user pays; it is a means of taxing. This is the Government raising revenue and, in doing so, diminishing the access to justice of ordinary Western Australians.

Those opposite do not necessarily worry about that too much because many people who litigate in the Supreme Court and the District Court are acting for the most part for corporate clients. It is not their money; it is shareholders' money, and in any case the costs are tax deductible. These increases really hurt ordinary people who find themselves in the Supreme and District Courts. It was not so long ago that those courts were reasonably accessible, not greatly accessible, to ordinary people. That is receding fast because of these increases - \$265 to \$500 in one go. When the Law Society found out about this in July it jumped up and down and caused the matter to be delayed for a couple of weeks. Originally the increases were to take effect from 1 July. They were postponed for two weeks. Great consultation from the other side! I understand the process that is involved here. The Attorney will recall I asked a number of questions late last year about the money involved.

I return to the report of the standing committee and annexure A, where the matters referred to in item 1A are listed. These are not necessarily common matters, but they are fairly innocuous. I refer to an application to extend a period of time fixed by law including an application to extend the time before proceedings are commenced. In every case they are matters of a procedural nature, not matters of substance. The cost of such an application was \$100, but under the new rules it is now \$200. That is a huge increase - 100 per cent. Even the numbers men of the Liberal Party will acknowledge that.

The next matter I want to refer to is in item 1B, which spells out the fees required to be paid for participating in the workings of the court. The figures there are \$200, \$300 and, for filing a cross-appeal, \$500. Why? Justice should be accessible. In state Budget terms we are talking about peanuts for the most fundamental function of government. I think \$500 is outrageous. It may happen elsewhere -

Hon Peter Foss: It does happen elsewhere.

Hon N.D. GRIFFITHS: It starts with the Attorney's mate, Daryl Williams, as he well knows.

Hon Peter Foss: No, it does not.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! There will be no conversation across the Chamber.

Hon N.D. GRIFFITHS: We all know how bad a state justice is in in Western Australia because of the systematic demolition of legal aid by Hon Daryl Williams and Hon Peter Foss.

I return to these drastic increases. Item 4 in the fifth schedule shows an increase in the fee from \$70 to \$100 for the master or registrar to pass accounts. It is not as drastic as the other increases, but it is substantial. It is an everyday concern to pass accounts. Item 5 deals with the taxation of costs and Hon Jim Scott has touched on that. The initial fee has gone from \$20 to \$50. The rate has gone from 2.5 per cent to 7.5 per cent. Even the non-Crichton-Browne numbers people in the Liberal Party can work out that; but perhaps not, given recent reports.

Item 6 concerns the searching of any proceedings or record other than a search made by or on behalf of a party to the proceedings. The previous fee was \$10 and it is now \$20. That is a 100 per cent increase and it is pure revenue raising. People have a right to know what is going on. Not everything we do should be filtered through the media.

Part 1 of the fifth schedule, item 8, deals with admiralty proceedings and an application in a pending clause.

Hon Peter Foss interjected.

Hon N.D. GRIFFITHS: Everyone in the community benefits from a well run court system. If we invest in a court system, we save the community a lot of money and we have a better functioning community. The argument against what I am saying is that admiralty proceedings - not many lawyers get involved -

Hon Peter Foss: I did often.

Hon N.D. GRIFFITHS: I am sure the Attorney did. He should have specialised in the courts in Switzerland.

Hon Peter Foss: You are an expert in this abuse.

The DEPUTY PRESIDENT: Order! Hon Nick Griffiths has the call and he should address the Chair.

Hon N.D. GRIFFITHS: The fee has gone from \$70 to \$200. That is a lovely increase. Not many people engage in those proceedings, so why not make it \$500? These are drastic increases.

From time to time people of differing age groups are admitted to practise. I am sure that those admitted late last year and recently would enjoy the fact that the Parliament rose early before we could deal with this legislation. Their fee went from \$50 to \$150. Hon Peter Foss, or whoever it was who had the Parliament rise before this matter could be dealt with, owes them \$100.

On the surface, the fee is not very high. However, for typing a copy of a document of any kind or for examining a typed copy of a document of any kind not bespoken, including marking as an office copy if required, for each page or part thereof before these rules came into operation the fee was \$5. That is fair enough; there must be a fee, but it is now \$50. These are everyday matters. I hope I am reading this correctly.

These are drastic and intolerable fee increases and the people of Western Australia regrettably have had to put up with them for far too long. The sooner they cease the better. Unfortunately this has been done with the cooperation and no doubt the encouragement of a gentleman who sits in another place. It would be most unfortunate to put the blame on Hon Peter Foss. He made reference to my engaging in abuse. I am sorry if I did so; I did not mean to. As the Deputy President knows, I never mean to do that.

The Delegated Legislation Committee was being kind when it referred to the concurrence of the Treasurer. This was not something in which those who have their hand on the tiller wanted to engage - this was required of them. In its usual way the Delegated Legislation Committee has done the House a great service by pointing out the arguments from both sides. I will not go into them in detail because that has been done previously.

However, it is appropriate that the House consider what the Delegated Legislation Committee has provided in respect of the words of the Chief Justice of Western Australia. I refer to annexure C of the committee's report, where the Chief Justice makes the following observation in a letter to the Deputy Auditor General, dated 16 April 1997 -

In my opinion the service operated by the courts in the trial of alleged offenders and the resolution of civil disputes of various kinds is a core function of government, central to the maintenance of a democratic society under the rule of law. The determination of the applicable law and the application of that law to the facts of a given case is a governmental function. While the parties to a civil trial who directly benefit might be the parties directly involved, society is also the beneficiary because a governmental mechanism exists by which the law can be developed and proclaimed in individual cases for the benefit of society as a whole.

He then goes on to make the appropriate comment -

It is in this context that the judiciary is the third arm of government.

The Justices of the Supreme Court are brought into this process because that is the way it is, and this document has been made public in a proper way by the Delegated Legislation Committee. In quoting the Chief Justice I am not seeking to have him involved in politics or to politicise his observations. However, the comments are very true and they are not made in isolation from other judicial commentators.

The observations expressed recently by the Chief Justice of Australia in his state of the judicature address at the last Australian Legal Convention are also significant. I refer to matters stated by the Chief Justice of Australia and referred to in the November 1997 edition of the *Australian Law Journal* at page 809. I will make some brief observations on this in passing because it sets out matters of great principle. More important than the infinitesimal amount that those opposite are trying to grab back, the Chief Justice states -

It should never be forgotten that the availability and operation of the domestic Courts is the unspoken assumption on which the provisions of our Constitution and laws are effected, on which the operation of the entire structure of government depends, on which peace and order are maintained, on which commercial and social intercourse relies and on which our international credibility is based.

We are talking about important principles on which these rules impinge. The Chief Justice went on to observe that the attraction on the part of the Executive to the notion of user pays to assist, as he puts it, in defraying the cost of the judicial branch, seemingly disregards the fundamental importance of ensuring the effective enforcement of the rule of law. I shall read very briefly a couple of other important matters. I do not like to use the words of others, although I am always happy to quote the Chief Justice of Australia. I am happy to do so also when he quotes other eminent justices, as occurs in this article, which reads -

the civil justice system is an integral and indispensable part of the structure of administration of justice that must be put in place by every State in which public and private affairs are to be conducted in accordance with the rule of law; and . . . a policy which treats the civil justice system merely as a service to be offered at cost in the market place, and to be paid for by those who choose to use it, profoundly and dangerously mistakes the nature of the system and its constitutional function.

I conclude with the observation -

"User pays" is consistent with the rule of law only to the extent that every genuine would-be user can pay.
"User pays" puts a premium not on genuine need for legal protection but on financial power.

Is that not what this Government is all about? This out of touch Government needs to be sent a message, which it probably will not heed: These rules should be disallowed.

HON HELEN HODGSON (North Metropolitan) [9.12 pm]: The Australian Democrats also support this disallowance motion for the reasons heard from other members supporting the motion. The fee increases, which involve increases of up to 200 per cent, are excessive, and will have adverse consequences on the administration of justice in this State.

I will not go through the list of matters to which Hon Nick Griffiths already referred. However, these increases are dramatic. I have a couple listed. When entering a matter for hearing, an increase of 150 per cent will apply; that is, where it is not an appeal from the Court of Petty Sessions. Fees for an appointment between a registrar or a master will increase by 43 per cent, which is the lowest increase we found. Taxing the bill of costs, as we heard from Hon Jim Scott, will range from 150 per cent to 200 per cent, depending upon whether one is looking at one of the smaller bills.

Access to justice is the right of all Western Australians; it should not be limited only to those who can afford it. In the big picture, access to justice is already restricted: We have had cuts to legal aid at the federal and state levels, and increases in court fees. I note that only last year proposed increases in High Court fees, which were greater than those debated tonight, were not accepted by the Senate. Also, we have the general cost of obtaining legal advice to go to court in the first place. Parliament has no jurisdiction over that matter; however, the big picture states that if one does not have adequate financial resources, one cannot access justice.

Arguments can be made that costs can be awarded in favour of the innocent party. In many cases, people do not have the funds to meet the costs upfront in order to get the matter up in the first place. Sometimes, people who win an award of costs can have the payment dragged out by appeals. Is it the intention to make our court system self-funded? It sounds like an absurd question, but we seem to be headed that way. We are looking at a user-pays system.

The Government has a fundamental responsibility to maintain access to the justice system. In Parliament's tradition, a series of courts of equity developed because people had a right to appeal to the king for justice.

Hon Peter Foss: It survived entirely on fees! They were totally self-paid.

Hon HELEN HODGSON: One of the fundamental premises and duties of Parliament is to administer a justice system. It is fundamental to the functioning of democracy. We need a fair umpire which is not limited by the wealth of the applicant. I note the comment that this access did not happen until the twentieth century, but do we want to go back to the days when people were imprisoned for a small debt? Under our system, people used to have access to the courts.

I draw two pictures: On one hand, we can have a democracy governed by the rule of law and enforced by an independent judiciary; on the other hand, we could have a plutocracy where access to justice is limited to those who can afford it. I know under which system I would prefer to live.

The Supreme Court is the last court of appeal under the state system of justice and it must be accessible to all in respect of civil and criminal matters. The fees relate primarily to civil matters, but that does not address the issue of access to justice for those who are impecunious. Injustices can be perpetrated by the inability to access one's appeal rights simply because one does not have the fees to go through the court system. The fees attack the fundamentals of our institution of justice; accordingly, the Australian Democrats will support this disallowance motion.

HON PETER FOSS (East Metropolitan - Attorney General) [9.17 pm]: I am fascinated that everybody has made up his or her mind without hearing any arguments in support of these changes. Notwithstanding that, I intend to present the necessary arguments. I regret that the first two speakers made their remarks somewhat personal. Hon Jim Scott went into fairy land with his talk about people going to gaol for debt. Gaol for debt was abolished in the last century! The main reason for people being gaoled has nothing to do with debt; unfortunately, it has to do with drugs. The increase in our prison populations relates to drugs, not Supreme Court fees. These fees do not apply until one reaches a \$250 000 action. These poor people under discussion are suing to recovery \$250 000!

Hon J.A. Scott: We are not talking only about the Supreme Court.

Hon PETER FOSS: Most of the matters before the Supreme Court are major, commercial disputes. The member is trying to let off that part of our community which happens to be suing for \$250 000.

This idea of larger fees did not start with this Government; in fact, it is about the last one to introduce them. It started with the previous Federal Government. Despite what Hon Nick Griffiths says, the first people to charge substantial fees were the Keating and Hawke Federal Governments. They said to the State Governments, "If you do not make changes to the fees charged, we will make an appropriate reduction in the financial assistance grants." Western Australia is the only State with such low fees, as these increased fees are charged in every other State. If the fees are not charged, we will not have the revenue of \$900 000 - which Hon Nick Griffiths mildly dismisses as peanuts - yet we will be deemed to have received that money as far as the Commonwealth is concerned; therefore, it will be taken into account in our payments. Wonderful! What will we do in that respect? We will have a reduction in federal moneys and we will not receive the \$900 000.

The money must come out of the Budget somewhere, and Treasury has a wonderful way of working such things out: It will take the money from the legal system. The wonderful effort of members opposite today will deprive the legal system of probably more than \$900 000. What will that do, for instance, to legal aid? Where will it come from? It is very nice to do this, but members must know where it will come from. No-one has referred to order 83A rule 5. If members are concerned about the people involved being impecunious, they should be aware of this rule, which states -

The Court or Registrar may, in a particular case for special reasons, direct -

- (a) that a fee shall not be taken, or that part only of a fee shall be taken, or, if taken, that the whole or part of the fee be remitted; or
- (b) that the payment of the whole or a part of a fee be postponed until such time, and upon such conditions, if any, as the Court or Registrar thinks fit.

Surely that is the way to deal with it rather than to allow major companies not to pay these fees. I will read not just the provision but also some of the notes relating to cases which have been decided on it.

Hon J.A. Scott interjected.

Hon PETER FOSS: It can be decided at any time, either before the fee is taken or afterwards. Before the fee becomes due, it can be decided that it will not be taken or if it has already been paid, it can be remitted.

Hon J.A. Scott interjected.

Hon PETER FOSS: The member should keep in mind that in the District Court the maximum jurisdiction is \$250 000. We are not dealing with peanuts, but with large amounts of money - almost as much as the total fees to be taken under this rule. Generally, the Supreme Court deals with major litigation. I will read the note because I want to make sure I do not mislead the member about the circumstances.

It is doubtful that poverty by itself is a ground for the making of an order to remit fees, although it may be a primary consideration in determining whether a special reason has been shown for doing so, but fees will not be waived to facilitate the receipt of a document which would constitute an abuse:

That makes sense. A fee is not waived when the person says he is poor but he is filing a document which is an abuse. That refers to *Re Louis*. It continues -

Although no barrier can be erected against reasonable access to the courts for the vindication and protection of legal rights, fees are extracted to ensure that litigation is not frivolously commenced. An applicant for remission who has a sufficiency of standing and a sufficiency of poverty as would justify an order will fail if he does not have an intelligible claim -

That is another sensible provision; he must have an intelligible claim. That refers to *Re Limbo*. The note continues -

... because before the discretion to remit fees is exercised there must be some degree of satisfaction that the cause of action has some reasonable prospect of success and is pleaded in a fashion which is sufficiently intelligible.

That refers to Re Louis (No 2). It continues -

This rule reserves a power to waive a fee in whole or in part or to postpone it. Those cases do not indicate what else must be shown by an impoverished applicant, but in a case in which poverty is not a factor, the circumstances giving rise to the application must be unusual or uncommon:

Generally speaking, the main cause is poverty. If that is the problem it is dealt with in that way.

People have talked about user pays. First, this Government did not start this. A Federal Labor Government started this, and other jurisdictions around Australia have followed. Western Australia is now well behind all other States. The Supreme Court deals with the most expensive litigation. It costs the Government \$7.35m to run that court, and the total amount of fees received is \$1.57m. That is hardly a user pays situation. Hon Helen Hodgson referred to the times when we had wonderful courts. In those times not only was it totally user pays, but the fees were paid to the judges, who made a good living from it. The Lord Chancellor did darned well and became a very rich man. That was on the basis of the fees that were payable.

The member should not hark back in history and say the British system is a fundamental part of government and that is why it must be paid for from general tax. This payment out of general tax is a very recent matter and that fundamental part of government has not in the past been paid for. Not only was it paid for by the users but also the fees gave judges a very good return and made it worthwhile to be appointed a judge. Hon Helen Hodgson raised the matter of history and she has it wrong. It used to be a very good method of remuneration.

Hon Kim Chance: It made the judges corruptible.

Hon PETER FOSS: It was not a good idea. That is an interesting question, but that was not what made them corruptible. In fact, it sometimes delivered a better result. The various courts used to compete for business and they offered a better service in order to get more fees. The fees varied from judge to judge and from time to time.

Hon Kim Chance: Not to mention the results.

Hon PETER FOSS: It did not affect the results. They did not take their money directly and that has been the case for 200 to 300 years. The allegation of corruption against the judges is very remote indeed.

The system has very little of user pays when the fees received are \$1.57m and the cost is \$7.35m. If these fees are introduced it will increase the amount by \$400 000. Therefore, the total fees will be \$1.97m from a running cost of \$7.35m. The District Court costs \$5.6m, and its fees amount to \$2.21m. There is certainly higher recovery in the District Court than in the Supreme Court. The fees to be recovered under this proposal will be \$500 000.

It must be recognised that people are living in a fool's paradise if they think Western Australia cannot follow the trend in other States. Apart from anything else, Western Australia will be penalised in the commonwealth financial assistance grants if it does not follow the other States. It is crazy to suggest that somehow Western Australia is leading the way with some terribly new idea. Unfortunately, it started with the Federal Government. In the Family Court today the fees are significant. It costs \$500 to file for a divorce. These large fees come from the central Government, and they have been followed in New South Wales, Victoria and other States. WA is the last State to follow suit. If WA does not recover these moneys it will make a difference to the Budget. It might be a small amount in a large Budget, but it will be a large amount in the Supreme Court budget.

Members should make sure they know what they are doing. Members should also think about which House they are in. What do they believe this House is all about? Only one House in this Parliament can disallow these regulations with a straight face, and that is the lower House. I invite Hon Helen Hodgson to read the debates in those days about who authorises the levying of fees, charges and taxes on the people. I have always understood that in this State the lower House does that. If Hon Helen Hodgson wants to support this move, I suggest that she resign her seat and try to get one in the lower House. If she is prepared to interfere with the Budget of this State, notwithstanding that the people of Western Australia have put that Budget in the hands of the lower House, she will be denying this Government the money that can legitimately be granted only by the lower House. This House has the power to deny Supply and it can deny money measures, but members should think about why they are doing it. Do they really think they are justified in interfering with the Budget? One House frames and authorises the Budget. Members opposite can make any point they like, and I do not deny that the points made today are valid. However, they are one side of the argument. I have some sympathy with them, but the reality of the matter is that this has been taken into account in the Government's Budget and members opposite are seeking to flex their muscles as members of the upper House. That muscle flexing by upper Houses was generally given up some hundreds of years ago. Members opposite may

want to change the rules but they must remember they may not always have the majority in this House. The time may come when members opposite have made their bed and will have to lie in it.

Members opposite may disagree with a budget measure of this Government. I am not saying that the points that members opposite have made are totally without validity; I accept that they are points to be made. However, I believe that members opposite are mistaken about the total effect of that rule of the Supreme Court, which allows a remittance. I believe also that we are in a position where we have no choice in this matter. Members opposite can make their arguments but, in the end, our Constitution places on one House in particular the responsibility to ensure that the Government has the moneys to carry out the ordinary services of government. The moneys that will be raised through this measure are, like it or not, part of enabling the Government to carry out the services of government. Members opposite want to say, "Sorry, but we will take \$1m out of your Budget; you must find some other way to raise that money."

Hon Tom Helm: Bring it in by adding it to Supply.

Hon PETER FOSS: Hon Tom Helm should know that one of the things that has happened to this State and all States is that our sources of revenue have been cut severely by the High Court decision in *Hammond v Ha*, and that leaves us in a difficult budget situation. To add another \$1m to that will not help. Our opportunities for taxing are very limited. That is one of the problems in our Constitution and in our Commonwealth. It is all very well for Hon Tom Helm to say add it on, but -

Hon Tom Helm: You should not tax public relations.

Hon PETER FOSS: We can charge fees.

Hon Tom Helm: What is the difference between a tax and a fee?

Hon PETER FOSS: I think one can say this is not a tax. It is a pity that Hon Tom Helm has just come into the Chamber, because he missed the -

Hon Tom Helm: I was listening outside, of course.

Hon PETER FOSS: I have just said -

The PRESIDENT: Order! The Attorney General should address his comments to the Chair.

Hon PETER FOSS: It is \$1.57m of fees for \$7.35m of services. I think one can say that is not a tax. However, it certainly is revenue to the Crown. It certainly is part of our Budget. I accept that the views that members opposite hold can be held, and I accept that the opinions that members opposite raise can be raised, although in some cases they are extremely broad, but I will leave that aside and not even make that point. The point I will make is that this measure deals with the revenues of the Crown. If members opposite in this upper House want to flex their muscles, they should by all means flex them, but I make the following appeal to them: This argument should be raised in another House. This argument should not be raised by members opposite because it is not for them to make that decision. This is a policy decision that rightly remains with the lower House. Members opposite may not like that; they may not like taxes that we raise, or any other thing that we do, but ultimately -

Hon Tom Helm: We did not like it when you did it.

Hon PETER FOSS: We have not done it. We did not take any fees off.

Hon Tom Helm: Yes you did. It was a High Court decision; I forget the name of it. I was the chairman of the committee that did it.

Hon PETER FOSS: Hon Tom Helm might have done it. I did not do it.

Hon Tom Helm: You agreed to it.

Hon PETER FOSS: Where?

Hon Tom Helm: It was in the delegated legislation committee.

Hon PETER FOSS: I will tell Hon Tom Helm what he is talking about. That was not a fee but a tax.

Hon Tom Helm: It is the same thing. It is a fee for service.

Hon PETER FOSS: Mr President, I do not normally ask for your protection, but when someone comes in late, misses the early part of the argument and then starts raising irrelevant points, perhaps it is appropriate to ask for your assistance.

I will make this point again. This is not a tax but a very moderate fee. It is \$1.57m in a total of \$7.35m. It is part of the revenue of the State. It is not for members of this upper House to decide that they do not like the arguments. It is not for them to say that they will substitute a different regime for the revenues of the Crown. If members of the lower House do not support this measure, that is quite legitimate, but if members opposite do not support it, they are exercising a power that they should not be exercising. Members opposite should think soundly about what they want to do, because they will set a precedent and do something that they will regret. This House, as a House of Review, should not deal with taxation revenue or fees. It should accept that that is the province of the lower House. The circumstances in which the upper House can block Supply or revenue measures of the Crown are extremely limited, and this is not one of them.

HON J.A. SCOTT (South Metropolitan) [9.35 pm]: I thank all members for their participation in this debate. Hon Nick Griffiths outlined many of the exorbitant increases in court costs that have occurred. He pointed out also that free access to a system of justice is a necessary component of a democracy, and that we are moving away from that free access not just through these increases but through a range of changes that have occurred in recent times. Hon Helen Hodgson repeated some of those comments and said that a primary function of government is to provide access to justice.

I do not understand the Attorney's comment about the predicament of the Government in having to argue with the Federal Government about this matter, but to say that it will affect only cases of around \$250 000 in the Supreme Court does not take into account the fact that these figures are applied to both the District and Supreme Courts.

Hon Peter Foss: Can you deal with rule 83A?

Hon J.A. SCOTT: I will try to deal with it. I could not hear everything the Attorney was saying because he was speaking so quickly, even though he was speaking very loudly. Part of the Minister's argument was that these fees are charged in every other State, and if they were not charged in this State, the money would have to come out of other areas. I can give the Attorney a number of suggestions about where the money can come from. The State Government is selling off many community assets for very large amounts of money. I think we heard a figure of \$1.4b for the sale of community assets. Perhaps that money could be used to provide a community service.

Hon Peter Foss: That is capital. You always like to spend capital on recurrent.

Hon J.A. SCOTT: There are many such things, such as the expenditure of \$400m on a port at Oakajee, or the expenditure on a white elephant tunnel. The Minister for Transport is making sure that this State has a greater number of roads than any other city in the world. That is a huge waste. This Government has allowed this exorbitantly extravagant Minister for Transport to build so many roads that we need to spend 17 per cent of our income on the upkeep of those roads. For a start, the Government could put some money into the justice system and stop this mad road building boom.

Hon Peter Foss: Take it out of the budget allocation for Parliament House.

Hon J.A. SCOTT: I have given the Attorney a number of areas from which the money could come.

The PRESIDENT: Order! There is too much audible conversation in the Chamber. I ask the member to direct his comments to the Chair.

Hon J.A. SCOTT: It is a matter of priority. It is not a matter of whether money is available. Most people are not very happy about the Government's choice of priorities. We are here to discuss that issue, not to be told that because it has something to do with the expenditure of money somehow we are not allowed to have an opinion. It is not a question of Supply. If the Minister wants to talk about the upper House's blocking Supply, perhaps he should look to the actions of the Fraser coalition Opposition in 1975. That was not 100 years ago; so many people have strong memories of that event.

Hon Peter Foss: Did you support it?

Hon J.A. SCOTT: Under certain conditions it should be possible to do it but that action should not be taken lightly.

Hon Peter Foss interjected.

The PRESIDENT: Order! The Attorney General should allow Hon Jim Scott to complete his comments. The member has the right of reply, and 10 o'clock is approaching. Earlier I said that at 10 o'clock I intend to put the matter to a vote, notwithstanding that some debate may be outstanding. They are the rules.

Hon J.A. SCOTT: The Minister referred to rule 83A.5, which states -

The Court or Registrar may, in a particular case for special reasons, direct -

- (a) that a fee shall not be taken, or that part only of a fee shall be taken, or, if taken, that the whole or part of the fee be remitted; or
- (b) that the payment of the whole or a part of a fee be postponed until such time, and upon such conditions, if any, as the Court or Registrar thinks fit.

If people are having a battle over a family home, which can involve a lot of money, they will not want to face the situation knowing that they could have their fees partially waived. If people must go to court, they will. The problem is that this is a "maybe" situation in which perhaps the court or registrar will decide to waive the fee. It is not a certainty that it will be waived. This is not a clear-cut case. The rule allows for a fee to be waived, but there is no certainty that a fair decision will be made by the registrar, in every instance. People entering the process must feel that they have access to the court without being impoverished by that experience.

The Minister pointed out that the entire fee would not be collected in the Supreme Court, but more than half would be collected in the District Court to pay for costs. I am more worried about the District Court than the Supreme Court, because the lower court is the one to which the average citizen is more likely to apply. The Minister also said that because the entire fee was not collected it was not a tax. That is not a legitimate description of a tax because many taxes do not pay all costs. If taxes paid for every cost we would never experience deficit Budgets.

I have some sympathy for the Minister's argument that this State will lose federal grants. I sympathise also with the argument that the Federal Government is squeezing legal aid.

Hon Peter Foss: It goes across to other States. We will lose out to New South Wales, Victoria and other States.

Hon J.A. SCOTT: Ultimately, if the Federal Government does not want to provide sufficient funds to allow proper access to justice in this country, it should take the blame at election time.

Hon Peter Foss: That is not how it works.

Hon J.A. SCOTT: I am afraid it is. It may not appear to work that way. The Minister's argument is that if we do not comply with the policy of charging more for people using the court system, the Federal Government will refuse to give this State extra funds.

Hon Peter Foss: It passes across to other States. If we do not collect the same amount of tax, it is worked out by redistribution. It is not an amount that that Government takes for itself. It will go to New South Wales, Victoria, Tasmania and Queensland, not to Western Australia.

The PRESIDENT: Order! Hon Jim Scott should address the Chair, and the Attorney General should not interrupt the member's right of reply.

Hon J.A. SCOTT: The system referred to by the Minister is not a very workable one, and perhaps that should be looked at -

Hon Peter Foss: It is the Constitution.

Hon J.A. SCOTT: I do not care what it is. Obviously it is not very workable, and that should be looked at rather than making it more difficult for people without much money to access the courts. In addition to the other charges involved, these fees will make it more difficult for people. Although I have some sympathy for the Minister's position I am still of the opinion that these Supreme Court rules should be disallowed.

Question put and a division taken with the following result -

Ayes (14)

Hon Kim Chance
Hon J.A. Cowdell
Hon N.D. Griffiths
Hon John Halden

Hon Tom Helm
Hon Helen Hodgson
Hon Norm Kelly

Hon Ljiljanna Ravlich
Hon J.A. Scott
Hon Christine Sharp
Hon Tom Stephens

Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (13)

Hon E.J. Charlton
Hon M.J. Criddle
Hon B.K. Donaldson
Hon Max Evans

Hon Peter Foss
Hon Ray Halligan
Hon Barry House
Hon Murray Montgomery

Hon M.D. Nixon
Hon Greg Smith
Hon W.N. Stretch

Hon Derrick Tomlinson
Hon Muriel Patterson
(*Teller*)

Pairs

Hon E.R.J. Dermer
Hon Mark Nevill
Hon Cheryl Davenport

Hon N.F. Moore
Hon Simon O'Brien
Hon B.M. Scott

Question thus passed.

ADJOURNMENT OF THE HOUSE

HON E.J. CHARLTON (Agricultural - Minister for Transport) [9.50 pm]: I move -

That the House do now adjourn.

Hamersley Iron Sackings - Adjournment Debate

HON TOM HELM (Mining and Pastoral) [9.51 pm]: Tonight I received a telephone call from a union organiser with the Amalgamated Metal Workers Union in Tom Price advising me of a strong rumour around Tom Price, Paraburdoo and Dampier that Hamersley Iron will sack 40 of its superintendents, 14 front line managers and 300 blue collar wages staff. I was unable to confirm this with Hamersley Iron, because I received the message after five o'clock.

I will use this opportunity to highlight what members on this side of the House have been saying in this place for a long time. In 1992 Hamersley Iron decided to take on the unions. In debate at that time the Opposition predicted that workers going off the award and onto contracts would be vulnerable, would not receive compensation for retrenchment, would have no defence against sacking and would have no say in changes in their workplace.

Hon John Halden: This is a meeting of the minds!

Hon TOM HELM: We predicted that those workers would have no defence against those occurrences, because the union movement was discouraged from playing a role in the minesites of Tom Price, Paraburdoo and Dampier. The five year contracts that the Hamersley Iron workers entered into have expired. They entered into those contracts because they were told that the award was interfering with the company's development of the mine. I had to acknowledge that productivity at the non-union sites operated by Robe River Iron Associates, Broken Hill Proprietary Co Ltd and Hamersley Iron Pty Ltd increased. At that time the Opposition argued that problems would be created when there was no organised labour to put the workers' case to management to protect and defend workers who did not want to leave those sites when the time came.

I am using one of the privileges of this House to bring this rumour to the attention of members so that Hamersley Iron will quickly deny it or at least explain how it originated. I want Hamersley to say that my information is incorrect and that Rio Tinto will protect those workers.

I have travelled extensively through Tom Price, Paraburdoo and Dampier. I have seen the uncertainty and fears of Hamersley Iron workers. I will go back Tom Price and Paraburdoo in a couple of weeks to talk to people. Those workers speak to me behind closed doors or on the telephone to maintain their anonymity. The situation in Tom Price and Paraburdoo is very different from that in Newman where my office is located. It is heartbreaking to see. Rumours float around all the time, but when specific figures are bandied about - 40 superintendents, 14 front line foremen and managers and 300 wage earners - that usually indicates some truth.

Members could say that I am trying to create some problems. I know that problems exist, but I hope that these rumours are unfounded. I hope that Hamersley Iron will take on board my comments and quash these rumours quickly. All members must be concerned that people living in our State can look forward to a future for themselves and their families. I hope that my bringing this to the attention of the House will result in Hamersley Iron's denying the rumour.

Question put and passed.

House adjourned at 9.58 pm

QUESTIONS ON NOTICE

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

GOVERNMENT DEPARTMENTS AND AGENCIES - PARAMETER CHANGES

81. Hon JOHN HALDEN to the Government:

- (1) Would the Minister provide a list of major specific parameter changes to any departments/agencies under the Minister's responsibility since the presentation of the 1996/97 Budget on May 2, 1996?
- (2) Would the Minister also advise of the increase or decrease in expenditure as a result of these changes?

Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

Policy Office

- (1) The establishment of a Constitutional Centre in accordance with Recommendation 33 of the *Report of the WA Constitutional Committee*.
- (2) \$118 184 was spent on the Constitutional Centre in 1996/97.

Office of the Auditor General

- (1) Approval for a supplementation on account of new resources proposals (audit of additional TAFE Colleges and Whole of Government reporting).
- (2) Increase - \$280 000.

Public Sector Management Office

- (1) Specific program changes as follows:
 - Transfer of the contract management function for the State Telecommunications Management Agreement from PSMO to the Department of Contract and Management Services (2 Full-Time Equivalents).
 - Transfer of the superannuation policy function from Government Employees Superannuation Board to PSMO (1 Full-Time Equivalent).
 - Transfer of the information and communication function to the Department of Commerce and Trade (14 Full-Time Equivalents).
- (2) No consequent changes to budget in 1996-97.

Anti-Corruption Commission

- (1) The Official Corruption Commission was re-named the Anti-Corruption Commission on 30 August 1996 and the powers and functions of the Commission were increased with effect from 1 November 1996.
- (2) \$960 000 was allocated to the Official Corruption Commission in the 1996/97 Budget.

Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

Department of Commerce and Trade

- (1) Government assistance is focusing on creating the right environment, putting in place vital infrastructure and facilitating the work of the various sectors in improving their international competitiveness.

The Western Australian Government, through the Department of Commerce and Trade, is targeting its support for industry more specifically at sectors regarded as strategic to the State's economy. This will result in support for industry targeted on a whole-of-industry basis rather than an individual company basis. The Government is working to ensure that these key industries can deliver their world class goods and services in the best way to the right markets.

The Department has a new emphasis on information and communications. The formation of the Office of Information and Communications is a significant move which will lead to the development of new policies and strategies for whole-of-government services and the further development of the information and

communications industry sector. This will be complemented by the activities undertaken by telecentres which are improving access to technology across regional Western Australia.

This Government launched the State's first Science and Technology Policy in April 1997 and the Department of Commerce and Trade is continuing to provide support for the implementation of this policy. Other priorities for the Department of Commerce and Trade are trade enhancement; investment attraction; the removal of impediments to regional development; affirmative action for regional development; and Aboriginal economic development.

Assistance to the development of industry in Western Australia has undergone a significant change in the past four years. A greater proportion of funds expended by the Department of Commerce and Trade will be used for general industry support rather than assistance to individual companies.

- (2) Since May 1996 the changes have resulted in a gradual redirection of existing funds within the Department of Commerce and Trade and with other agencies. Budgetary variations from Section 25 transfers resulting from these parameter changes are as follows:

\$649,000 from Department of Commerce and Trade to Small Business Development Corporation with the transfer of the Small Business Improvement Program and the Women in Business Program.

\$996,000 from Public Sector Management Office to Department of Commerce and Trade for the transfer of funding for the program and salaries of the Information and Communications Access Branch to the Department of Commerce and Trade with the establishment of the Office of Information and Communications.

\$400,000 from Department of Training to Department of Commerce and Trade with the transfer of responsibility for the telecentre network.

Small Business Development Corporation

- (1) The Small Business Improvement Program and the Women in Business Program were transferred from the Department of Commerce and Trade.
- (2) See (2) above for funding details.

Minister for Resources Development; Energy; Education:

Office of Energy

- (1) The Office of Energy has continued since the May 2, 1996 Budget on the course outlined in the Budget at that time. The single major parameter change in expenditure terms was the provision of \$1 million in capital for the funding of a contribution to the installation by Western Power of aerial bundled conductors in the Hills area of Perth.
- (2) An increase of \$1 million in capital expenditure in 1996/97.

Education Department of Western Australia

- (1) There has been a transfer to the Department of Education Services of responsibility for the administration of the Education Service Providers (Full Fee Overseas Students) Registration Act 1991.
- (2) There is no net effect on expenditure as a result of this structural change.

Department of Education Services

- (1) The Department of Education Services was established on 1 July 1996 by amalgamating the former Education Policy and Coordination Bureau and the Western Australian Office of Non-Government Education. At the same time, responsibility for the administration of the Education Service Providers (Full Fee Overseas Students) Registration Act 1991 was transferred to the Department from the Education Department of Western Australia. While physically integrated within the Department of Education Services, the Country High School Hostels Authority retains its statutory status and funding.
- (2) Section 25 transfers were made of the 1996/97 budget allocations for the respective agencies to the Department of Education Services without change to those expenditures.

Curriculum Council of Western Australia

- (1) Since the presentation of the 1996/97 Budget on 2 May 1996 the Interim Curriculum Council, the Department of the Curriculum Council and the Secondary Education Authority have ceased to exist.
- (2) In addition to absorbing the existing budgets of the Secondary Education Authority and the Department of the Curriculum Council, a further \$400 000 has been provided to the Curriculum Council to allow for an expansion of activity.

Minister for Primary Industry; Fisheries:

- (1)-(2) There have been no major specific parameter changes since the presentation of the 1996/97 Budget on May 2, 1996.

Minister for Mines; Tourism; Sport and Recreation

Western Australia Sports Centre Trust

- (1) The WA Sports Centre Trust has assumed responsibility for the management of Arena Joondalup which was previously held by LandCorp.
- (2) The transfer of responsibility will result in an increase in the expenditure of the WA Sports Centre Trust with a corresponding decrease in expenditure in the LandCorp budget.

Minister for Transport:

- (1)-(2) There have been no major specific parameter changes since the presentation of the 1996/97 Budget on May 2, 1996.

Minister for Environment; Employment and Training:

- (1)-(2) There have been no major specific parameter changes since the presentation of the 1996/97 Budget on May 2, 1996.

Minister for Labour Relations; Planning; Heritage:

- (1)-(2) There have been no major specific parameter changes since the presentation of the 1996/97 Budget on May 2, 1996.

Attorney General; Minister for Justice; the Arts

Legal Aid

- (1)-(2) The State entered into a six month agreement with the Commonwealth from 1 July 1997 as to the amount of legal aid funding. The Commonwealth share of legal aid funding has been reduced. However, State Government has approved supplementary funding to maintain 1995/96 service levels (rather than 1996/97 where there was a drop in service activity in anticipation of Commonwealth cuts).

Law Reform Commission

- (1) The Law Reform Commission has been restructured. All existing staff positions have been abolished. The Commission in future will contract research and visiting work out to consultants.
- (2) No increase in expenditure is envisaged, but the effect of the changes on expenditure has not been quantified.

ArtsWA

- (1) The Executive Council approved the establishment, under section 35 (a) of the Public Sector Management Act 1994, of a department titled the Ministry for Culture and the Arts (MCA) with effect from 20 May 1997.

Subject to proposed legislation amendments currently being drafted, MCA will comprise of five existing statutory authorities (ie LISWA, WA Museum, Art Gallery of WA, Perth Theatre Trust and Screen West) and one department (ie Department for the Arts).
- (2) No net increase or decrease to forward estimates as a result of the creation of MCA. The major change was the transfer of staff related costs of the service agencies (ie LISWA, WA Museum, Art Gallery of WA, Perth Theatre Trust, Screen West and Department for the Arts) within the MCA appropriation.

Ministry of Justice

- (1) Changes to the Ministry of Justice program structure since the publication of the 1996/97 budget:

The Adult Offenders Community Sub Program and Juvenile Offender Community Sub Program amalgamated and retitled Community Based Services Sub Program within the Offender Management Program.

Victim Services Program retitled Victim Support Services Sub Program and included as a Sub Program under Court and Tribunal Services Program.

A new program Legal Aid was established with effect from 1 July 1997.

- (2) The expenditure base of the Ministry was increased by \$8.2 million from 1 July 1997 as a result of the State funding for legal aid being financed through the Ministry.

Minister for Finance; Racing and Gaming:

State Revenue Department

- (1) The two programs titled:

- (i) "Taxation Assessment and Collection"; and
- (ii) "Taxation Compliance",

were amalgamated into the one program titled "Administration of Revenue Laws".

- (2) No changes in expenditure resulted.

Minister for Health:

- (1)-(2) There have been no specific program changes to any agencies or departments since the presentation of the 1996/97 Budget on May 2, 1996.

Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

- (1)-(2) There have been no major specific parameter changes since the presentation of the 1996/97 Budget on May 2, 1996. Department of Land Administration (DOLA) is, however, in the process of reshaping the organisation to reflect an output based funder/purchaser/provider model. The Department estimates that the restructure will be finalised by February 1998.

Minister for Local Government; Disability Services:

- (1)-(2) There have been no major specific parameter changes since the presentation of the 1996/97 Budget on May 2, 1996.

Minister for Family and Children's Services; Seniors; Women's Interests:

- (1)-(2) There have been no major specific parameter changes since the presentation of the 1996/97 Budget on May 2, 1996.

Minister for Housing, Aboriginal Affairs, Water Resources:

- (1)-(2) There have been no major specific parameter changes since the presentation of the 1996/97 Budget on May 2, 1996.

Minister for Police; Emergency Services:

Bushfires Board

- (1) Fire Appliance Grant Scheme funding was due to cease at the end of the 1996/97 financial year. New resource proposals included a request to continue this scheme.
- (2) Funding of \$2.5 million per annum has been approved until 2000/1.

Minister for Works; Services; Multicultural and Ethnic Affairs; Youth:

- (1)-(2) There have been no major specific parameter changes since the presentation of the 1996/97 Budget on May 2, 1996.

POLICE - IDENTIFICATION OF PERSONS OF INTEREST

685. Hon TOM STEPHENS to the Attorney General representing the Minister for Police:

Further to my questions without notice numbers 394, 395 and 396, I ask -

- (1) Can the Minister for Police explain why it took one month for police to arrest alleged thief "Rose" after they identified her as a "person of interest" who had been selling stolen goods to northern suburbs pawnbrokers?
- (2) What is the definition of a "successful match"?
- (3) By what criteria is someone identified as a "person of interest"?

Hon PETER FOSS replied:

- (1) Only when a prima facie case is firmly established will the offender be charged.
Another factor is the locating of offenders. In this situation, 'Rose' provided both old and false addresses. This caused a delay in when and where she was interviewed as it necessitated further time consuming procedures involving liaison with both internal and external agencies as to her possible whereabouts.
- (2) A 'successful match' is where property transacted through a store is identified by the Dealer Search Facility as being property recorded on a police offence report and listed as being stolen or unlawfully obtained. Some matches are initially identified as 'possibles' which require considerable analysis before being verified as confirmed.
- (3) A 'person of interest' (POI) is a person who has transacted or dealt with property unlawfully obtained. This term can be extended to a person who police wish to interview regarding multiple transactions of a suspicious nature. A POI is not necessarily the principle offender and may later prove to be an innocent party or agent. The POI's involvement can only be established during the ongoing investigation procedures and is only proven after a thorough examination of evidence provided.

WATER CORPORATION - BENCHMARKING PROJECTS

799. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) What benchmarking projects were undertaken by the Water Corporation during 1996/97?
- (2) Who conducted each benchmarking project?
- (3) What does each of the benchmarking projects say about the level of service provided and the level of competitiveness of the Water Corporation?

Hon MAX EVANS replied:

- (1) Customer Service Bench marking PACE International Program.
- (2) UMS Group Australia Pty Ltd.
- (3) Preliminary results have indicated that the Water Corporation compared well in customer billing, credit and collection and telephone operations. The Corporation was provided with a range of improvement opportunities to achieve world's best practice.

WATER CHARGES - COUNTRY AREAS

805. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) What are the water supply and consumption charges in regional Western Australia for -
 - (a) residential;
 - (b) small business;
 - (c) large business?
- (2) What losses are incurred by the Water Corporation in providing water at these rates?

Hon MAX EVANS replied:

- (1) The water supply and consumption charges in regional Western Australia for 1997/98, were advertised in the Western Australian Government Gazette No. 100, on 27 June 1997. A copy of the relevant sections are tabled for the member's information.

- (2) The Corporation receives a Community Service Obligation payment from Government, covering the losses on country operations. For 1996/97, the base water loss on country water operations amounted to \$103.8 million.

WATER CHARGES - FIRST 150 KILOLITRES

808. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) How much extra did the average metropolitan residential customer have to pay for the first 150 kl of water in -
- (a) 1995/96;
 - (b) 1996/97?
- (2) What total additional revenue did the Water Corporation collect by charging for the first 150 kl of water in 1995/96?
- (3) What total revenue did the Water Corporation collect by charging for the first 150 kl in 1996/97?

Hon MAX EVANS replied:

- (1) (a) \$12.75
(b) \$9.75
- (2) \$5.6 million
- (3) \$22.9 million

It is important that these increases are not viewed in isolation, as they formed part of a total tariff reform package under which business charges are being reduced.

MALLEE FOWL - TRANSLOCATION TO FRANCOIS PERON NATIONAL PARK

828. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

I refer the Minister for the Environment to the release of Mallee Fowl into Francois Peron National Park -

- (1) When is Conservation and Land Management ("CALM") planning to release young Mallee Fowl into the Park, and how many young Mallee Fowl will be released?
- (2) Is the Minister aware that cats are still abundant and/or widespread in many parts of the Francois Peron National Park?
- (3) Does the translocation proposal state that Mallee Fowl chicks should only be released in an area "where cats have been eradicated"?
- (4) Is the Minister aware that a population of domestic and semi-feral cats exists in the township of Denham within a few kilometres of the proposed release site?
- (5) Was the translocation proposal reviewed by external referees and what documentation of the project was provided to these referees?
- (6) Were the referees made aware that cat eradication was very unlikely or near impossible because of the lack of fencing and the proximity of the Denham township?
- (7) Will the Minister table the comments or reports of these referees?
- (8) Is the Minister aware of the Heirisson Prong project carried out by CSIRO where it took several years to attempt to eradicate feral cats and foxes from a small (12 km²) enclosure protected by two electric fences?
- (9) Can the Minister explain how CALM is planning to eradicate feral cats from a 1 000 km² area, where a constant source of feral cats is provided from the Denham township?

Hon MAX EVANS replied:

- (1) The initial release of Mallee Fowl into Francois Peron National Park occurred in September 1997. Five Mallee Fowl were released at this time.
- (2) Following intensive baiting and trapping, feral cats are not abundant in the Francois Peron National Park.
- (3) The translocation proposal states that the feral cat population over the peninsula will be reduced to 20% of former levels and 0% at the actual release site.

- (4) The release site is 12-15 km from Denham. With community assistance CALM is taking measures to control stray cats in and around Denham (see (9) below).
- (5) One external and one internal referee reviewed the translocation proposal. Both were provided with a copy of the translocation proposal, CALM policy No. 29 relating to translocations and a list of standard questions.
- (6) The referees were made aware through the translocation proposal that feral cat numbers would be reduced to less than 20% of their former level across the Peninsula.
- (7) Yes. I now seek leave to table these documents.
- (8) Yes.
- (9) CALM is not planning to eradicate feral cats from the Peron Peninsula. CALM will aim to maintain the feral cat population at or below 20% of the original number by an ongoing program of baiting and trapping. Stray cats originating from the township of Denham will be controlled by several strategies. The Shire of Shark Bay is introducing domestic cat control by-laws, CALM has offered free voluntary sterilisation of domestic cats and in co-operation with the Shire of Shark Bay, CALM will trap stray cats in and around Denham. Once the by-laws have been gazetted, cat owners will be required to identify their cats, either by a collar or transponder implant (provided by CALM). Cats trapped in Denham will then be able to be identified. Marked domestic cats will be released, unmarked cats will be humanely euthanased.

[See paper No 1399.]

KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD - LICENCE NO 6420 PROSECUTION

835. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

I refer to questions on notice 640 of June 25, 1997 and 172 of 1997, where the Minister for the Environment stated "In this case it was considered more appropriate to prosecute under Section 49 (1) of the *Environmental Protection Act*" -

- (1) Can the Minister state why it was considered more appropriate to prosecute under Section 49 (1) of the *Environmental Protection Act* rather than Section 58 of the *Environmental Protection Act*?
- (2) If not, why not?
- (3) Can the Minister state what damage was caused as a result of the spillage that caused or encouraged the Department of Environmental Protection or the Minister to prosecute Kalgoorlie Consolidated Gold Mines Pty Ltd?
- (4) If not, why not?

Hon MAX EVANS replied:

- (1)-(4) The issues you have raised have been dealt with exhaustively and extensively in the past. I am not prepared to devote further resources re-visiting these matters. Any residual concerns that are held in relation to this matter should be raised with the Ombudsman for investigation as this avenue has been created by Government to deal with such matters.

AUSTRALIAN ENCEPHALITIS -

869. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Water Resources:

What steps has the Minister for Water Resources taken in response to suggestions that Australian encephalitis is being carried by mosquitos breeding at Broome's wastewater treatment plant?

Hon MAX EVANS replied:

The Shire of Broome's environmental health section took blood samples from the sentinel chicken flock at Broome on 13 August 1997 and the results were negative for Australian encephalitis. The last traces of Australian encephalitis were detected in April 1997 and attributed to an extended 'wet' season and increased mosquito activity in the Kimberley. In cooperation with the Shire of Broome, the Water Corporation has increased the frequency of inspections to ensure the wastewater treatment plant is not contributing to the mosquito population.

WUBIN-LATHAM RAIL LINE - SPEED RESTRICTIONS

870. Hon BOB THOMAS to the Minister for Transport:

Regarding the rail line between Wubin and Latham -

- (1) Are there any speed restrictions on this line?
- (2) What are those restrictions and where do they apply?
- (3) What is the reason for those restrictions?
- (4) What maintenance has been carried out on this line in the past five years?
- (5) What maintenance is planned for the future?
- (6) What is that work expected to cost?

Hon E.J. CHARLTON replied:

- (1) No. The normal track speed for the section is 40 kilometres per hour for a single consist train which takes cognisance of the track structure.
- (2)-(3) Not applicable.
- (4) No major maintenance programs have been carried out, however, maintenance on as-required basis is undertaken to ensure the safe operation of train services.
- (5)-(6) The Grains Logistics Committee, comprised of representatives of the WA Farmer's Federation, Pastoralist and Graziers Association, Co-operative Bulk Handling, Australian Wheat Board, Grain Pool of Western Australia, Westrail and the road transport industry, is undertaking a long term planning approach to maximise transport efficiency for the grain industry over the next five to twenty five years. The planning approach encompasses the upgrading of Westrail track and consideration of road standards. The future of the section of line referred to by the Hon Member is currently under consideration by the Grains Logistics Committee, and I am therefore unable to provide the information sought until the outcome of the Committee's considerations are known.

CORAL BAY - TELEVISION RECEPTION

884. Hon TOM STEPHENS to the Leader of the House representing the Minister for Regional Development:

- (1) Is it correct that residents of Coral Bay will be forced to pay almost \$7000 to ensure they continue to receive quality reception when ABC-TV and GWN switch to digital transmission?
- (2) Does the Government intend to provide assistance to Coral Bay and other localities facing a similar situation?
- (3) If not, why not?

Hon N.F. MOORE replied:

- (1)-(3) After representation made to the Commonwealth Government at the Online Council on 12 September 1997, the Commonwealth Minister for Communications and the Arts, Senator Alston, stated that the Commonwealth would provide assistance. On 25 November 1997 Senator Alston announced the details of assistance for the conversion of remote area broadcasting services to digital transmission. The assistance comprises \$750 towards the cost of a new digital decoder for existing direct-to-home households and \$2,500 towards replacement of existing decoders in retransmission systems in remote Aboriginal communities (18 in WA) and self-help communities (107 in WA).

Coral Bay is served by a council-owned self-help television retransmission system. It receives ABC and GWN television from the Optus satellite and retransmits both services with low power transmitters. Individual satellite dishes are not needed by anyone within the range of these transmitters (approximately 5km). Thus the Coral Bay Council will be eligible for \$5,000 Commonwealth assistance, being \$2,500 towards the cost of replacing each of its two existing decoders. To provide a top quality signal the Council will also need to buy a second dish, at around \$500, as the ABC will come from the Optus satellite and GWN from the PanAmSat satellite. At the same time, the Coral Bay Council may also wish to consider adding SBS television which, as a result of our repeated representations to Senator Alston, will become available in WA time from the PanAmSat satellite from February 1998. This would require an additional decoder, not subsidised, but would use the same PanAmSat dish as required for GWN.

Direct-to-home individual dish owners do not require a second dish as the ABC will be carried as a secondary service on the PanAmSat satellite which will carry GWN. This is one of many issues raised by the Western Australian Government dealt with by Senator Alston's 25 November statement. For example it also means that they will be able to receive SBS television broadcasts as well as ABC radio services, including Triple J, and a commercial FM radio broadcast.

A major disappointment is that \$2.2 million of the \$3.1 million assistance to Western Australians will come from our already inadequate allocation from the Regional Telecommunications Infrastructure Fund, which was intended to fund innovative new telecommunications services. The State Government is writing to all self-help retransmission system owners and all direct-to-home viewers explaining their choices and how to apply for the Commonwealth assistance.

NURSES - PERMANENT AND CONTRACT

897. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

- (1) How many registered nursing staff have been employed permanent full-time as at -
 - (a) July 1, 1995;
 - (b) July 1, 1996; and
 - (c) July 1, 1997?
- (2) How many registered nursing staff have been employed on three month contracts as at -
 - (a) July 1, 1995;
 - (b) July 1, 1996; and
 - (c) July 1, 1997?
- (3) How many registered nursing staff have been employed on six month contracts as at -
 - (a) July 1, 1995;
 - (b) July 1, 1996; and
 - (c) July 1, 1997?
- (4) How many registered nursing staff have been employed on twelve month contracts as at -
 - (a) July 1, 1995;
 - (b) July 1, 1996; and
 - (c) July 1, 1997?
- (5) How many registered nursing staff have been employed by other arrangements as at -
 - (a) July 1, 1995;
 - (b) July 1, 1996; and
 - (c) July 1, 1997?
- (6) What action is the Government taking to ensure hospitals are fully staffed?

Hon MAX EVANS replied:

The following figures have been provided by the Health Department from their data base.

The Health Department has also advised that these figures may under-estimate the actual numbers involved due to the inability to collect data from manual or inaccessible data sources such as the personnel files of nurses in some rural and remote areas.

- (1)
 - (a) 2895
 - (b) 3521
 - (c) 3629
- (2)
 - (a) 53
 - (b) 102
 - (c) 119
- (3)
 - (a) 39
 - (b) 75
 - (c) 145
- (4)
 - (a) 189
 - (b) 228
 - (c) 261

- (5) (a) 823
(b) 1099
(c) 1238
- (6) Hospitals are undertaking a range of initiatives to ensure that they are fully staffed, and where necessary to recruit and retain nursing staff. These include advertising locally and where necessary interstate or overseas. Other initiatives include re-entry/refresher opportunities for Nurses who have been out of the workforce for some time, graduate transition programs, family friendly work arrangements, flexible hours/shifts, and where necessary, the use of agency staff.

KALGOORLIE-LEONORA RAIL LINE - DERAILMENT

902. Hon BOB THOMAS to the Minister for Transport:

Regarding the derailment on the Kalgoorlie to Leonora line near Broad Arrow -

- (1) Is it correct that two locomotives and four fuel trucks were involved in this accident?
- (2) Had a private contractor been working on this line at the place where the accident happened?
- (3) If yes, who was the contractor?
- (4) Has Westrail examined whether faulty workmanship by the contractor was one of the causes of the accident?
- (5) If not, why not?

Hon E.J. CHARLTON replied:

I presume the Hon Member is referring to a derailment near Broad Arrow on September 12 1997, resulting from damage to the track caused by earth moving equipment operated by a third party traversing the railway, and my answer is provided on that basis.

- (1) Yes.
- (2)-(3) Major programmed maintenance was carried out on the Kalgoorlie-Leonora line by Westrail's contractor, Civil and Mechanical Maintenance, approximately five months prior to the derailment.
- (4) Yes. The cause was not related to work carried out by Civil and Mechanical Maintenance.
- (5) Not applicable.

WAGIN RAIL LINE - DERAILMENT

903. Hon BOB THOMAS to the Minister for Transport:

Regarding the derailment at Wagin on September 2, 1997 -

- (1) Do Westrail staff, or a contractor, regularly check the points which were involved in this accident to ensure that they are mechanically sound?
- (2) How frequently are these points checked?
- (3) How often were they checked in the month before the accident?

Hon E.J. CHARLTON replied:

- (1) Yes. However, for the Hon Member's information, this derailment was caused by employee error and not as a result of equipment failure.
- (2) At least monthly, but more often during periods of increased train frequency.
- (3) Twice.

REGIONAL PARKS - LEGISLATION

918. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

- (1) Does the Minister for the Environment intend to introduce legislation in this session of Parliament to give formal status to regional parks?
- (2) If not, why not?

- (3) When is the Perth Bush Plan going to be released?
- (4) Which agency will be responsible for implementing it?
- (5) Will the Minister table the agreement between the Department of Conservation and Land Management and the Ministry for Planning in regard to the management and funding of regional parks?

Hon MAX EVANS replied:

- (1) No.
- (2) Legislation will be introduced following further consultation with relevant Local Government Authorities.
- (3) Early in 1998.
- (4) The Perth Bush Plan will be implemented on a whole-of-Government basis. Implementation is the subject of consultations between the Ministry for Planning, the Department of Environmental Protection, the Department of Conservation and Land Management and the Waters and Rivers Commission as key agencies. Following the consultations, a lead agency will be appointed to co-ordinate the implementation of the Perth Bush Plan.
- (5) The agreement between the Department of Conservation and Land Management (CALM) and the Western Australian Planning Commission (WAPC) is still being finalised by the Crown Solicitor. The agreement is to allow for CALM's interim management pending formal transfer of the regional parks.

In terms of funding, the Government has committed additional consolidated funding to CALM for ongoing management and separately the WAPC has committed \$500,000 for preparation of management plans and \$5 million over 5 years for capital development within the regional parks arising out of the management plans.

STOLEN GENERATION REPORT - IMPLEMENTATION

921. Hon CHERYL DAVENPORT to the Leader of the House representing the Premier:

- (1) What steps are being taken by the State Government to implement the recommendations of the Stolen Generation report brought down by the Human Rights and Equal Opportunity Commission?
- (2) Have any additional resources been allocated to facilitate the reuniting of Aboriginal families separated through past policies of assimilation and forced removal of children?

Hon N.F. MOORE replied:

- (1) The State Government is developing a response to the recommendations of the Stolen Generation report in conjunction with the Federal Government.
- (2) Additional resources have been allocated to facilitate the reuniting of families and details will be provided in the 1998/99 Federal Budget.

SECURITY AND INQUIRY AGENTS - CRIMINAL RECORDS

922. Hon JOHN HALDEN to the Attorney General representing the Minister for Police:

I refer to the Attorney General's answer to a question in the Legislative Council last week when he acknowledged that some licensed security agents and inquiry agents have criminal records and ask -

- (1) How many security agents have criminal records and how many inquiry agents have criminal records?
- (2) Of those agents having a criminal record, how many have been found guilty of an indictable offence?

Hon PETER FOSS replied:

- (1)-(2) Each Inquiry/Security Agent's application is assessed on its individual merits and no details are or have been recorded to denote whether a person has a criminal record nor the manner in which charges are dealt with by the courts. This ensures that the confidentiality of individual histories is not accessible except via the Criminal Records Section of the Western Australia Police Service.

An estimated 1,600 files would require manual vetting to determine whether a criminal record exists, and I am not prepared to authorise the State's resources necessary for this request, however, if the Member is more specific in his question I will consider providing the information.

KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD - VEGETATION DAMAGE AT OPTIMUM
RESOURCES' TENEMENTS

925. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

I refer to letters dated January 19, 1994 and January 31, 1994 signed by Andrew Baker, Director of Pollution Control Division to the Manager Mineral Processing, Kalgoorlie Consolidated Gold Mines Pty Ltd ("KCGM"), reference L14/67 -

- (1) Did KCGM with the Oroya Tailings dam cause environmental vegetation damage and pollution as defined under the *Environmental Protection Act 1986*?
- (2) If not, why not?
- (3) Will the Minister for the Environment or the Department of Environmental Protection ("DEP") issue a section 73 direction to KCGM to rehabilitate the environmental vegetation damage caused to Optimum Resources mining tenements?
- (4) If not, why not?
- (5) Will the Minister or the DEP issue a section 73 direction under the *Environmental Protection Act 1986* to KCGM for causing environmental vegetation damage and pollution caused to Optimum Resources mining tenements?
- (6) If not, why not?
- (7) Will the Minister or the DEP issue a pollution abatement notice under section 65 of the *Environmental Protection Act 1986* to abate the environmental vegetation damage and pollution caused by the Oroya Tailings dam on Optimum Resources tenements?
- (8) If not, why not?
- (9) Has KCGM rehabilitated the environmental vegetation damage caused by the Oroya tailings dam on Optimum Resources tenements?
- (10) If not, why not?
- (11) Will the Minister or the DEP suggest and encourage KCGM again to carry out a rehabilitation program with respect to the environmental vegetation damage caused by the Oroya Tailings dam on Optimum Resources tenements?
- (12) If not, why not?

Hon MAX EVANS replied:

The issues you have raised have been dealt with exhaustively and extensively in the past. I am not prepared to devote further resources re-visiting these matters. Any residual concerns that are held in relation to this matter should be raised with the Ombudsman for investigation as this avenue has been created by Government to deal with such matters.

SECURITY AND INQUIRY AGENTS - CRIMINAL RECORDS

933. Hon J.A. SCOTT to the Attorney General representing the Minister for Police:

Further to question without notice 794 of September 11, 1997, how many of these individuals have criminal records and when and what were the crimes committed?

Hon PETER FOSS replied:

Each Inquiry/Security Agents application is assessed on its individual merits and no details are or have been recorded to denote whether a person has a criminal record nor the manner in which charges are dealt with by the courts. This ensures that the confidentiality of individual histories is not accessible except via the Criminal Records Section of the Western Australia Police Service. An estimated 1,600 files would require manual vetting to determine whether a criminal record exists, and I am not prepared to authorise the State's resources necessary for this request, however, if the Member is more specific in his question I will consider providing the information.

GREENHOUSE GAS EMISSION LEVELS

936. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:
- (1) What were Western Australia's greenhouse gas emissions for each of the last ten years?
 - (2) What is the Government doing to reduce greenhouse gas emissions in Western Australia?
 - (3) Which Government agency is responsible for greenhouse issues in Western Australia and how many staff are working on this issue?
 - (4) How much funding was spent on greenhouse emissions research and information in Western Australia in 1996?

Hon MAX EVANS replied:

- (1)-(4) Although detailed greenhouse inventories have been completed in some major sectors, such as energy, there has been no all-sector inventory completed at State level since 1990. However, there has been a commitment, as part of the draft National Greenhouse Strategy, for State and Territory inventories (based in the *National Greenhouse Gas Inventory*) to be compiled at least every 5 years, with the Commonwealth using information provided by each State and Territory to develop a national inventory. A National Greenhouse Gas Inventory (1995) was published in 1997. Under the draft National Greenhouse Strategy, State and Territory inventories for the year 1995 will be published in 1998. Parameters for data collection are currently being negotiated and the timing of the next set of State inventories will be determined by the National Greenhouse Gas Inventory Committee.

A considerable number of measures are being adopted as part of the draft National Greenhouse Strategy to reduce greenhouse gas emissions. A COAG Commonwealth/State High Level Greenhouse Group has been formed to finalise the National Greenhouse Strategy, by integrating into it the commitments to climate change response made by the Prime Minister on 20 November 1997 (*Safeguarding the Future: Australia's Response to Climate Change*), and the terms of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, recently concluded in Japan.

GOVERNMENT MEDIA OFFICE - NEWS SUMMARY SHEETS

942. Hon KIM CHANCE to the Leader of the House representing the Premier:

Will the Premier provide me with copies of news summary sheets, as distributed by the Government media office, for the dates of -

- (a) Friday, October 30, 1992;
- (b) Saturday, October 31, 1992;
- (c) Sunday, November 1, 1992;
- (d) Monday, November 2, 1992; and
- (e) Tuesday, November 3, 1992?

Hon N.F. MOORE replied:

- (a)-(e) I am advised that the information sought was stored on a computer system which was replaced more than three years ago. The information cannot be extracted without access to a similar computer system and programs which are no longer readily available to the Ministry of the Premier and Cabinet.

KENDRICK-DIXON CASE - POLICE INVESTIGATION

943. Hon MARK NEVILL to the Minister for Transport representing the Minister for Fisheries:

Further to question without notice 752 of September 5, 1996 in respect of the Kendrick-Dixon case -

- (1) When in 1993 was the matter referred to Police by the Fisheries Department?
- (2) Will the Minister for Fisheries table correspondence related to this referral and the Police response?
- (3) If not, why not?
- (4) What action was taken by Police in respect of this matter following (1) above?
- (5) What was the outcome of the investigation into the matter?
- (6) Which police officer -
 - (a) dealt with this matter;
 - (b) undertook the investigation; or
 - (c) liaised with the Fisheries Department?

Hon E.J. CHARLTON replied:

- (1)-(6) These events occurred during the term of the previous Labor Government. The Fisheries Department provided documents to the Western Australian Police Department in August 1993. I understand that events surrounding this matter are currently under investigation by the Police Department.

KENDRICK-DIXON CASE - POLICE INVESTIGATION

944. Hon MARK NEVILL to the Minister for Transport representing the Minister for Fisheries:

- (1) In respect of question on notice 1303 of December 15, 1994, is the Minister for Fisheries now in a position to answer the thirteen questions asked?
- (2) If not, what is the reason?
- (3) For the benefit of the Minister the questions were -
 - (a) was Mr Thomas John Dixon of Midland under official investigation at any time for any offence by Fisheries Department officers;
 - (b) if so, when and what was the result of the investigation;
 - (c) is the Minister for Fisheries or are senior Fisheries Department officers aware that a Fisheries officer took the wife of Mr Dixon to the Midland Police Station for questioning;
 - (d) was the use of the Midland Police Station approved by the Police Officer in Charge for this purpose;
 - (e) is the Minister or are senior Fisheries Department officers aware that a Fisheries officer questioned Mr Dixon's wife at the Midland Police Station about her ability to obtain a loan to satisfy her husband's alleged indebtedness to the Fisheries officer's father;
 - (f) is the Minister or are senior officers in the department aware that a Department of Fisheries officer approached the Home Building Society and got permission to inspect the account of Mr Thomas John Dixon because he was under investigation by the Fisheries Department;
 - (g) is the Minister or are senior Fisheries Department officers aware that the same Fisheries officer took Mr Dixon's wife to a branch of the Home Building Society to obtain a loan;
 - (h) what authority did the Fisheries Department officer have to force Mr Dixon's wife to go to the Police Station or to Home Building Society;
 - (i) is the Minister or are Senior Fisheries Department officers aware that the same Fisheries Department officer showed his Fisheries Department identification to the staff of the Home Building Society staff and acting on this representation, the staff released Mr Dixon's savings records to the Fisheries officer;
 - (j) is the Minister or are Senior Fisheries officers aware that the same Fisheries officer supplied this information to the solicitors Messrs Bayly & O'Brien who were acting for his father, and that the same solicitors then issued a garnishee action against Mr Dixon;
 - (k) were the actions of the Fisheries Department officer investigated by the Fisheries Department, and if so, what was the outcome of the investigation;
 - (l) was the matter investigated by the Police Department, and if so, what was the outcome of the investigation; and
 - (m) what specific action was taken against the Fisheries Department officer concerned?

Hon E.J. CHARLTON replied:

- (1)-(3) These events occurred during the term of the previous Labor Government. I understand that events surrounding this matter are currently under investigation by the Police Department.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS OVER \$10M

958. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for the Environment:

- (1) How many contracts over \$10m have been awarded by any Government departments or agencies within the Minister for the Environment's portfolios since February 1993?

- (2) Will the Minister list those contracts?
- (3) What was the value of each of these respective contracts?
- (4) What is the duration of each of these contracts?
- (5) Who is the contract entered into with?

Hon MAX EVANS replied:

Department of Environmental Protection:

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

Department of Conservation and Land Management:

- (1) 16
- (2) Yes
- (3)-(5) See table below.

Contractor	Duration (Years)	Approximate Life Value (\$million)
Adelaide Timber Company	10	12
Austwest Timbers	10	11
Bunnings Forest Products	10	100
Bunnings Forest Products	10	150
Cardoso	10	30
Coli Timber Products	10	25
Gandy Timbers	10	12
Pinetec	15	26
Whittakers	10	75
Worsley Timber Company	10	12
Bunnings Forest Products	6	15
Giovanetti Transport	6	15
Bunnings Forest Products	6	16
Bunnings Forest Products	6	80
Jarradale Pty Ltd	6	24
South West Haulage	6	15

Kings Park and Botanic Garden

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

Perth Zoo

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

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS OVER \$10M

962. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Police:

- (1) How many contracts over \$10m have been awarded by any Government departments or agencies within the Minister for Police's portfolios since February 1993?
- (2) Will the Minister list those contracts?
- (3) What was the value of each of these respective contracts?
- (4) What is the duration of each of these contracts?
- (5) Who is the contract entered into with?

Hon PETER FOSS replied:

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

PUBLIC SERVANTS - CLUB MEMBERSHIP FEES

965. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Resources Development:

- (1) Has any Government department or agencies within the Minister for Resources Development's portfolios paid for membership to a club or association for a member of staff since February 1993?
- (2) If so, please provide -
- (a) the name of the staff member;
 - (b) the name of the association; and
 - (c) the amount paid?

Hon N.F. MOORE replied:

I am advised:

- (1) Yes.
- (2)

Name of Staff Member	Name of Club/Association	Amount (\$)
<i>1992/93</i>		
G Suttie	Australian Institute of Petroleum	30.00
P Murphy	Australian Institute of Petroleum	30.00
<i>1993/94</i>		
L Farrant	Petroleum Club of Western Australia	45.00
P Murphy	Australian Institute of Petroleum	30.00
G Suttie	Australian Institute of Petroleum	30.00
J Hammond	Australian Business in Europe	55.00
M Young	International Association for Impact Assessment	59.13
M Young	International Association of Public Participation Practitioners	110.86
J Limerick	Australian Institute of Petroleum	30.00
<i>1994/95</i>		
J Limerick	Australian Institute of Petroleum	30.00
J Hammond	Australian Business in Europe	55.00
G Suttie	Australian Business in Europe	55.00
L Farrant	Australian Gas Association	70.00
L Farrant	Petroleum Club of Western Australia	45.00
P Murphy	Australian Institute of Petroleum	30.00
G Suttie	Australian Institute of Petroleum	30.00

1995/96

P Murphy	Australian Institute of Petroleum	35.00
G Suttie	Australian Institute of Petroleum	35.00
J Limerick	Australian Institute of Petroleum	35.00
J Hammond	Australian Business in Europe	55.00
G Suttie	Australian Business in Europe	55.00
S Thackray	Rostrum Club	55.00
J Oliver	Rostrum Club	55.00

1996/97

G Suttie	Australian Business in Europe	70.00
J Hammond	Australian Business in Europe	70.00
G Suttie	Australian Institute of Petroleum	40.00
C Black	Australian Institute of Public Administration	75.00
R Crane	Regional Science Association International	65.00
P Murphy	Mining Club of Western Australia	35.00
P Murphy	Australian Institute of Petroleum	40.00

1997/98

R Hart	WA German Association	150.00
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PUBLIC SERVANTS - CLUB MEMBERSHIP FEES

967. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for the Environment:

- (1) Has any Government department or agencies within the Minister for the Environment's portfolios paid for membership to a club or association for a member of staff since February 1993?
- (2) If so, please provide -
 - (a) the name of the staff member;
 - (b) the name of the association; and
 - (c) the amount paid?

Hon MAX EVANS replied:

- (1) No. However, interrogation of the financial databases indicated that many hundreds of payments would have been made to organisations that include the word club in their name. It is unlikely club membership costs would have been met unless it was directly related to the official duties of the officer concerned. If the member could be more specific I would be happy to have the financial records searched.
- (2) Not applicable.

PUBLIC SERVANTS - CLUB MEMBERSHIP FEES

970. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

- (1) Has any Government department or agencies within the Minister for Health's portfolios paid for membership to a club or association for a member of staff since February 1993?

- (2) If so, please provide -
- (a) the name of the staff member;
 - (b) the name of the association; and
 - (c) the amount paid?

Hon MAX EVANS replied:

- (1)-(2) Health Department of Western Australia. A review of Health Department's and Health Services Accounts Payable system indicates that there have been no public sector employees who have had their membership to any club or association paid by the Health Department or Health Services.

Alcohol and Drug Authority and Healthway

No such payments have been made by the Alcohol and Drug Authority and Healthway.

PUBLIC SERVANTS - CLUB MEMBERSHIP FEES

972. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Police:

- (1) Has any Government department or agencies within the Minister for Police's portfolios paid for membership to a club or association for a member of staff since February 1993?
- (2) If so, please provide -
- (a) the name of staff member;
 - (b) the name of association; and
 - (c) the amount paid?

Hon PETER FOSS replied:

- (1)-(2) Records kept by the Western Australia Police Service do not allow information regarding, membership payments for our staff to be obtained without first knowing the name of the club or association. If the Member would care to rephrase the question in terms of specific clubs or associations, I will endeavour to provide that information.

SINGLE OFFICER POLICE STATIONS - CLOSURE

974. Hon TOM STEPHENS to the Attorney General representing the Minister for Police:

- (1) Can the Minister for Police confirm whether the Government is proposing to close single officer police stations?
- (2) If yes, will the Minister provide a list of those police stations to be closed?
- (3) What steps will the Minister take to ensure that small country towns are ensured a police presence if the local police station is closed?

Hon PETER FOSS replied:

- (1)-(3) There is no intention at this time to close single officer police stations anywhere in the State. Should it become necessary to review the effectiveness and relevance of any police station, the Minister for Police will consult extensively with the community and other stakeholders to ensure the requirements of the local area are considered.

985. Hon J.A. SCOTT to the Leader of the House representing the Premier:

- (1) Has the Premier or any of his Ministers and/or their advisors met with representatives of Cable Sands (WA) in the last 2 years?
- (2) If so -
- (a) who were those Ministers and/or advisors;
 - (b) on which dates did they meet with Cable Sands representatives; and
 - (c) what were the purposes of those meetings?

Hon N.F. MOORE replied:

- (1) Yes.

Premier; Treasurer; Minister for Public Sector Management; Federal Affairs

- (2) (a) (i) Staff of the Native Title Unit of the Ministry of the Premier and Cabinet.
- (ii) I am advised by the Commissioner for Public Sector Standards as follows: The former Cable Sands Managing Director, Mr J W Lawler, is a long-standing friend and former workmate of Mr Saunders, dating from 1968. They and their wives met socially on at least two occasions in Perth during the past two years. No government-related business was discussed.
- (b) (i) There were a number of meetings and telephone conversations throughout 1996.
- (c) (i) The meetings and conversations were to discuss the implications of native title claims over areas of interest to the Company.

Minister for Resources Development; Energy; Education

- (2) (a) Minister for Resources Development, in the presence of a Ministerial Advisor and a representative of the Department of Resources Development.
- (b)-(c) 31 May 1996 To introduce new Executive Chairman and CEO and Jangardup Project.
- 6 August 1996 To discuss the proposed Jangardup South Project.
- 2 October 1996 To discuss the Jangardup Project.
- 11 February 1997 To discuss the Yarloop Mining Project.

Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs

- (2) (a) Simon Proud, Lands Policy Advisor.
- (b) 6 August 1996 and on one other occasion prior to that date.
- (c) To discuss the Reserves Bill 1996 clause dealing with D'Entrecasteaux National Park.

Minister for Mines; Tourism; Sport and Recreation

- (2) (a) Minister for Mines in the presence of an advisor, Mr Bob Stevens.
- (b)-(c) 6 August 1996 To discuss the proposed Jangardup South Project.
- 4 February 1997 To discuss the Yarloop Mining Project.

Minister for the Environment; Employment and Training

- (2) (a) (i) The Minister for the Environment and a policy officer.
- (ii) The Minister for the Environment.
- (b) (i) 27 February 1997.
- (ii) 29 June 1997.
- (c) (i) The proposed titanium mineral sands mine at Yarloop.
- (ii) Launch of the Western Shield project.

To the best of my knowledge no other Ministers and/or their advisors have met with representatives of Cable Sands (WA) in the last 2 years.

NB: For your information, the Commissioner of Workplace Agreements is unable to provide a response to the question because of the confidentiality provisions of Section 39 of the *Workplace Agreements Act 1993*.

WATER CORPORATION - DIRECT BILLING OF TENANTS

990. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:
- (1) What are the details of the proposed changes by the Water Corporation to bill tenants directly for water use?
 - (2) How will changes be calculated if tenants change during the billing period?
 - (3) Who will be liable if a tenant does not pay their bill?
 - (4) What effect are these changes likely to have on bad debts for the Water Corporation?
 - (5) On what basis did the Minister for Water Resources change his previous opposition to this proposal?
 - (6) Will the Minister provide a copy of his letter to the Landlords' Advisory Service on this proposal?

Hon MAX EVANS replied:

- (1) The Water Corporation is making changes to its system for mailing accounts, which will allow water consumption bills to be posted directly to tenants. This is to be a 'postal service' only and only where the owner requests it.
- (2) Water consumption accounts will be calculated on 'daily average usage'. This is basically apportioning the charging scale against the number of days of the reading period, as per the method currently used by the Real Estate Institute of Western Australia and recommended by the Ministry of Fair Trading.
- (3) The owner remains liable for payment of all water consumption accounts.
- (4) No effect.
- (5) If the member clarifies the question, the Minister for Water Resources would be pleased to respond.
- (6) Yes.

WATER CORPORATION CONTRACTS - QUALITY ASSURANCE

992. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) Are all companies which have contracts with the Water Corporation quality assured?
- (2) If not, which areas of work are not required to be quality assured?

Hon MAX EVANS replied:

- (1) No.
- (2) (a) The Corporation has policies in place for the requirement of suppliers to have Quality Management Systems for the supply of strategic products and other general products.
- (b) With the use of contractors for construction works, the Corporation's preference is for contracts to be Quality Assured, which provides an assurance of quality and substantial risk reduction. However, this is not mandatory and is not enforced.

WATER CORPORATION CONTRACTS - BENCHMARKING STUDIES

993. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) What benchmarking studies were carried out in the water operation and maintenance areas of the Water Corporation prior to and after contracting them out?
- (2) Will the Minister release the studies and any further studies comparing them?

Hon MAX EVANS replied:

- (1) The Water Corporation regularly monitors its business performance against other water industry utilities, as well as internally against a number of Key Performance Indicators that reflect industry standards.

In 1994, PA Consulting conducted a bench marking study on the former Perth North and Perth South regions, which included a review of their water operation and maintenance areas.

In 1997, the Water Service Association of Australia (WSAA) conducted its inaugural annual comparison of overall water utility performance among all its member organisations, which includes the Water Corporation.
- (2) A summary report of the 1994 PA Consulting study is available subject to commercial confidentiality. The WSAA published its results in a public report entitled "WSAA Facts".

JOHN TONKIN WATER CENTRE - RENOVATIONS

994. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) What areas of the building on the site of the John Tonkin Water Centre have been renovated since January 1, 1995?
- (2) What was the area and cost of these renovations?
- (3) When were the renovations carried out?

- (4) How much of the areas renovated are currently being used by the Water Corporation?
- (5) Is it planned to lease any of the renovated areas to bodies other than the Water Corporation?

Hon MAX EVANS replied:

- (1) Total building.
- (2) Area: 19,533 metres squared. Cost: \$5.9m.
- (3) Planning in 1995, renovation work in 1996 and 1997.
- (4) 12,000 metres squared.
- (5) Yes.

YANCHEP NATIONAL PARK - SWIMMING POOL

995. Hon KEN TRAVERS to the Minister for Finance representing the Minister for the Environment:

- (1) Can the Minister for the Environment confirm that the swimming pool at Yanchep National Park will not open this summer?
- (2) If yes, why will the pool not open?
- (3) When will the swimming pool be reopened?
- (4) What alternative swimming pools are available for use by the Yanchep District High School, vacation swimming classes and local residents?

Hon MAX EVANS replied:

- (1) Yes
- (2) The pool poses an environmental threat to the surrounding wetlands because significant quantities of chlorinated water are leaking from the pool into the ground water. An engineer's report has indicated that extensive repair works to the pool basin and associated underground pipes is required to stop the leakage.
- (3) A decision on whether to reopen the pool will be made following consultation with representatives from Yanchep-Two Rocks community groups, the Yanchep District High School and the Yanchep National Park Management Advisory Committee.
- (4) The Swimming and Water Safety Section of the Education Department of Western Australia is investigating options for in-term swimming lessons for primary school children from the Yanchep District High School. The Yanchep Lagoon is likely to be one of the alternative swimming areas chosen for 1998. The choice of a vacation swimming lesson site is open to the public. Indications are that pools in Craigie and Wanneroo and Mullaloo Beach and Quinns Beach are likely to be preferred. Local residents are also likely to utilise Yanchep Lagoon and the swimming pools at Craigie and Wanneroo.

GOLDEN BAY, MADORA AND SINGLETON WATER SUPPLY

996. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) What is the current situation in regard to the Golden Bay, Madora and Singleton water supply?
- (2) Have any reports been carried out into the problems which have occurred with this project?
- (3) If not, why not?
- (4) If yes, will the Minister for Water Resources provide a copy of the report?

Hon MAX EVANS replied:

- (1) Contracts for the installation of water supply for each of the suburbs were completed in June 1997.
- (2) There were no unusual problems during the contract that required a report to be prepared.
- (3)-(4) Not applicable.

BROOME DETOXIFICATION CENTRE - OPENING

1002. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Family and Children's Services:

- (1) When is it anticipated that the proposed Broome Detoxification Centre will be opened?
- (2) Is the Minister for Family and Children's Services aware that it has been anticipated within the Broome

Community that the future operation of the Broome Detoxification Centre would be dependant on the active participation of the Broome Kullari Patrol?

- (3) Has the Minister received any information regarding the impact of the Aboriginal Night Patrols in Broome, Derby and Fitzroy Crossing on the amount of domestic violence, alcohol related hospital admissions and public drunkenness?
- (4) If so, what is the substance of this information?
- (5) Will the Minister move to allay the apprehension in these towns that these services may have their funding withdrawn?
- (6) If not, is this an indication of the Government's intention to withdraw their funding?

Hon E.J. CHARLTON replied:

- (1) It is anticipated that the Broome Sobering Up Centre will be operational by April/May 1998. The Centre will be offering an overnight stay for people found intoxicated in public. Negotiations for the refurbishment program of the Old Post Office site where the Sobering Up Centre is to be located are currently being finalised with the Bidyadanga Aboriginal Community La Grange Inc. Bidyadanga is the owner of the Old Post Office property.
- (2) The primary source of referrals for the successful operation of Sobering Up Centres all around W.A. is the Police. This is consistent with legislative changes introduced to Western Australia in 1989 decriminalising public drunkenness. This is also consistent with the recommendations of the Royal Commission Into Aboriginal Deaths in Custody calling for the establishment of a safe alternative to the Police cells for persons found intoxicated in public. Though the primary source of referral is with the Police, community patrols have in more recent times developed an active and cooperative role in picking up and referring clients to Sobering Up Centres.
- (3) The responsible Minister for the Community Patrols is the Hon. Dr K D Hames. These issues will need to be raised with him.
- (4) Not applicable.
- (5) This issue will need to be raised with the relevant responsible Minister.
- (6) Not applicable.

CARNARVON OTC STATION - USE AS TOURIST FACILITY

1003. Hon TOM STEPHENS to the Leader of the House representing the Premier:

I refer to suggestions for the future use of the former Carnarvon OTC station and satellite dish area for tourism purposes - (1) Is the Premier aware of recent work undertaken which would indicate this area could be used as a tourism facility?

- (2) Will the Premier facilitate a land swap to ensure that the former administration building and the solar observatory adjacent to the satellite dish can be linked to the ongoing use of these facilities for tourism purposes rather than being demolished or deteriorating further?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) The Premier would give consideration to any land swap proposal presented to the Government.

BRENNAN CASE - IMPOUNDING OF PAJERO

1005. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question without notice asked on September 18, 1996 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -
In respect of the Brennan car/drugs case -
(1) Where is the 4 x 4 wheel Pajero impounded?

- (2) When was it seized by Police?
- (3) From where and whom was it seized?
- (4) Who has been charged in respect to the stolen 4 x 4 wheel Pajero?
- (5) If no one has been charged, why not?
- (6) Has Mr Ritchie Brennan been interviewed about the stolen 4 x 4 wheel Pajero?
- (7) If not, why not?
- (8) Has the vehicle been tested for traces of heroine, amphetamines or other drugs?
- (9) What was the result of these tests?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3)-(9) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - MR NEIL HUNTER

1006. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 248 of 1996 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -
 - (1) Is the Commissioner of Police aware that the Neil Hunter has previous convictions for car deals with Police in Queensland?
 - (2) Is the Commissioner of Police aware that Neil Hunter was shifted to Perth by Queensland Police?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) (1)-(2) No.

BRENNAN CASE - MR NICHOLAS DUGGAN

1007. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question without notice asked on September 18, 1997 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -

In respect to the Brennan car/drugs case and the 4 x 4 wheel Pajero stolen from Brisbane, why wasn't Mr N Duggan charged with fraud for selling the 4 x 4 wheel Pajero to Mr R Brennan?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner of Administration Investigations. It would be inappropriate to respond to this question before this investigation is completed and reported on.

BRENNAN CASE - UNANSWERED QUESTIONS

1008. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 497 of 1996 -

- (1) Will the Minister for Police now provide a prompt answer?

(2) If not, why not?

(3) For the Minister for Police's benefit the question was -

I refer to the Brennan car stealing and drugs investigation -

(1) Is the Minister for Police now able to inform me whether he has been provided with full answers by the Commissioner of Police to questions on notice 3182 to 3220, 3231, 3248 and 3249?

(2) Is the Minister now able to inform me whether the Commissioner of Police has sought from his department answers to the questions in part (1)?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - UNANSWERED QUESTIONS

1009. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 315 of 1996 -

(1) Will the Minister for Police now provide a prompt answer?

(2) If not, why not?

(3) For the Minister for Police's benefit the question was -

I refer to questions on notice 3182 to 3220 and questions 3231, 3248 and 3249 asked on June 27, 1995 relating to the Brennan car scam drugs case -

(1) Will the Minister for Police confer with the Ombudsman and now provide answers to those questions which are not affected by the Ombudsman's inquiry?

(2) If not, why not?

(3) Has the Commissioner of Police requested answers to these questions to assure himself that the questions do not reveal improper police behaviour or corruption?

(4) If not, why not?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) (1) No.

(2) It would be inappropriate to request answers from the Parliamentary Commissioner for Administrative Investigations until he hands down his report on the investigation into Mr Brennan's complaints.

(3) No.

(4) Refer to (3)(2)

BRENNAN CASE - STOLEN PAJERO

1010. Hon MARK NEVILL to the to the Attorney General representing the Minister for Police:

Further to my question without notice asked on September 18, 1997 -

(1) Will the Minister for Police now provide a prompt answer?

(2) If not, why not?

(3) For the Minister for Police's benefit the question was -

In respect to the Brennan car/drugs case -

(1) Why was Mr Nick Duggan not charged with selling to Mr Ritchie Brennan the Pajero 4 x 4 stolen in Brisbane?

(2) Is it correct that Mr Brennan has given to police evidence that he paid for this car?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) Motor squad inquiries are still continuing.

BRENNAN CASE - POLICE OFFICERS INVOLVED IN INVESTIGATION

1011. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 259 of 1996 -

(1) Will the Minister for Police now provide a prompt answer?

(2) If not, why not?

(3) For the Minister for Police's benefit the question was -

In respect to the Brennan car/drugs case -

(1) Which Western Australian Police Officers have been involved in the investigations?

(2) Approximately for what period were they involved in the investigations?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations.
It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - VEHICLES CARRYING DRUGS

1013. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3249 of 1995 -

(1) Will the Minister for Police now provide a prompt answer?

(2) If not, why not?

(3) For the Minister for Police's benefit the question was -

Further to question on notice 3194 of June 27, 1995 -

(1) Was the Mercedes Benz and other vehicles sent to the Eastern States by Hunter and Duggan carrying drugs?

(2) Has it been established who was the car carrier involved in the movement of those vehicles?

(3) If no, who transported each of the vehicles?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations.
It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - CLOSING OF INQUIRY

1014. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3248 of 1995 -

(1) Will the Minister for Police now provide a prompt answer?

(2) If not, why not?

(3) For the Minister for Police's benefit the question was -

(1) Was an instruction given on August 28, 1994 to police officers investigating the Brennan car thefts to close down the inquiry?

- (2) If yes -
- (a) why;
 - (b) who made the decision to close down the inquiry; and
 - (c) who gave that instruction to the investigating officers?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - CIB STOCK SQUAD MEMBERS

1015. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3231 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -

Further to question on notice 3192 of June 27, 1995 -

- (1) What are the names of the Stock Squad members that Detective Senior Sergeant I Brandis spoke to?
- (2) When did Detective Senior Sergeant I Brandis speak to them?
- (3) Were any notes kept by stock squad members in relation to this matter?
- (4) Are these notes available?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - \$10 000 SETTLEMENT OFFER

1016. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3220 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -
- (1) Did Detective Senior Sergeant I Brandis approach Brennan asking whether he would accept a settlement of \$10 000 from Duggan in full payment for the missing cars and the \$9 000 that Duggan previously owed Brennan?
 - (2) If not, are police aware that Brennan was offered \$10 000 by a police officer on behalf of Duggan as settlement on lost cars worth \$45 000 including a \$9 000 debt that Duggan owed Brennan?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - ASSOCIATION BETWEEN DETECTIVE SENIOR SERGEANT BRANDIS AND
MESSRS HUNTER AND DUGGAN

1017. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3219 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -
 - (1) Is there any association between Detective Senior Sergeant I Brandis, Hunter and Duggan?
 - (2) If yes, what is that association?
 - (3) Are there "sensitive matters" arising out of this association?
 - (4) If yes, what are they?
 - (5) Can Brennan be trusted with these "sensitive matters"?
 - (6) If no, why not?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - INTERVIEW AT CIB HEADQUARTERS

1018. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3218 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -
 - (1) In December 1993 when the Brennan's went to CIB Headquarters, did Detective Senior Sergeant I Brandis take them away from the building and not into an interview room as normal?
 - (2) If yes, why?
 - (3) Did Detective Sergeant I Brandis ask the Brennan's if they were wired?
 - (4) If yes, why?
 - (5) Did Detective Sergeant I Brandis say that the Brennan's Rolls Royce was causing him problems and that he had told Hunter he had to return it to Brennan?
 - (6) In no, why not?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - THEFT OF ROLLS ROYCE

1019. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3217 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?

(3) For the Minister for Police's benefit the question was -

- (1) With respect to the stealing of Mr R Brennan's Rolls Royce, why did Detective K Walters, after the warrant was executed, tell the Brennan's that the NSW court had put restrictions on Frost in regard to the Rolls Royce; that it had to be locked away, that he could not use it and that he could not sell or trade with it?
- (2) If yes, why?
- (3) Is it correct that no such order existed?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - THEFT OF ROLLS ROYCE

1020. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3216 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -
With respect to the stealing of Mr R Brennan's Rolls Royce -
 - (1) Was Detective Senior Sergeant I Brandis involved in trying to return the Rolls Royce to Brennan if he believed it to a civil matter rather than a criminal matter?
 - (2) If yes, why?
 - (3) Did Detective Sergeant I Brandis phone Frost in December 1993 in regards to the Rolls Royce, as he told Brennan and Wildmore he would?
 - (4) What was Frosts reply?
 - (5) Is, or was, Detective Senior Sergeant I Brandis a friend of Frost or known personally to him?
 - (6) Did Frost license the Rolls Royce in New South Wales?
 - (7) If yes, why?
 - (8) Did Frost take about 12 months to register the Rolls Royce in his name in about April 1994?
 - (9) If yes, why?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - THEFT OF ROLLS ROYCE

1021. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3215 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?

(3) For the Minister for Police's benefit the question was -

With respect to the stealing of Mr R Brennan's Rolls Royce -

- (1) What knowledge did Detective Senior Sergeant I Brandis have about the location of, and who had possession of the rolls Royce when it left Western Australia?
- (2) Did Detective Senior Sergeant I Brandis assure the Brennan's in July or August 1993 that the Rolls Royce would be returned and delivered to Arrow Auctions if Redcliffe and who other than the Brennan's did he say this to?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - INTERVIEW WITH MESSRS HUNTER AND DUGGAN

1022. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3214 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -
 - (1) Did Commander J McKaay recently interview Neil Hunter and N Duggan in New South Wales?
 - (2) If yes, on what date did that interview occur?
 - (3) What action was taken to have the two men arrested?
 - (4) Has their whereabouts been made known to the Director of Public Prosecutions or other authorities?
 - (5) If so, when and to whom?
 - (6) If not, why not?
 - (7) Did Inspector S Robbins discover the whereabouts of the Rolls Royce before there was an inquiry into the matter?
 - (8) If yes, how did he discover its whereabouts?

Hon PETER FOSS replied:

(1)-(2) Yes.

- (3)
 - (1) Yes.
 - (2) Mr Hunter on 20 February 1995, Mr Duggan on 21 February 1995.
 - (3) As there was no warrants in existence for either person, they were not arrested.
 - (4)-(6) Since question 3214 of 1995 a summons has been served on Mr Hunter through his solicitor. Despite the issue of the summons the whereabouts of Mr Hunter is not known. Mr Duggan's whereabouts is also unknown.
 - (7) Superintendent Robbins saw Mr Hunter driving the Rolls Royce vehicle on one occasion in late 1992 or early 1993, when the vehicle was not of interest to police.
 - (8) Superintendent Robbins only became aware of the significance of the Rolls Royce after receipt of a complaint from Mr Brennan.

BRENNAN CASE - RECOVERY OF ROLLS ROYCE

1023. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3213 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?

(3) For the Minister for Police's benefit the question was -

In respect of the warrant to recover Mr R Brennan's stolen Rolls Royce -

- (1) Did the Brennan's offer to pay the airfares for Detective K Walters to travel to Sydney to assist in the Supreme Court action?
- (2) Did the Brennan's offer to pay for a lawyer to travel to Sydney to assist in the Supreme Court action to recover their vehicle, but were convinced not to by Detective Sergeant T Porter and Detective K Walters?
- (3) Did Detective Walters and Porter ask the Brennan's to sign a document for \$3 700 to pay the costs for the extradition of Duggan and Hunter?
- (4) If yes, why?
- (5) Did the police ask for a cheque for \$960 for the return of the Rolls Royce?
- (6) If yes, why?
- (7) Who decided the warrant to return the Rolls Royce was "tainted" and could no longer be effective?
- (8) Was advice to that effect obtained from the DPP?
- (9) Did the Western Australian Police Department supply the information requested by the NSW Police Service in their letters dated January 25, 1995 and March 8, 1995?
- (10) If not, why not?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - RECOVERY OF ROLLS ROYCE

1024. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3212 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -
In respect of the warrant to recover Mr R Brennan's stolen Rolls Royce -
 - (1) What action has been taken to recover this stolen vehicle after the failure of the initial warrant?
 - (2) Why wasn't Detective K Walters or another police officer sent to Sydney to assist the New South Wales Police Service in the Supreme Court action to ensure the return of the vehicle?
 - (3) What action is planned to have this vehicle returned?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - \$90 000 CHEQUE

1025. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3211 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?

- (3) For the Minister for Police's benefit the question was -
- (1) Did Brennan phone Detective Senior Sergeant I Brandis in July 1992 about collecting the cars from Lord Street Motors?
 - (2) Did Detective Senior Sergeant I Brandis attend a meeting of Duggan, Brandis, Hunter, Brennan and Wildmore where Duggan agreed to mortgage his property to repay the \$40 000 he owed to Brennan?
 - (3) About August 1992, did Detective Senior Sergeant I Brandis receive a \$90 000 cheque, the cheque being Duggan's cheque to Brennan which had bounced, from Brennan to collect from Duggan?
 - (4) Did Detective Senior Sergeant I Brandis return the cheque to Brennan?
 - (5) If not, why didn't Detective Senior Sergeant I Brandis return the cheque to Brennan?
 - (6) Did Inspector Robbins promise Brennan that he would get the cheque back from Brandis?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - CHRISTMAS ISLAND BUILDING DEAL

1026. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3210 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -
 - (1) Did Detective Senior Sergeant I Brandis by his own admission say he was prepared to play along with Hunter and Duggan over the Christmas Island building deal?
 - (2) If yes, why?
 - (3) Were Hunter and Duggan in a corner as claimed by Detective Senior Sergeant I Brandis?
 - (4) If yes, why?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - BRIBERY ALLEGATIONS

1027. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3209 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -
 - (1) Was Inspector Graeme Gillet aware of the allegation that Detective Sergeant Brandis received a bribe from Brennan through Duggan?
 - (2) What investigations were undertaken in respect of the \$500 cheque which belonged to Richard Brennan and claimed to have been a bribe for Detective Senior Sergeant I Brandis which was cashed at North Perth?

- (3) When was this cheque examined for finger prints?
- (4) If not, why not?
- (5) Was there ever any proposal to appoint Detective Senior Sergeant I Brandis as Officer in Charge of Christmas Island Police Station?
- (6) Were the two witnesses to the alleged 20 per cent cut for Detective Senior Sergeant I Brandis from the Christmas Island Housing Contracts ever interviewed about the allegation by Brennan?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - RETURN OF CHEQUE

1028. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3208 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -
 - (1) Did Detective Senior Sergeant I Brandis claim he gave the Duggan cheque for \$9 000 back to Brennan the next day?
 - (2) If yes, why?
 - (3) Is it claimed the cheque was returned to Brennan?
 - (4) If yes, where and when is this claim made?
 - (5) Did Inspector S Robbins tell the Brennan's on more than one occasion up to one year later that Detective Senior Sergeant I Brandis was still looking for the cheque?
 - (6) Have the regular visits the Brennan's claim they made to the Internal Affairs Branch in Belmont been substituted by records of visitors at that Branch?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - SUSPECTED OFFENCES

1029. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3207 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -
 - (1) Did Inspector S J Robbins claim in a letter dated January 23, 1992 that Richard Brennan "is suspected of committing offences by the CIB and is associated with people in the horse racing industry who have set out to discredit Detective Senior Sergeant I Brandis?
 - (2) If yes, what is the evidence for that statement?
 - (3) Have these suspected offences been investigated?
 - (4) If so, what was the outcome?

- (5) If not, why not?

Hon PETER FOSS replied:

- (1)-(2) Yes.

- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - MEETING IN BELMONT STABLE

1030. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3206 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -
- (1) Did Detective Senior Sergeant I Brandis organise a meeting in a stable in Belmont between Brennan, Wildmore, Hunter, Duggan and himself?
- (2) If yes, why?
- (3) Did Detective Senior Sergeant I Brandis organise or suggest at that meeting that Duggan get a second mortgage on his Mandurah property rather than report the theft of Brennan's cars?
- (4) If yes, why?
- (5) Did Detective Senior Sergeant I Brandis continually assure the Brennan's that the Rolls Royce would be returned by Hunter?
- (6) If yes, why?

Hon PETER FOSS replied:

- (1)-(2) Yes.

- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - THEFT OF MAZDA

1031. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3205 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister for Police's benefit the question was -
- With reference to the Mazda sedan stolen from Ms L Crimmins -
- (1) Did a detective tell Neil Hunter to park a stolen Mazda MX6 outside the Racquet Club nightclub in Short Street, East Perth in July 1992?
- (2) If so, which police officer gave this instruction?
- (3) Did the car belong to Lynette Crimmins?
- (4) Was Hunter charged over the matter?
- (5) If no, why not?
- (6) Did Detective Senior Sergeant I Brandis investigate the disappearance or the theft of the cars when he had full knowledge of the disappearance or theft?

- (7) If no, why not?
- (8) Did Detective Senior Sergeant I Brandis report the disappearance or the theft of the cars when he had full knowledge of the disappearance or theft?
- (9) If no, why not?
- (10) Who stole Lynette Crimmin's Mazda?
- (11) Was the theft of this car investigated?
- (12) If so, what was the outcome of the investigation?
- (13) If the theft was not investigated, why not?

Hon PETER FOSS replied:

(1)-(2) Yes.

- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

FISHERIES OFFICER J SUTTONS' WORKERS' COMPENSATION CLAIM

1036. Hon MARK NEVILL to the Minister for Transport representing the Minister for Fisheries:

In respect to Fisheries Officer J Suttons' workers' compensation claim against the Western Australian Fisheries Department -

- (1) Is the Minister for Fisheries aware Fisheries Officer J Suttons' medical practitioner has given clearance for him to attend vocational rehabilitation?
- (2) Is the Minister aware of Fisheries Officer Suttons' intentions to return to duty soon?
- (3) Will Fisheries Officer J Sutton be returning to his former position?
- (4) If not, what will his position be?
- (5) Will Fisheries Officer Sutton have all previous entitlements reinstated?
- (6) Will Fisheries Officer Sutton receive his previous salary?
- (7) If not, why not?
- (8) What salary will be paid to Fisheries Officer Sutton during the period described as vocational rehabilitation?
- (9) What workers compensation cover is available to Fisheries Officer Sutton during -
 - (a) paid vocational rehabilitation; and
 - (b) unpaid vocational rehabilitation?
- (10) If no coverage is available, why not?
- (11) Given Fisheries Officer Suttons' imminent return to duties with the Western Australian Fisheries Department, will the Minister advise if the Fisheries Department or himself have any intention of redeployment?
- (12) If so, what are the reasons for seeking redeployment given his exemplary service in the past 14 years?

Hon E.J. CHARLTON replied:

- (1)-(12) As per the Public Sector Management Act 1994 matters of employment are between Mr Sutton and the Executive Director of Fisheries Western Australia.

BRENNAN CASE - INVESTIGATION OF DISAPPEARANCE OF ALL VEHICLES

1037. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3204 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
 - (1) Did officers of the CIB or the Internal Investigations Bureau investigate the disappearance of all of Brennan's vehicles?
 - (2) If no, why not?
 - (3) Was Acting Inspector R M Thoy interviewed by Internal Affairs Branch to ascertain his knowledge of the Brennan complaint following his investigation of the matter?
 - (4) If no why not?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - COMMANDER JACK MacKAAY'S TRIP TO SYDNEY

1038. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3203 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
 - (1) Did Commander Jack MacKaay travel to Sydney to interview Hunter and Duggan?
 - (2) If yes, on what date?
 - (3) How did Commander Jack MacKaay find Hunter and Duggan's whereabouts and why didn't he arrest them on the spot?
 - (4) Why was a senior officer such as Commander Jack MacKaay sent to Sydney to investigate this matter?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Not applicable.
- (3)
 - (1) No. (Then) Commander MacKaay travelled to Sydney, Melbourne and Adelaide to review internal investigation processes and Professional Standard units within those states.
 - (2) Not applicable.
 - (3) Mr Hunter contacted the Internal Investigations Unit. Arrangements were made for Messrs Hunter and Duggan to be interviewed whilst Commander MacKaay was in Sydney. In the absence of warrants neither person could be arrested.
 - (4) Commander MacKaay was not sent to New South Wales for the specific purposes of investigating the matter. The opportunity to interview both men coincided with pre-arranged visitations.

BRENNAN CASE - LETTERS BY DETECTIVE SENIOR SERGEANT BRANDIS

1039. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3202 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?

- (2) If not, why not?
- (3) For the Minister's benefit the question was -
 - (1) Has Detective Senior Sergeant I Brandis sent a letter to the Judge or Magistrate when Hunter is charged with an offence, resulting in Hunter being reprieved?
 - (2) If yes, why?
 - (3) To which judicial officers has Detective Senior Sergeant I Brandis sent letters on behalf of Hunter?
 - (4) Why has Brandis extended this special privilege to Hunter?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - PURCHASE OF PAJERO

1040. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3201 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
 - (1) Has an investigation been made into the first vehicle Brennan purchased through Duggan, a Pajero 4X4, which was put on the police computer?
 - (2) If yes, what was the result of the investigation?
 - (3) If no, why not?
 - (4) Is this vehicle still recorded on the police computer?
 - (5) If no, why is it not now recorded?
 - (6) Why as stated by Duggan, did Detective Senior Sergeant I Brandis and Hunter go to Northam to watch this car coming through on a car carrier?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - THEFT OF ROLLS ROYCE

1041. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3200 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
 - (1) Why didn't Detective Senior Sergeant I Brandis report the Rolls Royce belonging to Mr R Brennan as being stolen?
 - (2) Why did Internal Affairs officers when in Sydney a year ago, interview Frost but did not bother to sight Brennan's Rolls Royce which was listed as a stolen car?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - RETURN OF MERCEDES BENZ

1042. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3199 of 1995 -

(1) Will the Minister for Police now provide a prompt answer?

(2) If not, why not?

(3) For the Minister's benefit the question was -

In respect of the Mercedes Benz owned by Mrs Anita Hale of Katherine in the Northern Territory -

(1) Did a police officer in South Australia related to Mrs Anita Hale, contact Detective Senior Sergeant I Brandis in relation to the return of her Mercedes Benz?

(2) If yes, what was his name and has this police officer been interviewed by Internal Affairs?

(3) Why did Detective Senior Sergeant I Brandis frequent Lord Street Motors?

(4) Was the contents of the Journal of Detective Senior Sergeant I Brandis relating to Hunter and Duggan examined by Internal Affairs?

(5) Was Inspector Robbins fully aware of the matters in the journal of Detective Senior Sergeant I Brandis relating to Hunter and Brennan?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - MR R. T. BRENNAN'S AFFIDAVIT

1043. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3198 of 1995 -

(1) Will the Minister for Police now provide a prompt answer?

(2) If not, why not?

(3) For the Minister's benefit the question was -

In respect of the 1993 affidavit of Mr R T Brennan -

(1) Has Graham Casserley a CIB employee or police officer been interviewed about the phone contact between Brennan and Detective Senior Sergeant I Brandis?

(2) Has Graham Casserley been interviewed at all in relation to the Brennan allegations?

(3) Has the staff of Arrow Auctions been interviewed about the claim by Brennan that he and Detective Senior Sergeant I Brandis would have been seen at those premises in Redcliffe in March 1993?

(4) Did Detective Senior Sergeant I Brandis visit that factory in Belmont whilst the Mazda stolen from Ms L Crimmins was stored there by N Hunter?

(5) What was the purpose of the visit?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations.
It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - DETECTIVE SENIOR SERGEANT BRANDIS' INTERVIEW WITH INTERNAL
AFFAIRS BRANCH

1044. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3197 of 1995 -

(1) Will the Minister for Police now provide a prompt answer?

(2) If not, why not?

(3) For the Minister's benefit the question was -

Will the Minister for Police provide me a copy of the Internal Affairs Branch interview of Detective Senior Sergeant I Brandis in respect of the Brennan complaint?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations.
It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - MR R. T. BRENNAN'S AFFIDAVIT

1045. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3196 of 1995 -

(1) Will the Minister for Police now provide a prompt answer?

(2) If not, why not?

(3) For the Minister's benefit the question was -

(1) Did Brennan claim in his affidavit that he spoke to Detective Senior Sergeant I Brandis about taking back his cars?

(2) Was Mr Jimmy O'Loughlin interviewed about the removal of the white Ford Fairlane from Lord Street Motors that evening or the following morning in about July 1992 to ascertain if Detective Senior Sergeant I Brandis played any part in the removal of the cars by Hunter and O'Loughlin?

(3) Was the office girl who worked at Lord Street Motors, Ms Nicole James, interviewed about Brennan's claim that she saw both Neil Hunter and Detective Senior Sergeant I Brandis loading onto a truck, the Mercedes Benz owned by Mrs Anita Hale of Katherine?

(4) To where was the Mercedes taken and how was it transported to Sydney?

(5) When was the vehicle returned to the owner or her representative?

(6) Why wasn't N Hunter charged with stealing the car?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations.
It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - SEIZURE OF MERCEDES BENZ

1046. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3195 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
In respect of the Mercedes Benz owned by Mrs Anita Hale of Katherine in the Northern Territory -
 - (1) When was Mrs Anita Hale's Mercedes Benz seized in Sydney?
 - (2) Did NSW police swoop on the car when Hunter stopped to buy petrol at a service station?
 - (3) On what date was the sighting made?
 - (4) What date did N Hunter collect the car in Sydney and from where was the Mercedes collected?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations.
It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - THEFT OF MERCEDES BENZ

1047. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3194 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
In respect of the Mercedes Benz owned by Mrs Anita Hale of Katherine in the Northern Territory -
 - (1) Was the Mercedes ever reported stolen in Western Australia or any other State?
 - (2) Was N Hunter apprehended in Sydney by Customs officials, Federal police officers, State police officers or any other authority?
 - (3) If so, by whom was he detained?
 - (4) Were traces of heroin found in the car?
 - (5) If so, which authority did the search of the car?
 - (6) After apprehending N Hunter in Sydney in the stolen Mercedes, did Sydney police officers or anyone else contact Detective Senior Sergeant I Brandis?
 - (7) Was this contact made at the suggestion of N Hunter after being detained?
 - (8) Did Detective Senior Sergeant I Brandis confirm he knew N Hunter?
 - (9) Was N Hunter then released to fly back to Perth?
 - (10) What assurances did Detective Senior Sergeant I Brandis give New South Wales police to allow them to release N Hunter?
 - (11) Why was the police report on this stolen Mercedes removed from police computer records?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations.
It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - \$500 CHEQUE

1048. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3193 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
 - (1) Who cashed the cheque for \$500 at the R&I Bank Midland which was given by Mr R Brennan to Nick Duggan?
 - (2) Has this cheque been examined for fingerprints?
 - (3) If yes, when was it examined?
 - (4) If no, why hasn't the cheque been examined for fingerprints?
 - (5) Was Mr R Brennan interviewed about the purported payment of \$500 for information about the CIB Stock Squad investigation in respect of stolen cattle from Windidda Station?
 - (6) Was Duggan interviewed by police about the circumstances surrounding the \$500 cheque?
 - (7) If not, why not?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - CIB STOCK SQUAD INVESTIGATION

1049. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3192 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
 - (1) Did Detective Senior Sergeant I Brandis assist Mr R Brennan in an investigation being conducted by the CIB Stock Squad into stolen or missing cattle from Windidda Station near Wiluna?
 - (2) What assistance was provided by Detective Senior Sergeant I Brandis to Mr R Brennan?
 - (3) What inquiries were made by Detective Senior Sergeant I Brandis to the CIB Stock Squad during early 1992 in respect of this matter?
 - (4) Did Detective Senior Sergeant I Brandis make any representations to the WA Police Stock Squad or their superiors in early 1992 about an investigation regarding stolen cattle from Windidda Station near Wiluna?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - RETURN OF MAZDA

1050. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3191 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
 - (1) Are the police aware that Lindsay Roddan and N Hunter attended Brennan's factory and took away the Mazda?
 - (2) Was the Mazda reported stolen from Mr R Brennan recovered by police?
 - (3) If so, to whom did the police return the vehicle?
 - (4) Was the report of the stolen Mazda investigated by Detective Reynolds?
 - (5) Did Detective Reynolds contact N Hunter and order him to return the stolen Mazda which belonged to Ms L Crimmins?
 - (6) If so, to where was N Hunter asked to return the vehicle?
 - (7) Why wasn't N Hunter charged at this time with stealing or receiving the Mazda?
 - (8) Did Detective Reynolds contact N Hunter and ask or order him to return the vehicle to another person?
 - (9) If so, who was that person?
 - (10) Did the police allow N Hunter to return the vehicle to the car park of the Racquet Club between 5.00pm and 5.30pm on July 24, 1992?
 - (11) If yes, why?
 - (12) Why wasn't N Hunter requested to return the vehicle to the CIB?
 - (13) Why wasn't Nick Duggan charged with stealing the vehicle?
 - (14) Why wasn't N Hunter later charged with stealing the vehicle after he admitted in later questioning to altering the plates when the vehicle came to the yard of Lord Street Motors and he admitted lending the vehicle to his brother Ross Hunter and he admitted that he knew Duggan had sold the vehicle to Brennan?
 - (15) Was Detective Reynolds aware that the vehicle had been seen by both Detective Sergeant Fussell and Mr Lewis the licence of the Maylands Hotel and both knew it was stolen?
 - (16) If not, why not?
 - (17) If yes, what action was taken?
 - (18) Was Detective Reynolds aware that Coe the owner of Bayswater Panelbeaters knew the vehicle was stolen and had advised Hunter of that fact?
 - (19) If not, why not?
 - (20) If yes, what action was taken?
 - (21) Why didn't Detective Reynolds submit a police report in relation to the stolen Mazda being recovered or take a written statement from Hunter?
 - (22) Was Detective Reynolds told or asked to stop his investigations by any senior officer?
 - (23) If yes, why?
 - (24) Why didn't Detective Reynolds carry out his duties in relation to this matter?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - DETECTIVE SENIOR SERGEANT BRANDIS' VISIT TO BRENNAN'S BELMONT
FACTORY

1051. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3190 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
 - (1) Did Detective Senior Sergeant I Brandis visit Brennan's Belmont factory?
 - (2) If so, what was the purpose of each visit?
 - (3) Did Detective Senior Sergeant I Brandis speak to Brennan about the Mazda during one of his visits to Brennan's factory?
 - (4) If so, what was the outcome of the discussions with Brennan?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - MAZDA INVESTIGATION

1052. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3189 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -

In respect of the Mazda sedan owned by Ms L Crimmins:

 - (1) Was an investigation of this theft undertaken?
 - (2) If so, by whom?
 - (3) What was the outcome of this investigation?
 - (4) Was a Mr Lindsay Gordon Roddan implicated in the theft of the Mazda?
 - (5) Did the Mazda come into the possession of Lord Street Motors in 1992 when it was operated by Messrs N Hunter and Duggan?
 - (6) If yes, how?
 - (7) Has it been established that the vehicle was given or loaned to Neil Hunter's brother Ross Hunter?
 - (8) Was the vehicle driven by Ross Hunter at any time in early 1992?
 - (9) Did the vehicle at that time display Tasmanian registration plates and licence sticker?
 - (10) Did N Hunter negotiate to sell the Mazda to a Mr Lewis the licensee of the Maylands Hotel?
 - (11) Was the Mazda delivered to the Maylands Hotel by a Mr Coe the owner of Bayswater Panel Beaters?
 - (12) Did Mr Lewis contact Detective Sergeant Fussell about the vehicle because he suspected the vehicle was stolen?
 - (13) Did Detective Sergeant Fussell do a check and discover the vehicle was stolen?
 - (14) Did Detective Sergeant Fussell report this fact, together with the location of the stolen vehicle to the police Motor Squad?
 - (15) If so, on what date did he make the report?
 - (16) Did Mr Lewis contact Mr Coe and inform him that the vehicle was stolen?

- (17) Did Mr Coe inform Mr N Hunter that the vehicle was stolen when Hunter arrived to collect the vehicle?
- (18) Did police allow Mr N Hunter to collect the vehicle from Mr Coe?
- (19) If yes, why?
- (20) What action was taken by the Motor Squad as a result of this information?
- (21) Why wasn't Mr N Hunter charged with stealing or receiving the vehicle?
- (22) Was the Mazda on sold to Mr Brennan after Mr N Hunter picked up the vehicle from Mr Coe?
- (23) Was the vehicle then kept at Mr Brennan's factory pending resale?
- (24) Did Mr N Hunter tell Mr Brennan and Mr Wildmore he had found a buyer for the Mazda?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - INTERVIEW AND STATUTORY DECLARATIONS CONTRADICTION

1053. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3188 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
 - (1) Does the evidence in the interview by Inspectors McLeod and Robbins with Detective Senior Sergeant I Brandis contradict the statutory declarations of Mr R Brennan?
 - (2) If yes, in what ways?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - DETECTIVE SENIOR SERGEANT BRANDIS' INTERVIEW

1054. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3187 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
 - (1) On what date did Inspectors McLeod and Robbins interview Detective Senior Sergeant I Brandis?
 - (2) On what approximate date did Inspectors McLeod and Robbins conclude that Detective Senior Sergeant I Brandis was not involved in any corrupt practices?
 - (3) Why was that conclusion made, given that only two witnesses were interviewed?
 - (4) If an inquiry was undertaken, what was the extent of that inquiry?
 - (5) Which witnesses other than Detective Senior Sergeant I Brandis and N Hunter were interviewed by Inspectors McLeod and Robbins of the Internal Affairs Branch as part of their investigation?

- (6) Was N Duggan ever interviewed by Internal Affairs before he left Western Australia in about October 1994?
- (7) If not, why not?
- (8) If yes, does a statement exist?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - REMOVAL OF MAZDA FROM BRENNAN'S FACTORY

1055. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3186 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
 - (1) Was Inspector Robbins aware that Mr Lindsay Roddan had visited Brennan's factory where the stolen Mazda was stored and that on this visit, Roddan and N Hunter had removed the Mazda from the factory?
 - (2) Did Inspector Robbins try to convince Wildmore during an interview at the Internal Affairs Branch office that it wasn't Lindsay Roddan who was with Hunter when they picked up the Mazda from Brennan's factory?
 - (3) If yes, why?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - MEETING AT CHEQUERS HOTEL, BULLSBROOK

1056. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3185 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
 - (1) Did Inspector Robbins attend a meeting with Brennan, Wildmore, Detective Walters, Detective Ray Burton and a private investigator at the Chequers Hotel in Bullsbrook on July 8, 1993 in respect of the Rolls Royce sold by Duggan and Hunter?
 - (2) How did Inspector Robbins know about the whereabouts of this vehicle so early in the investigation given that at this meeting Inspector Robbins advised both Mr R Brennan and Detective K Walters that the Rolls Royce had been sold and was in Sydney?
 - (3) Did Inspector Robbins also tell the Brennan's that they will not be getting their Rolls Royce back?
 - (4) If yes, why?

Hon PETER FOSS replied:

- (1)-(2) Yes.

- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - DETECTIVE K. WALTERS' REPORT

1057. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3184 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
- (1) Did Detective K Walters report his investigations into the Brennan complaint and information about the activities of Detective Senior Sergeant I Brandis to Inspectors S Robbins and A Syme of the Internal Affairs Branch?
- (2) If so, when was the information reported?
- (3) Did Inspector S Robbins warn Brennan and Wildmore to be careful of their lives over their complaint because a certain named police officer was capable of anything?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

BRENNAN CASE - JURISDICTION OF INVESTIGATION

1058. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3183 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?
- (3) For the Minister's benefit the question was -
- Why didn't the investigation relating to the Brennan complaint fall within the mandate of the duties of the Inspectorate?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Not applicable.
- (3) The complaint by Mr Brennan related to the conduct of a police officer and therefore fell within the charter of the Internal Investigations Branch and not the Inspectorate.
- The mandate of the duties of officers attached to the Inspectorate did not include investigations into complaints against police officers.

BRENNAN CASE - MS L. CRIMMINS' COMPLAINT

1059. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 3182 of 1995 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?

(3) For the Minister's benefit the question was -

- (1) After a briefing of Deputy Commissioner Mr L Ayton by Acting Commander Hawkes on December 9, 1994, was Acting Inspector R M Thoy given explicit instructions from Deputy Commissioner Mr L Ayton to cease the investigation of a complaint by Ms L Crimmins claiming that she had been indecently assaulted by a member of the Witness Protection Unit after she had only been on the program for four days?
- (2) If yes, why?
- (3) Why was Acting Inspector Thoy also instructed to refer Ms L Crimmins to Commander Jack Mackay of the Internal Investigations Branch if she called again?
- (4) If yes, why?
- (5) If Deputy Commissioner Mr L Ayton ordered Acting Inspector R M Thoy to immediately stop the investigation of the complaint by Ms L Crimmins, who was given the task of investigating the complaint?
- (6) If no one was given instructions to investigate the complaint, why wasn't the complaint investigated?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3) This matter is under investigation by the Parliamentary Commissioner for Administrative Investigations. It would be inappropriate to respond to the question before this investigation is completed and reported on.

GOVERNMENT DEPARTMENTS AND AGENCIES - TOTAL VALUE OF CONTRACTS

1063. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

The Commission on Government Report No 3 (page 43) reported that a 1995 survey by Treasury, to identify the extent to which the Competitive Tendering and Contracting ("CTC") program had been taken up by the Western Australian public sector found that "the Government had contracted out more than \$360m worth of contracts per year to the private sector" (Treasury, 1995:81) -

- (1) Can the Premier advise what was the total value of contracted out work in 1996?
- (2) How many contracts valued at more than \$20m have been contracted out?
- (3) What are they?
- (4) What is the duration of these contracts?
- (5) Are they covered by commercial confidentiality?

Hon N.F. MOORE replied:

(1)-(5) State Governments traditionally purchase a wide range of goods and services under contract from private sector firms. Even prior to the introduction of the Government's competitive tendering and contracting (CTC) policies, approximately \$1 billion worth of goods and services were purchased annually from the private sector.

The survey to which the Hon. Member for East Metropolitan refers was in fact the first of three independent surveys into the extent of contracting for services (ie. excluding the acquisition of goods and contracts for capital works) throughout the public sector. These surveys were carried out at the request of the Public Sector Management Office and covered the financial years 1993-94, 1994-95 and 1995-96.

That first survey dealt with services contracts with a value of \$50 000 or more. As identified in the Hon. Member's question, agencies reported a total of \$360 million worth of such contracts. In contrast, the two subsequent annual surveys covered contracts for services with a value of \$20 000 or more and also included selected agencies' expenditure in the form of direct grants or funding to non-government and community organizations. Under those expanded parameters, agencies reported on service contracts with a value of \$691 million in 1994-95 and \$1 099 million in 1995-96. Of the latter figure, \$32.8 million was associated with first-time contracts where the service was carried out in-house immediately prior to contracting.

In 1995-96, just three service contracts with a value of \$20 million or more were reported by agencies during the survey, as follows:

- the Health Department has a 6-year contract with the firm CSC (expiring at the end of 1998), worth almost \$90 million, for the provision of computer facilities management services. No commercial confidentiality provisions apply.
- Main Roads WA has a 3-year contract with McMahon Construction (expiring in April 1999), worth a total of \$23.1 million, for the provision of road maintenance services. Commercial confidentiality provisions apply in Main Roads' contracts; and
- in July 1996, the State Supply Commission let the WA Government Fleet Funding Facility contract with the firm Matrix. This 10-year rolling contract is subject to commercial confidentiality provisions and will be worth an estimated \$200 million over its life, assuming a stable participation rate on the part of those agencies involved.

CRIMINAL CHARGES FOR DRUG ABUSE

1064. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Police:

- (1) How many criminal charges were laid since 1993 in relation to -
 - (a) amphetamine abuse; and
 - (b) opiates - predominantly heroin?
- (2) How many deaths recorded since 1993 can be attributed to -
 - (a) amphetamine abuse; and
 - (b) opiates - predominantly heroin?

Hon PETER FOSS replied:

- (1) The Western Australia Police Service is unable to extract the required figures. However, the Australian Bureau of Criminal Intelligence have provided the following information for the years 1994 to 1996 in Western Australia.

(a)	1994	480 charges
	1995	615 charges
	1996	461 charges
(b)	1994	75 charges
	1995	190 charges
	1996	355 charges
- (2) It would be inappropriate for the Western Australia Police Service to comment on the number of deaths attributed to illicit drug use. The Coroner's office may be able to provide the requested information.

DRUG EDUCATION IN SCHOOLS

1065. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

- (1) What is the status of the Government's commitment to making drugs education a mandatory element of the school curriculum?
- (2) Are there specialised teacher training courses to facilitate teachers in effective drug education?
- (3) Have the Community Drug Service Teams been established?
- (4) If so, what has been their effectiveness?
- (5) Has the Parent Drug Information Service been established?

Hon N.F. MOORE replied:

- (1) The Taskforce on Drug Abuse Report (Daube) recommended that drug education be a mandatory part of the school curriculum. The draft Curriculum Framework for Health and Physical Education prepared by the Curriculum Council includes outcomes relevant to drug education, relating specifically to knowledge and understandings, interpersonal skills, self-management skills and attitudes and values. These outcomes are expected to be achieved by all students in both government and non-government schools.
- (2) Yes. The Schools Drug Education Project was launched on 4 April 1997. Twenty-three schools have been

involved in intensive drug education professional development and support for school health committees. Sixty-seven schools have nominated a trainer who has initiated local school and community based in servicing. In September 1997, Treasury approved the expenditure of an additional \$1.5 million by the School Drug Education Project.

A portion of this funding will be used to increase the number of schools accessing the intensive professional development program. In 1998 an additional 91 schools will take part in the program, 66 schools starting in January and 25 from July. Since each school is represented by a committee, the total number of teachers, parents and community representatives receiving professional development by the end of 1998 will be 570. There will be an increase in the number of trained regional drug education trainers from 67 in 1997 to 102 in 1998. Of these new trainers, 48 are country and 54 metropolitan based.

- (3) The WA Drug Abuse Strategy Office is responsible for Community Drug Service Teams.
- (4) Not applicable.
- (5) The Alcohol and Drug Authority is responsible for the Parent Drug Information Service.

CRIMINAL CHARGES FOR DRUG ABUSE

1067. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Police:

In respect to amphetamine abuse, the number of criminal charges increased from zero in 1985 to 816 in 1994 and seizures increased from 97 grams in 1986 to 14 720 grams in 1994 -

- (1) What are the figures for the years 1995/96 on criminal charges and seizures relating to amphetamines?
- (2) Are these statistics also available for opiates, and in particular, heroin?
- (3) Can the Minister for Family and Children's Services provide current statistics on total drug seizures by state police from 1994?

Hon PETER FOSS replied:

(1)	1995	615 charges	716 seizures
	1996	461 charges	560 seizures
(2)	1995	190 charges	235 seizures
	1996	355 charges	382 seizures
(3)	Total drug seizures:		
	Amphetamines	1994	932 seizures
		1995	716 seizures
		1996	560 seizures
	Heroin	1994	153 seizures
		1995	235 seizures
		1996	382 seizures
	Cannabis	1994	12,828 seizures
		1995	13,824 seizures
		1996	13,625 seizures
	Cocaine	1994	7 seizures
		1995	5 seizures
		1996	14 seizures
	Hallucinogens	1994	163 seizures
		1995	176 seizures
		1996	160 seizures
	Steroids	1994	24 seizures
		1995	30 seizures
		1996	19 seizures
	Other	1994	197 seizures
		1995	250 seizures
		1996	256 seizures

LANGUAGES OTHER THAN ENGLISH PROGRAMS

1068. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

- (1) Can the Minister for Education advise whether it will be compulsory for primary or secondary students to study a second language from 1998?
- (2) Other than providing a limited number of scholarships to teachers to undertake an intensive three week study course overseas, what other provisions have been made to improve the delivery and implementation of Languages Other Than English ("LOTE") programs?
- (3) Of those children involved in LOTE programs, what proportion are currently studying Asian languages?
- (4) Have funds devoted to LOTE been diverted from other literacy programs in the education system?

Hon N.F. MOORE replied:

- (1) The Education Department's LOTE 2000 policy requires all students in Years 3 to 10 in Western Australia Government schools to be studying a language other than English by the year 2000. This timeline has been extended to the year 2002 for secondary schools.

Schools determine their own implementation timeline. Some schools will thus have all students in some year levels involved in a language other than English program in 1998.

- (2) Provision to improve the delivery and implementation of LOTE programs in 1998:
 - training courses for prospective teachers of French, Italian, Indonesian, Japanese and Spanish (over 250 teachers involved in 1995-97);
 - training courses in LOTE pedagogy (over 150 teachers involved in 1995-97);
 - in-country intensive language courses for prospective LOTE teachers (120 teachers involved in 1996-97);
 - development of District LOTE Implementation Plans in 28 of 29 former education districts (the remaining one is to be completed in 1998);
 - establishment of four District LOTE Resource Centres (servicing metropolitan and country schools); and
 - provision of language specific school development officers (French, Italian, Indonesian and German in 1997).
- (3) In 1997, 77 701 students are studying a Language Other Than English. Of these, 32 193 are studying an Asian language (Chinese, Khmer, Indonesian, Japanese or Vietnamese). This represents 41.43% of all students studying a Language Other Than English.
- (4) No. All funds devoted to LOTE are additional funds allocated to the education budget for the purpose of supporting the LOTE 2000 Strategy.

AGRICULTURE WESTERN AUSTRALIA - INDUSTRY TRUST FUNDS

BRENNAN CASE - SALE OF MAZDA

1071. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 933 of 1996 with reference to the Brennan car/drugs case -

Which police officer(s) made the decision to drop charges against Neil Hunter over the sale of the Mazda for \$14 500?

Hon PETER FOSS replied:

The decision was made by the then Officer in Charge, Detective Inspector N Clarke, of the Fraud Squad, acting upon the recommendations of the Fraud Squad Solicitor on 21 December 1996.

BRENNAN CASE - MR N.G. HUNTER'S PREVIOUS CONVICTIONS

1072. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question on notice 248 of 1996 -

- (1) Will the Minister for Police now provide a prompt answer?
- (2) If not, why not?

(3) For the Minister for Police's benefit the question was -

- (1) Has the Commissioner of Police inquired as to whether or not Neil Hunter had previous convictions for car deals with Police in Queensland?
- (2) Has the Commissioner of Police inquired as to whether or not Neil Hunter was shifted to Perth by Queensland Police?

Hon PETER FOSS replied:

(1)-(2) Yes.

- (3) (1) No.
- (2) No.

BRENNAN CASE - CIB FRAUD AND MOTOR SQUAD

1073. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to my question without notice asked on December 12, 1995 in respect of the Brennan matter -

- (1) What is the status of the CIB Fraud and Motor Squad inquiries?
- (2) When were they completed?
- (3) What was the outcome of the inquiries?

Hon PETER FOSS replied:

- (1) Fraud Squad inquiries have been completed. Motor Squad inquiries are still continuing.
- (2) Fraud Squad inquiries were completed in September, 1995. Motor Squad inquiries are still continuing.
- (3) Mr Neil Hunter is due to appear in the Perth District Court on April 21, 1998 for a Status Conference. Motor Squad inquiries are still continuing.

COLLEGES OF TAFE - FEMALE REPRESENTATION ON COUNCILS

1075. Hon MARK NEVILL to the Leader of the House representing the Minister for Employment and Training:

- (1) Is it the policy of the Minister for Employment and Training or the State Government that there be 50 per cent female representation on college councils?
- (2) What sanctions are there for colleges which do not comply?

Hon N.F. MOORE replied:

- (1) Appointments to college government councils are consistent with the Government's *Two Year Plan for Women 1996-1998* which targets increasing the representation of women on Government boards and in senior management. It has been suggested to Managing Directors that every endeavour should be made to ensure a 50 per cent representation of women on the Councils.
- (2) None.

POLICE OFFICERS TREVOR AND KINGSLEY PORTER - PROSECUTION POLICY AND GUIDELINES WATER RESOURCES - CONTRACTS IN EXCESS OF \$100 000

1081. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) What contracts for disposals have been let in excess of \$100 000 in 1996 or 1997?
- (2) Who were the contracts with?
- (3) What were the items involved in the contract?
- (4) What was the value of the contract?
- (5) Which contracts did not go to tender and why?

Hon MAX EVANS replied:

- (1) Ten.
- (2)-(5) [See paper No 1398.]

DUAL FLUSH TOILET PILOT TRIAL

1082. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

I refer to question on notice 811 of August 26, 1997 in relation to the pilot trial to install dual flush toilets -

- (1) What action is the Water Corporation taking to obtain conclusive results?
- (2) Has the Water Corporation considered expanding the program to obtain accurate results?
- (3) If yes, to where and when?

Hon MAX EVANS replied:

- (1)-(3) A combination of factors have contributed to the inconclusive trial results. These factors include the below average water use in remote country towns; the high variations in rainfalls since the trial began; the limited number of customers; and the wide consumption variations of the customers.

Before December 1997, the Water Corporation will contact a number of individual customers within the towns to gain additional information. A decision will be made at that stage whether to expand the program.

GOVERNMENT MEDIA OFFICE - MEDIA MONITORING SERVICE

1086. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) Does the Government Media Office provide a media monitoring service of all regional newspapers in Western Australia?
- (2) Does the Government Media Office provide a media monitoring service of all regional television and radio broadcasts?
- (3) If so, to whom is the information distributed?
- (4) Are copies made available to the Parliamentary Library on a permanent basis?
- (5) If not, why not?

Hon N.F. MOORE replied:

- (1) The Government Media Office monitors the majority of Western Australian regional newspapers, but not all.
- (2) The Government Media Office does not monitor all regional television and radio but does monitor GWN's news and current affairs programs and ABC regional radio in Karratha.
- (3) Regional information forms part of media news summaries provided to Ministers offices, Parliamentary Library and a number of Government departments and agencies.
- (4) Yes.
- (5) Not applicable.

REGIONAL MEDIA MONITORING CONTRACTS

1087. Hon TOM STEPHENS to the Leader of the House representing the Premier:

With regard to regional media monitoring carried out by regional service providers under Government contract 231b1996 -

- (1) To whom is the information obtained by these service providers sent?
- (2) Is the information obtained by either private service providers or the Government Media Office made available to the Parliamentary Library?
- (3) If not, why not?
- (4) Does the Government Media Office contract out work to private service providers?
- (5) If so, what services and to what value?

Hon N.F. MOORE replied:

- (1) Under the terms of the contract the information is provided to the Government Media Office.
- (2) Yes, in summary form.
- (3) Not applicable.
- (4)-(5) The Government Media Office utilises the services of contractors under the Department of Contract and Management Services panel period contract for Media and Public Relations Services (Contract 231B1996) which is accessible by all State Government Departments and Agencies. The estimated value of that contract, from all sources across Government, over its two year period is \$600,000. Should further detail about Contract 231B1996 be required questions should be referred to the Minister for Services.

FOREST MANAGEMENT - MINISTERIAL CONDITION NO 16

1088. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

With respect to the implementation of Ministerial Condition No 16, pursuant to amendments to the 1987 Forest Management Plans and Timber Strategy and Proposals to Meet Environmental Conditions on the Regional Plans and the WACAP ERMP, under the *Environmental Protection Act 1986* -

- (1) Will the Minister for the Environment table advice given to the Department of Conservation and Land Management ("CALM") by the Water and Rivers Commission, pursuant to Ministerial Condition 16-1?
- (2) How many second order catchments have been examined and in which forest blocks do they exist?
- (3) How many catchments have been subjected to salt storage testing and in which forest blocks do they exist?
- (4) How many second order catchments have been identified as being high salt risk and in which forest blocks do they exist?
- (5) Following this testing procedure, what specific precautions has CALM implemented in order to meet its obligations under Ministerial Condition 16-2?
- (6) Has the Water and Rivers Commission expressed any requirements in respect of Ministerial Condition 16-2 concerning retention of additional river and stream buffers and the location of areas temporarily reserved during phased logging operations?
- (7) If it has, what are they and will the Minister table them?

Hon MAX EVANS replied:

- (1) The Water and Rivers Commission provided written advice to the Department of Conservation and Land Management dated 21 November 1996. See tabled document. Aspects of this advice concerning Ministerial Condition 16-1 are still subject to confirmation by the Water and Rivers Commission. [See paper No 1400.]
- (2) All stream systems within relevant forest areas were evaluated against the methodology for determining streams sensitive to rises in saline groundwater. This encompassed a great many second order catchments in all forest blocks in the intermediate rainfall zone (900 - 1100 mm rainfall pre year) but excluded the Whicher Scarp, Donnybrook Sunklands and Leeuwin-Naturaliste Ridge (which do not have high salt concentrations on the soil). Eleven second order catchments contributing to these streams have been the subject of further examination. These second order catchments occur in the following forest blocks:- Pascoe, Hakea, Surface, Nelson, Spring, Rocky and Long.
- (3) Eleven. Relevant forest blocks are:- Pascoe; Hakea, Surface, Nelson, Spring, Rocky and Long.
- (4) None.
- (5) CALM has implemented precautions pursuant to Ministerial Condition 12. No additional precautions pursuant to Condition 16-2 are necessary.
- (6) Yes.
- (7) The provision of a 50 metre stream buffer on either side of the stream, and a two phased logging operation that ensures that an unlogged area of at least 30 per cent (unless otherwise agreed by the Water and Rivers Commission) of the upslope cut over area is maintained adjacent to the water course during both logging phases, and each logging phase is separated by at least 15 years. This advice is incorporated in the document tabled in (1) above.

ALINTAGAS EMPLOYEES - IMPACT ON ENTITLEMENTS OF SALE OF NORTH WEST GAS PIPELINE

1090. Hon HELEN HODGSON to the Leader of the House representing the Minister for Energy:

In respect of AlintaGas employees who will be affected by the sale of the North West Gas Pipeline ("the pipeline") -

- (1) What provision has, or will, the Government make in respect of the preservation and continuity of these employee entitlements to superannuation, whether by way of lump sum or pension?
- (2) Will employees who choose to continue to work for the new owner of the pipeline be forced to leave the Government Employees Superannuation Fund ("the fund")?
- (3) Is the Government considering amending the *Government Employees Superannuation Act 1987* or Schedule 1 of that Act that lists employers who may contribute to the scheme, to allow employees to retain coverage with the fund?
- (4) Under the current rules of the fund if these employees wish to transfer their entitlements to another fund will a discount be applied to the contributory service component?
- (5) Is the Government considering waiving this discount in this case?

Hon N.F. MOORE replied:

- (1) AlintaGas transmission employees who are members of the Government Employees Superannuation Board (GESB) Gold State Superannuation Scheme, who would otherwise be disadvantaged by moving from AlintaGas, will be paid a lump sum amount direct to their new superannuation fund. The lump sum is the amount calculated to be required to make employees no worse off than if they continued as a contributory member of the GESB. This amount has been calculated using a model and assumptions developed by an actuary specialising in superannuation and has been verified by a second independent actuary. Employees in the West State scheme will retain their existing entitlements on withdrawal from the scheme.
- (2) Employees who choose to work for the new owner can either leave their funds with the GESB or withdraw their funds and invest them in an alternative Superannuation Scheme. They cannot continue as contributory members of the GESB.
- (3) No.
- (4) Consistent with the Policy and requirements of the GESB, a discount will be applied to the benefit a member who would be entitled to at age 55, since it is being paid now, and not at age 55.
- (5) No.

OFFICIAL CORRUPTION COMMISSION - TERMS OF REFERENCE

1094. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

I am advised:

- (1) Is the comment in *InterSector*, volume 3, number 20, October 8, 1997 in the article "Ground-Breaking Unit has Ongoing Role to Play" that "in 1998 an Official Task Force, an arm of the WA Police Service, was created to serve the newly-formed Official Corruption Commission" accurate?
- (2) If not, where is it inaccurate?
- (3) Is the comment in the same article "Then in 1992, some of the Commission's terms of reference, which had been referred to the Police Service for investigation, became part of the terms of reference for the Royal Commission into the Commercial Activities of Government and other Matters, more commonly known as the WA Inc Royal Commission" accurate?
- (4) If not, where is it inaccurate?
- (5) Which of the Official Corruption Commission's terms of reference were referred to the Police Service for investigation and in each case, when?
- (6) Which of those terms of reference became part of the terms of reference for the Royal Commission into the Commercial Activities of Government and Other Matters?

Hon N.F. MOORE replied:

- (1) No.
- (2) The correct year was 1989.
- (3) Yes.
- (4) Not applicable.
- (5)-(6) These details should be released by the Anti-Corruption Commission and the request for information referred to that agency.

POLICE OFFICERS TREVOR AND KINGSLEY PORTER - FISHING WITHOUT A PERMIT

1095. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

I refer to the incident on October 21, 1992 when Police Officers Trevor Porter and Kingsley Porter were stopped by Fisheries Officers near Kalbarri with three rock lobsters, one being an undersize crayfish, and a spawning crayfish in full spawn caught out of season without a Recreational Fishing Licence to take rock lobster -

- (1) Did the Range Rover the two men were driving at the time belong to the Police Department?
- (2) If not, who did the Range Rover belong to and what was its registration number?

Hon PETER FOSS replied:

- (1) No.
- (2) The vehicle involved was and still is the property of Trevor Porter. The registration number is 7DS738.

WESFARMERS COAL LIMITED, SHOTTS - REMOVAL OF NOISE MONITORING DEVICE

1096. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

- (1) Can the Minister for the Environment give full reasons why Wesfarmers Coal Limited has been permitted to remove its noise monitoring device from the Shotts area (near Collie) some 6 months ago, despite Ministerial Conditions placed on the company which aimed to verify company compliance to the Noise Environmental Management Plan?
- (2) Is the Minister aware that the residents of Shotts are subjected to dust generated by Wesfarmers Coal Limited only 60 metres from their front doors while the dust monitoring device stipulated by your Ministry is some 2 kms away?
- (3) What enforceable conditions will the Government make on Wesfarmers Coal Limited in order to safeguard the residents of Shotts from noise and dust pollution from Wesfarmers Coal Limited's coal handling plan due to commence operation in December this year?

Hon MAX EVANS replied:

- (1) Environmental condition 6-3 applicable to the Premier Coal Mine expansion (Statement 416) requires that "The proponent shall conduct noise surveys and assessments in consultation with the Department of Environmental Protection". I am advised by the department that it is aware that the monitor has been relocated and is satisfied that the data obtained whilst the monitor was located at South Shotts provides a clear, accurate record of noise levels in this area. The levels recorded change with weather conditions, time of day, time of year and mining activities. The range of these levels is now known and ongoing monitoring will not add significantly to this knowledge.

The monitor which has until recently been located at South Shotts does not provide information which can be used for any legal purpose such as auditing compliance. Monitors of this style measure and record indiscriminately the levels of all sound which is detected by the measuring microphone. This will include natural sounds such as frogs, birds and the wind in trees in addition to the noise which arises from mining activities. The individual contribution of each of these sources can not be determined by this style of noise monitor.

The statistical monitor was installed at South Shotts to provide advisory information on which to eventually base an environmental noise management strategy. It was not installed as a tool to determine compliance by Wesfarmers Coal Ltd. Compliance auditing requires that authorised persons be in attendance to establish the source or sources of the noise emissions being measured.

- (2) Yes. However, the activity that was 60 metres from Shotts residences was short term railway construction work, carried out by a contractor. The dust monitor is operated by Wesfarmers Coal Limited to provide long-term information on dust emissions from open cut coal mining.

The location of this monitor will be reviewed early next year following the outcome of negotiations with the remaining Shotts residents. The results of these negotiations will determine the need to continue monitoring dust levels in this area.

- (3) The Department of Environmental Protection, in consultation with the Department of Resources Development and the two coal mining companies concerned are at present evaluating practicable, enforceable conditions for noise and dust from coal mining in the Collie region.

KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD - TAILINGS STORAGE FACILITIES

1100. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

I refer to a file note to the Minister for the Environment dated September 25, 1996, titled "Seepage from KCGM tailings storage facilities" -

- (1) Can the Minister for the Environment state what and which specific "complaints" have "been shown to be valid and worthy of the corrective action taken by KCGM at DEP's request" as stated in the above file note?
- (2) If not, why not?

Hon MAX EVANS replied:

The issues you have raised have been dealt with exhaustively and extensively in the past. I am not prepared to devote further resources re-visiting these matters. Any residual concerns that are held in relation to this matter should be raised with the Ombudsman for investigation as this avenue has been created by Government to deal with such matters.

LEARNING DISABILITIES - TESTING AND RESEARCH

1104. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

- (1) Is the Minister for Education aware that, according to the US National Institutes of Health, around 10 per cent of the general population have a learning disability?
- (2) Is the Minister aware that Canadian statistics indicate that -
- (a) learning disability ("LD") is implicated in 50 per cent of adolescent suicides and/or attempts;
 - (b) 74 per cent of children and adolescents with LD suffer from clinical depression at some point in their lives, before reaching adulthood;
 - (c) 80 per cent of young offenders are known to have LD with the majority not having been appropriately identified and educated;
 - (d) one in three Canadians who are functionally illiterate also has LD; and
 - (e) LD in males is four times higher than in females?
- (3) How does Western Australia compare to the above statistics and what research has been done in Western Australia on learning disabilities?
- (4) Does Western Australia routinely test students for learning disabilities in Government schools?
- (5) If not, does the Government consider such testing is appropriate and necessary?
- (6) What programs are in place in Government schools to address LD problems once identified?

Hon N.F. MOORE replied:

- (1) Australian research agrees with that of the US National Institute of Health that about 10% of the general population have a learning disability. The picture is complicated by differences in defining the term "learning disability".
- (2) The Minister is not aware of these Canadian statistics, but, in general, international and national statistics are taken into account in policy development and program management.
- (3) The Education Department has reviewed international and national research about the range of factors which

are linked with learning difficulties which in turn can be a risk factor for possible suicidal behaviour, depression, offending behaviour and others. In 1993, a Task Force surveyed community and professional groups about disabilities and learning difficulties. "The Report on the Education of Students with Disabilities and Learning Difficulties" (The Shean Report) made recommendations to the Minister for Education, which the Education Department has implemented between 1994 and 1997. In Western Australia, the TVW Telethon Institute for Child Health Research has reported relevant data from a significant survey in 1993.

- (4) All Western Australian teachers, particularly in Early Childhood Education, plan their programs to ensure early identification of learning disabilities and intervention strategies designed to address these needs.

To enhance these programs, the Government has allocated \$2.6 million for the four years from 1997/98 to establish the Literacy Net Program. This will extend the systematic monitoring and assessment of students from pre-primary onwards to ensure that students are making adequate progress.

- (5) Not applicable.
- (6) Once identified, schools work collaboratively in providing for the needs of students experiencing difficulties with learning from their resources. At district level, Student Services teams and the Curriculum Improvement Officers are available. From 1998, the District Service Centre for Disabilities and Learning Difficulties will provide assistance to district staff about learning difficulties.

ALCOA OF AUSTRALIA LTD - pH LEVEL OF COOLING PONDS AT KWINANA

1106. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

In response to the Minister for the Environment's answer to my question without notice on October 15, 1997 -

- (1) What is the pH level of the water contained in Alcoa Australia's cooling ponds at Kwinana?
- (2) Does the Department of Environmental Protection allow water from Alcoa's cooling ponds at Kwinana to be used for dust suppression on public roads?
- (3) What are the medical effects and consequences of a person being exposed to water with a pH level of 11?
- (4) Would these medical effects and consequences be different if a person was exposed through contact with roadways which have had water of a pH level 11 sprayed upon them?

Hon MAX EVANS replied:

- (1) The pH level in the cooling water ponds is between 11 and 12.
- (2) No.
- (3)-(4) These questions should be directed to the Minister for Health.

SHOALWATER ISLANDS MARINE PARK - JET SKI LICENCE

1109. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

- (1) Is the Minister for the Environment aware that a jet ski operator's licence has been granted by the City of Rockingham allowing the operation of jet skis in the Shoalwater Islands Marine Park?
- (2) Is the Minister aware whether the Department of Conservation and Land Management ("CALM") or the Environmental Protection Authority ("EPA") were consulted before this license was granted?
- (3) If yes, did CALM or the EPA support the application?
- (4) If either CALM or the EPA did not support the application on what grounds was this based on?
- (5) Is the Minister aware that the area which has been allocated for jet ski use is the site of a whitebait nursery and that whitebait from this area are the staple diet of penguins from Penguin Island?
- (6) Is this in the same area proposed for a marina by Port Kennedy Resorts which will be the subject of an environmental assessment?
- (7) If so, how will the jet ski operation affect the whitebait nursery and the outcome of that assessment?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Yes for CALM. The EPA was not consulted.
- (3) CALM supported the application with appropriate conditions.
- (4) Not applicable.
- (5) Research indicates that whitebait aggregate very close to the shore in shallow turbid waters to the south of the jet ski hire site. Jet skis will operate in deeper water to the north.
- (6) No.
- (7) Not applicable.

POLICE OFFICERS TREVOR AND KINGSLEY PORTER - DETAILS AND OUTCOME OF INVESTIGATION

1115. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

I refer to the apprehension of Police Officers Kingsley Porter and Trevor Porter by Fisheries Officers near Kalbarri on October 21, 1992 -

- (1) Under Regulation 626, Police Force Regulations 1979, to whom was this offence reported and what was their name and rank?
- (2) Can the Minister for Police advise -
 - (a) who made the initial report;
 - (b) what was their name; and
 - (c) on what date was the report made?
- (3) Which officer reported this matter to the Commissioner of Police and on what date?
- (4) Which police officers investigated these offences?
- (5) What action was recommended to the Commissioner of Police?
- (6) What action was taken by the Commissioner of Police?

Hon PETER FOSS replied:

- (1) Detective Sergeant Trevor Porter within the provisions of Regulation 626 (1) of the Police Force Regulations, reported the offence to Detective Inspector K Taylor, his then immediate supervisor.
- (2)
 - (a) Detective Sergeant T Porter made the initial report
 - (b) Trevor Newton Porter
 - (c) The report was submitted on February 19, 1993
- (3) Records indicate that the matter was reported to the then Commissioner of Police, Mr B Bull, on March 2, 1993, by the then Deputy Commissioner of Police, Mr F Zanetti.
- (4) Police officers were not involved in the investigation of the offence. Personnel from the Fisheries department investigated the offence.
- (5) Records indicate that no recommendations were made to the Commissioner of Police, with respect to any disciplinary proceedings being preferred against Detective Sergeant T N Porter.
- (6) No disciplinary action was instigated against Detective Sergeant Porter. The Internal Investigation Branch, conducted an overview of the court proceedings.

ENGLISH AS A SECOND LANGUAGE - EXTRA RESOURCES FOR SCHOOLS

1117. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

- (1) What extra resources or staff support are made available in Government schools and class rooms with significant numbers of children from migrant families where English is not spoken or where English is a second language?
- (2) Are any similar additional resources specifically allocated to schools and classes in which Aboriginal children come from homes in which English is not spoken or is spoken as a second language?

- (3) If yes, what are the specific resources allocated and what is the formula on which this allocation is made?

Hon N.F. MOORE replied:

- (1) There are 8 Intensive Language Centre (ILC) Programs operating across the metropolitan area (4 primary, 3 junior secondary and 1 post compulsory) catering for ESL students who are permanent residents and are newly arrived in Australia. Students are entitled to four terms of intensive language support. The ILC Program is a withdrawal model based on the principle of early language intervention. ESL students travel across district boundaries to attend these centres. The ILC Programs cater for between 800 and 1000 new arrival students annually. There are 8 Deputy Principals (ILC), 60 ESL specialist teachers, 15 Ethnic Aides and 8 School Assistants currently employed in the ILC Programs. A limited schooling program for secondary age students who have less than three years continuous schooling in their country of origin operates in a secondary ILC. The program caters for students from across the metropolitan area.

There are 32 ESL support programs (11 primary and 21 secondary) operating across the metropolitan area. These Programs provide ongoing language support to ESL students in a mainstream context during their second year in Australia in primary school and during their second and third year in Australia in high school. There are 40 specialist teachers currently employed in ESL Support Programs.

The ESL Program includes 4 cell models of service provision; ie one ESL specialist teacher working as a visiting teacher across three or four schools within a cluster. The ESL Cell Model is a collaborative model based on the sharing of expertise which enables mainstream teachers to provide appropriate learning experiences for ESL students. In 1997, 7 539 students accessed ESL programs in government schools.

- (2) The ESL program currently includes the Critical Steps program which, operating in the Kimberley, Goldfields and Pilbara districts, addresses the specific needs of Aboriginal students whose first language is a language other than Standard Australian English.
- (3) The Critical Steps Project also operates in the cell model. It has a school development officer based in the Kimberley, Goldfields and Pilbara district offices. Five visiting teachers work in district cells across schools in both the Kimberley and the Ngaanyatjarra Lands in the Goldfields district. One school development officer services the Pilbara district. The Critical Steps team provides linguistic support for Aboriginal students for whom English is a second language or a second dialect. This allocation is based on:
1. findings and recommendations made by the 1990 ESL State Curriculum Review, which stated that these were the geographic areas of greatest need; and
 2. demand from schools with high numbers of Aboriginal students whose first language is an Aboriginal language, a Creole or Aboriginal English.

POLICE RESOURCES IN MANDURAH-PINJARRA AREA - REVIEW

1121. Hon J.A. COWDELL to the Attorney General representing the Minister for Police:

Last April the Attorney General representing the Minister for Police advised this House that a comprehensive review of policing requirements in the Mandurah/Pinjarra area had been instigated by the Southern Regional Commander, Assistant Commissioner Porter -

- (1) Has the review been completed, and if not, when will it be completed?
- (2) Has the Review Team sought input from the Murray Districts Business Association?
- (3) If the review has been completed, what steps have been taken to ensure that the level of police resourcing in Pinjarra is adequate?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Consultation was entered into with the Shire of Murray, members of its community and the Murray District Business Association.
- (3) Eight additional Police Officers have been deployed at the Mandurah Police Station which is a 24 hour Centre. The larger Centres are expected to assist the smaller stations on a needs basis. The review did not demonstrate the need on a priority basis to place any additional staff at Pinjarra. In addressing the communities concerns Mandurah and Pinjarra have implemented a joint sector patrol on afternoon shift to supplement Pinjarra mobile patrols and staffing arrangements. Additionally the three Mandurah based Aboriginal Police Liaison Officers have had their area of responsibility extended to include Pinjarra Sub-

District. If there is a particular need, the Officer in Charge of Pinjarra can obtain from within the Bunbury Police District extra resources on a needs basis. Furthermore a Mobile Policing Facility is available if required to provide an increased visual presence.

FISHERIES PROSECUTION POLICY OR GUIDELINES

1137. Hon MARK NEVILL to the Minister for Transport representing the Minister for Fisheries:

Will the Minister for Fisheries table the prosecution policy and guidelines applicable in relation to the offences which occurred on October 21, 1992?

Hon E.J. CHARLTON replied:

This was during the Labor Government years and no formal prosecution policy or guidelines were in place at that time.

POLICE OFFICERS TREVOR AND KINGSLEY PORTER - RECOMMENDATION TO PROSECUTE

1138. Hon MARK NEVILL to the Minister for Transport representing the Minister for Fisheries:

I refer to the recommendation of Fisheries Department officers to prosecute Senior Police Officer Kingsley Porter in respect to offences against then *Fisheries Act 1905* which occurred on October 21, 1992. Why was that recommendation not proceeded with?

Hon E.J. CHARLTON replied:

The evidence provided by the investigating Fisheries Officer did not support a prosecution against Mr Kingsley Porter.

POLICE OFFICERS TREVOR AND KINGSLEY PORTER - INTERNAL POLICE ACTION

1141. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

- (1) What internal action was taken against senior Police Officer Kingsley Porter over his involvement in offences against the *Fisheries Act* on October 21, 1992?
- (2) On what date was the action taken?
- (3) If not, why was no action taken?
- (4) What internal action was taken against Senior Police Officer Trevor Porter over his involvement in offences against the *Fisheries Act* on October 21, 1992?
- (5) On what date was the action taken?
- (6) If not, why was no action taken?

Hon PETER FOSS replied:

- (1)-(3) Kingsley Porter was neither investigated nor summonsed in relation to the offence against the Fisheries Act on October 21, 1992, therefore no internal investigation was necessary.
- (4)-(5) None.
- (6) The conviction was brought to the notice of the Deputy Commissioner of Police who made no recommendations relative to disciplinary proceedings.

MEDIA DECISIONS' CONTRACT - PAYMENTS

1145. Hon KEN TRAVERS to the Leader of the House representing the Premier:

In regard to the Government contract with Media Decisions, how much was paid to Media Decisions in the following financial years -

- (a) 1993/94;
- (b) 1994/95;
- (c) 1995/96; and
- (d) 1996/97?

Hon N.F. MOORE replied:

The Member's question is unclear as to what is exactly meant by "paid to". Does this mean monies paid to Media

Decisions for its services or does he mean monies paid to Media Decisions for space purchased from television and radio stations and newspapers which have run advertisements under the Master Media contract? If the Member could clarify the question, I will endeavour to provide an answer.

NON-ENGLISH SPEAKING WOMEN IN SOUTH WEST - DOMESTIC VIOLENCE PROBLEMS

1147. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Women's Interests:

A number of South West women's service organisations recently reported concerns that a significant number of non-English Speaking women are virtually imprisoned in their own homes by violent men in the region. No money is available for existing services to provide programs as scarce resources are to maintaining infrastructure (eg. travel allowance can't be paid to refuge workers who rescue women who are being violated) -

- (1) Will the Minister for Women's Interests investigate the possibility of providing funding for three year service agreements to domestic violence and sexual assault programmes to ensure that ongoing and new service responses can be met?
- (2) If not, why not?
- (3) If so, when might such funding changes be announced?

Hon MAX EVANS replied:

- (1) Family and Children's Services has been operating with three year agreements since 1995. All non government funded services have a service agreement for a three year period unless otherwise stated at the time the Request for Proposal is advertised. All domestic violence services are available to members of the community irrespective of their cultural or ethnic background.

Sexual assault programs are the responsibility of the Health Department. They are currently funded on an annual basis as per the State's agreement with the Commonwealth under the National Women's Health Program which is valid until June 1999. The Domestic Violence Prevention Unit intends that wherever appropriate, contracts for new services that it funds will be until June 2000, subject to review after 12 months.

- (2) Not applicable.
- (3) Refer to (1).

FAMILY COURT - BREAST FEEDING DECISION

1150. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Women's Interests:

- (1) Is the Minister for Women's Interests aware that a young mother was recently ordered by a Family Court Judge to cease breast feeding her 11 months old baby in order to allow access to the child by her estranged partner?
- (2) Does the Government support the Judge's order?
- (3) If not, what action will be taken to ensure such decisions cannot occur in the future?

Hon MAX EVANS replied:

- (1) No, but if the Hon. Member would care to provide my office with more details I shall make further enquiries.
- (2)-(3) Not applicable.

KALGOORLIE-BOULDER DRUG REHABILITATION CENTRE

1151. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

In respect of the need for a rehabilitation centre in Kalgoorlie-Boulder -

- (1) Will the community in Kalgoorlie-Boulder be provided with the resources for a much needed drug rehabilitation centre?
- (2) If not, why not?
- (3) If Kalgoorlie-Boulder is an area of high incidence drug abuse, what programs are set up in the community to help rehabilitate victims of drug abuse and support their families?

- (4) What services for people with drug problems exist locally for the citizens of Kalgoorlie-Boulder and surrounding communities?

Hon MAX EVANS replied:

- (1) No.
- (2) Stand alone Rehabilitation Centres are not necessarily the most cost effective nor appropriate choice for addressing alcohol and other drug related problems. Accordingly there have been government initiatives in recent times to develop community focus strategies to address the problems.
- (3)
 - (i) Community Drug Service Teams that have both a treatment and prevention role are being established around the State including in the Goldfields. CentreCare has been contracted to provide this service in the Goldfields.
 - (ii) Public Health employs a Youth Alcohol and Drug Project Officer for the region.
 - (iii) Alcohol Accord.
- (4)
 - (i) Community Drug Service Teams counselling for individuals and families.
 - (ii) Public Health provides information and awareness.
 - (iii) Eastern Goldfields Half-Way house for males with alcohol related problems.
 - (iv) AA and ALANON, (self help support groups).
 - (v) Some church organisation groups will also assist people with alcohol and drug problems.

WOMEN'S ECONOMIC INDEPENDENCE - GOVERNMENT ACTION

1154. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Women's Interests:

I note the Government's goal on page 4 of the "Government's Two Year Plan for Women" to increase women's economic independence by promoting work practices in order to make it easier for women to balance work and family commitments. What action has been taken by the Government to achieve this goal?

Hon MAX EVANS replied:

Page 9 of the "Government Two Year Plan for Women" outlines the initiatives being implemented by the Department of Productivity and Labour Relations to achieve this goal.

EDUCATION DEPARTMENT - BREACHES OF RECRUITMENT, SELECTION AND APPOINTMENT STANDARDS

1155. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

- (1) Is the Minister for Education aware of 18 breaches of standards in recruitment, selection and appointments within the Education Department as published in the Annual Compliance Report 1996/97?
- (2) Will the Minister list the circumstances surrounding each of the 14 breaches in which the department accepted the recommendations to correct the breaches?
- (3) Of the 14 breaches the department has agreed to correct -
 - (a) how many have already been corrected by the department;
 - (b) how many are yet to be corrected by the department; and
 - (c) when will these breaches be corrected?
- (4) Will the Minister list the circumstances surrounding each of the three breaches in which the department justified the non-acceptance of the reviewer's findings?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Complaint 20/96 concerned the ineligibility for a position because of failure to address a selection criterion. Recommendation: the application be accepted as meeting all of the criteria and the applicant be appointed to the position.

Complaint 21/96 claimed all applicants were not being treated equally with respect to assistance provided

in preparing an application for the position. Recommendation: the position be readvertised with a new selection panel appointed.

Complaint 22/96 claimed applicant ineligible for the position for failing to meet a selection criterion. This ruling was incorrect. Recommendation: application be accepted and the applicant appointed to the position.

Complaint 23/96 concerned a failure to send formal feedback to the unsuccessful applicant, with the feedback arriving late and incomplete. Recommendation: full written and verbal feedback to be provided.

Complaint 24/96 alleged the extension of a closing date for applications allowed late applicants an unfair advantage for a limited tenure position. Recommendation: the position be readvertised and processed by a newly appointed selection panel.

The review of Complaint 36/96 found a breach of confidentiality in that an applicant, in their feedback, received the respective ranking of other applicants for the position. Recommendation: Selection panels were advised to ensure that feedback is confined to the applicant to whom the feedback is addressed.

Complaint 47/96 concerned a failure to notify the existence of a breach of standards process. No recommendation made as the person was able to lodge a complaint.

Complaint 50/96 alleged the applicant's skills were not fairly assessed and that natural justice was denied. Recommendation: a new selection panel be convened and the process repeated.

Complaint 79/96 alleged the selection panel forwarded confidential feedback to an incorrect person. This was deemed a clerical error which had no affect on the outcome of selection process, and no recommendation was made.

Complaint 88/96 concerned the appointment of the complainant to an acting position at a school by a school based panel without consultation with Central Office, which independently appointed another person to the position as per normal practice. Recommendation: to appoint the complainant to the position or provide financial compensation in lieu of appointment.

Complaints 89/96, 93/96 and 4/97 referred to a failure to notify of the existence of a breach of standards process. Recommendation: to educate all selection panels on the correct procedures.

Complaint 13/97 alleged the incorrect application of "field information" as a selection criterion. As the "field information" did not affect the eventual outcome, no recommendation was made to redress this particular appointment.

- (3)
 - (a) The Department has corrected 13 of the 14 breaches it agreed to correct.
 - (b) One.
 - (c) Complaint 24/96 was readvertised as recommended, however due to the time elapsed in recalling applications for this limited tenure position, there was insufficient time for an applicant to take up the position before expiry of the tenure period.
- (4) Complaint 46/96 alleged the applicant's suitability was not fairly assessed as no interviews were conducted. It was recommended the selection process be reinstituted with a new panel. The Department, with the concurrence of the Public Sector Standards Commission, determined that as the position was only of limited tenure, the assessment of applicants without conducting interviews was adequate.

Complaints 49/96 and 51/96 referred to the selection panel's practice of not allowing applicants to refer to their notes during the interview. The recommendation was for a new panel to repeat the process. Advice from the Public Sector Standards Office indicated that as all applicants were not allowed to refer to their notes, and as the recommended applicant was clearly superior in the assessment, it was not necessary to repeat the process.

Complaint 14/97 involved quantifying the use of "field information" in the selection process, which effectively boosted the rating of another applicant ahead of the complainant. The reviewer considered this practice inequitable, and recommended the ranking be reversed by deleting the "field information" rating. The Department maintained its original assessment of the applicants was correct and did not reverse the selection panel's decision.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT - RESEARCH PROJECTS

1160. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

- (1) Of the 38 research projects approved by the Commonwealth-State RFA Steering Committee, how many

have been undertaken, in whole, or in part, by the Department of Conservation and Land Management ("CALM")?

- (2) Of the overall budget allocated to the 38 research projects, how much money has been allocated to CALM?
- (3) What is the total budget allocated by the State and Commonwealth Governments to advertising and publicity for the RFA?

Hon MAX EVANS replied:

- (1) 26.
- (2) CALM has received payments from the Commonwealth or will receive payments from the Commonwealth for 17 projects approved by the Steering Committee, totalling \$2 187 775.
- (3) The project approved for RFA communication has a budget of \$60 000, shared equally by Commonwealth and State governments.

AQUACULTURE PROGRAMS - FUNDING

1161. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Fisheries:

- (1) Are there any State or Commonwealth funded programs upon which aquaculture project proponents can draw for financial support to move a project in the Kimberley or the North West from drawing board to reality?
- (2) If yes, what are the details of these programs and what information is available for such project proponents?

Hon E.J. CHARLTON replied:

- (1)-(2) Commerce and Trade and Regional Development have worked with Fisheries Western Australia in providing support for aquaculture development in the Kimberley and North West. For example, the Kimberley Development Commission partnered Fisheries Western Australia on the production of the Kimberley Aquaculture Development Plan.

Fisheries Western Australia administers the Aquaculture Development Fund and the Development and Better Interest Fund. Projects with wide industry benefits could be eligible for support for those funds. Guidelines are available from Fisheries Western Australia.

To further assist aquaculture development in the Kimberley and North West, Fisheries Western Australia has;

published the Kimberley Aquaculture Development Plan and is currently developing an implementation strategy;

stationed a development officer at Kununurra to work with proponents; and

established the Aquaculture Park in Broome.

These activities are part of the State Government's aquaculture development initiative which has provided \$12.5 million over seven years to foster aquaculture development in Western Australia. I would be happy to arrange for Fisheries Western Australia to provide the member with a briefing if further information is sought. If the member requires information from other agencies or the Commonwealth Government, then the information is best obtained direct.

AQUACULTURE PROGRAMS - FUNDING

1162. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Fisheries:

What programs of financial support are available to assist people moving to establish aquaculture programs in the Kimberley or the North West?

Hon E.J. CHARLTON replied:

Fisheries Western Australia through the Aquaculture Development Council and the Development and Better Interest Management Advisory Committee, administer the Aquaculture Development Fund and the Development and Better Interest Fund. Projects with wide industry benefits could be eligible for support from these funds. Guidelines are

available from Fisheries Western Australia. To further assist aquaculture development in the Kimberley and the North West, Fisheries Western Australia has -

- published the Kimberley Aquaculture Development Plan and is currently developing an implementation strategy;
- stationed a development officer at Kununurra to work with proponents; and
- established the Aquaculture Park in Broome.

These activities are part of the State Government's aquaculture development initiative which has provided \$12.5 million over seven years to foster aquaculture development in Western Australia.

DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES - RESTRUCTURING

1164. Hon BOB THOMAS to the Minister for Transport representing the Minister for Family and Children's Services:

I refer to the Minister for Family and Children's Services' comments that the Department of Family and Children's Services has received a 24 per cent budget increase over the last four years and ask -

- (1) Is the Department of Family and Children's Services restructure complete?
- (2) If so, on what date was it completed?
- (3) If not, when will it be completed?
- (4) How many FTEs were employed in each of their metropolitan and regional offices as at -
 - (a) October 14, 1997;
 - (b) July 1, 1997;
 - (c) July 1, 1996;
 - (d) July 1, 1995;
 - (e) July 1, 1994?
- (5) When will the operating budget for Midland be determined for 1997/98?
- (6) When was a regional relieving pool created?
- (7) Which offices have requested assistance from the regional relieving pool and on what dates?

Hon E.J. CHARLTON replied:

- (1) The design of the new organisation structure is virtually complete.
- (2) It was announced to all staff within the department in October, 1997.
- (3) While the design is virtually completed, implementation will be phased in over the remainder of this financial year.
- (4)

Metropolitan District Office	14- Oct - 97	1- Jul - 97	1- Jul - 96	1- Jul - 95	1- Jul - 94
Armadale	37	37	37	31	27
Belmont	25	25	25	25	24
Canning	29	29	29	29	29
Fremantle	35	35	35	35	32
Joondalup	29	29	29	23	
Midland	34	34	34	33	31
Mirrabooka	41	41	41	38	34
Perth	28	28	28	28	28

Rockingham	30	33	30	27	27
Scarborough	23	23	23	20	20
Whitford (a)					23
Regional Office					
Northern Metropolitan (b)					15
Southern Metropolitan (c)					10
Metropolitan Regional Office	15	15	15	14	
Metro Regional Relieving Pool	10	10	10	11	
Northern Country	11	11	12	10	8
East Country (d)					13
Southern Country	9	9	9	9	7

- Notes: (a) Whitford District Office transferred to Joondalup.
 (b) North Metropolitan ceased to exist from 1 May 1995, includes 4 FTE for relieving staff.
 (c) South Metropolitan ceased to exist from 1 May 1995
 (d) East Country ceased to exist from 1 May 1995.

- (5) The operational budget for Midland, incorporating the new structure, will be determined in January, 1998. Since July, 1997 the allocation to Midland has been the same allocation as for 1996/97.
- (6) The Metropolitan relieving pool was created on 1 July 1995.
- (7) All Metropolitan Offices have requested and received assistance from the regional relieving pool since its creation. The pool was created to provide a quick response to offices requiring assistance to cover staff absences and workload fluctuations.

FUEL REDUCTION BURNS - LOCATION, DATE AND AREA

1166. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

- (1) Did the Department of Conservation and Land Management conduct any fuel reduction burns in the six months ending and including August 1997?
- (2) If so, can the Minister for the Environment provide;
- (a) the location and dates of each burn; and
 (b) the approximate area of each burn?

Hon MAX EVANS replied:

- (1) Yes
- (2) [See paper No 1401.]

AGRICULTURE WESTERN AUSTRALIA - INDUSTRY TRUST FUNDS

1170. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

- (1) What are the names of each industry trust fund for which Agriculture Western Australia holds bank accounts?
- (2) Who has authority to operate each of these accounts?
- (3) Which accounts have had moneys withdrawn and used for expenditure for purposes normally funded from Consolidated Revenue?
- (4) In each case what was the purpose the moneys were used for?

(5) In each case who authorised that expenditure?

Hon E.J. CHARLTON replied:

(1)-(5) The Chief Executive Officer of Agriculture Western Australia has advised me of the following -

All moneys relating to Industry Trust Funds are held within the Agriculture Western Australia Operating and Interest Bearing bank account which is with the Reserve Bank of Australia in accordance with the Financial Administration and Audit Act 1995. The accountable officer has the authority to draw on the Agriculture Western Australia bank account. Funds have been drawn from these accounts for expenditure relating to project operations as incurred by the appropriate project manager as agreed for the fund. All expenditure from these funds has been to agreed project milestones. Project manager/fund managers or their delegated incurring officer approves expenditure from these funds, in accordance with incurring officers register.

HIGH SCHOOL ENROLMENTS

1171. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

What is the current student enrolment for the following high schools -

- (a) City Beach;
- (b) Scarborough;
- (c) Churchlands;
- (d) Carine; and
- (e) Swanbourne?

Hon N.F. MOORE replied:

	School	Semester 1	Semester 2	
(a)	City Beach Senior High School	463	458	
(b)	Scarborough Senior High School	408	383	
(c)	Churchlands Senior High School	963	948	
(d)	Carine Senior High School			1421
(e)	Swanbourne Senior High School	547	557	1414

HIGH SCHOOL ENROLMENTS

1172. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

What was the student enrolment for each of the following high schools -

- (a) City Beach;
- (b) Scarborough;
- (c) Churchlands;
- (d) Carine; and
- (e) Swanbourne,

for each of the years 1990 to 1996?

Hon N.F. MOORE replied:

	School	Semester 1	Semester 2
(a)	City Beach Senior High School		
	1990	331	332
	1991	351	339
	1992	320	319
	1993	345	333
	1994	346	349
	1995	363	362
	1996	417	408
(b)	Scarborough Senior High School		
	1990	530	512
	1991	542	520
	1992	562	530
	1993	599	559
	1994	561	542
	1995	512	484
	1996	446	436

(c) Churchlands Senior High School

1990	1083	1083
1991	1110	1091
1992	1056	1026
1993	1013	959
1994	961	951
1995	926	923
1996	905	897

(d) Carine Senior High School

1990	1137	1125
1991	1209	1211
1992	1237	1228
1993	1271	1243
1994	1288	1283
1995	1330	1320
1996	1385	1369

(e) Swanbourne Senior High School

1990	498	506
1991	532	560
1992	593	619
1993	609	622
1994	601	576
1995	602	623
1996	613	620

PRIMARY SCHOOL ENROLMENTS

1173. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

What is the current student enrolment for the following primary schools -

- (a) Deanmore;
- (b) Newborough;
- (c) Karrinyup; and
- (d) Yuluma?

Hon N.F. MOORE replied:

	School	Semester 1	Semester 2
(a)	Deanmore Primary School	263	260
(b)	Newborough Primary School	259	251
(c)	Karrinyup Primary School	305	312
(d)	Yuluma Primary School	295	302

PRIMARY SCHOOL ENROLMENTS

1174. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

What was the student enrolment for the following primary schools -

- (a) Deanmore;
- (b) Newborough;
- (c) Karrinyup; and
- (d) Yuluma,

for each of the years 1990 to 1996?

Hon N.F. MOORE replied:

	School	Semester 1	Semester 2
(a)	Deanmore Primary School		
	1990	288	312
	1991	295	312
	1992	289	274
	1993	272	282
	1994	272	268
	1995	253	257
	1996	251	253

(b) Newborough Primary School

1990	270	264
1991	272	269
1992	264	273
1993	268	262
1994	263	263
1995	271	268
1996	269	260

(c) Karrinyup Primary School

1990	397	396
1991	398	418
1992	369	376
1993	360	366
1994	327	327
1995	306	315
1996	310	315

(d) Birralelee Primary School*

1990	123	131
1991	131	125
1992	126	123
1993	127	122
1994	122	114
1995	91	92
1996	104	105

(e) North Innaloo Primary School*

1990	233	222
1991	225	222
1992	212	202
1993	206	190
1994	197	209
1995	182	181
1996	182	183

* As at 1997 these schools amalgamated to form Yuluma PS

ESPERANCE SENIOR HIGH SCHOOL - TEACHING STAFF REDUCTION

1175. Hon KIM CHANCE to the Leader of the House representing the Minister for Education:

- (1) Is the Minister for Education aware that the teaching staff at Esperance Senior High School has been reduced, according to formula, which has had the result of reducing the range of subjects which can be taught at Esperance, relative to comparable metropolitan schools?
- (2) Given that this is a commonly reported difficulty in country high schools, what initiatives is the Government considering which are aimed at correcting this clear disadvantage for non-metropolitan secondary students who are often faced with the prospect of dropping a preferred subject or attempting to complete it under distance education?

Hon N.F. MOORE replied:

- (1) With the introduction of the new formula, Esperance Senior High School will receive a total staffing allocation of 57.96 FTE for the 1998 school year. This is 1.06 FTE more than the school would be entitled to under the old formula which applied in 1997. The integration time allocated to the Senior High School from the newly established Education Support Centre is to be negotiated and is additional to the mainstream staffing allocation. Application of the new formula will therefore yield an advantage to the Senior High School.
- (2) All schools are currently staffed on the old formula on the basis of student enrolments, regardless of their location. The same factors are applied to country and metropolitan schools in determining the total staffing allocation. Under the new formula however, schools receive an additional staffing allocation where the student population in years 8-10 and location of the school is such that students have a restricted access to course offerings. In addition, Local Area Planning is designed to optimise the use of available resources and strategies will be developed to address this issue.

ESPERANCE SENIOR HIGH SCHOOL - ABORIGINAL EDUCATION SPECIALIST

1176. Hon KIM CHANCE to the Leader of the House representing the Minister for Education:

- (1) Is it correct that the Aboriginal Education Specialist Teacher at the Esperance Senior High School will not be employed after the end of 1997?
- (2) If so, why has this decision been made?
- (3) What alternative arrangements will be made to replace the functions of the Aboriginal Education Specialist Teacher?

Hon N.F. MOORE replied:

- (1) No. The education support students at Esperance Senior High School are still integrated into mainstream classes with assistance provided.
- (2) Not applicable.
- (3) The integration of education support students will continue in 1998 and, in all probability, the program will be enhanced.

ESPERANCE SENIOR HIGH SCHOOL - EDUCATION SUPPORT STUDENTS

1177. Hon KIM CHANCE to the Leader of the House representing the Minister for Education:

- (1) Is it correct that Education Support students at Esperance Senior High School no longer have provision for assistance to be integrated into the mainstream class activity?
- (2) If this is so, why has this occurred?
- (3) Will this situation be corrected during the next school year?

Hon N.F. MOORE replied:

- (1) No. It is not correct that the Aboriginal Education Specialist Teacher at Esperance High School will not be employed in 1998.
- (2)-(3) Not applicable.

ESPERANCE SENIOR HIGH SCHOOL - CLEANING CONTRACT

1178. Hon KIM CHANCE to the Leader of the House representing the Minister for Education:

- (1) Is the Minister for Education aware that since school cleaning has been contracted out at the Esperance Senior High School, teachers have complained about dirty classrooms including dead flies accumulating on windowsills?
- (2) If not, will the Minister call for a report on the adequacy of the cleaning arrangements at Esperance Senior High School in the interests of the health and welfare of students and staff?
- (3) If so, what action has been taken to improve the quality of cleaning at the school?

Hon N.F. MOORE replied:

- (1) No formal reports have been received for Esperance Senior High School regarding the levels of cleanliness at the school. It should be noted that the school is not contract cleaned but cleaned by day labour staff.
- (2)-(3) Not applicable.

LAND CLEARING APPLICATION - MR ROBERT CHESTER

1179. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

- (1) Is it correct that the application by Robert Chester of Great Southern Highway, York, has been refused by the Commissioner for Land and Soil Conservation to clear part of his land?
- (2) Is it correct that in the application Mr Chester sought permission to clear his land, so that Main Roads could extract all necessary gravel for its current road building program?
- (3) Is it correct that the office of the Commissioner of Land and Soil Conservation wrote to Main Roads and stated, in writing, that such clearing would not cause any degradation on or off site?

- (4) Is it correct that Mr Chester in his application asked the Commissioner to supply him with a copy of any technical report and any objections that was to be the basis of any decision he made?
- (5) Is it correct that the Commissioner did neither and so violated the principles of natural justice?
- (6) Would the Minister for Primary Industry table in this House within seven days all technical reports and any objections and the detailed reasons for his refusal to grant permission to Mr Chester?
- (7) Will the Minister, in view of this information before the House, grant Mr Chester authority to clear as applied for?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) In May 1997, Mr Chester notified his intention to clear 160 ha for fencing posts, to establish a seed farm and dams for aquaculture. On the day of the property inspection in July 1997, Mr Chester amended his Notice of Intent to clear to include gravel extraction.
- (3) The Deputy Commissioner, Soil and Land Conservation, on 17 February 1997, informed Main Roads Western Australia (MRWA) that a long term land degradation problem was unlikely to result from the extraction of gravel. MRWA was proposing to progressively mine and rehabilitate an area of about 11 ha over a ten year period.
- (4)-(7) All relevant documents have been provided to Mr Chester. Mr Chester has appealed against the Soil and Land Conservation Notice, and this will be heard by an Appeals Committee - this committee will provide advice to the Minister in March 1998.

PINK LADY AND SUNDOWNER APPLES - REVENUE FROM PLANT VARIETY AND TRADEMARK RIGHTS

1180. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

- (1) What amount of revenue has been generated from Plant Variety Rights and trademark rights on the apple varieties Pink Lady and Sundowner during the two years 1995/96 and 1996/97?
- (2) Are these funds held in a trust account or some similar separate account?
- (3) How are funds which are raised in this way, eventually expended?
- (4) Is a detailed accounting of income and expenditure, relating to these varieties, maintained?
- (5) Will the Minister for Primary Industry table this record of accounting?

Hon E.J. CHARLTON replied:

- (1)-(5) The Chief Executive Officer of Agriculture Western Australia has advised that Revenue generated from royalties on Plant Breeders Rights for Cripps Pink and Cripps Red and trade mark rights for Pink Lady® and Sundowner® for

1995/96 - \$467,115
1996/97 - \$620,007

The funds are currently managed through the agency's net appropriation arrangement "Intellectual and Genetic Property Sales" by the Horticultural Program through this net appropriation arrangement to meet the agency's outputs as specified in its budget statements. All income and expenditure is maintained for these varieties. If the Member wishes to be briefed on this information, it can be arranged.

Note: *Pink Lady* and *Sundowner* are trade marks associated with the apple varieties "*Cripps Pink*" and "*Cripps Red*" respectively.

PINK LADY AND SUNDOWNER APPLES - GENETIC MATERIAL EXPORTED

1181. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

- (1) Is a record maintained of the amount of genetic material for the varieties Pink Lady and Sundowner which is exported?
- (2) If so, can the Minister for Primary Industry advise me what amount was sent out of Western Australia in the period 1987/88 to 1996/97?

- (3) What amount of material was exported by the Department of Agriculture?
- (4) What amount of that material was exported by private sources?
- (5) In the event of the Western Australian Department of Agriculture receiving a request to supply genetic material for Pink Lady or Sundowner from an overseas buyer, what procedure is followed by the department -
 - (a) are tenders called to fill that order;
 - (b) is the request referred to a private supplier;
 - (c) if so, how is that supplier selected;
 - (d) does the department purchase material to fill the order; and
 - (e) if so, how does it select its supplier?

Hon E.J. CHARLTON replied:

- (1)-(5) The Chief Executive Officer of Agriculture Western Australia has advised the following:

No. The agency has no record of exporting activities of private companies. The agency exported small quantities of material to its licensed propagators in New Zealand, South Africa, France, USA and Argentina. Material sent to Chile perished and arrangements were made for the USA licensee to send material. In April this year, some 30,000 buds from the Stoneville Research Station facilities were imported by a newly appointed Brazilian licensee. Plant Breeders' Rights are not available in Brazil and a commercial arrangement has been made between the agency, as licensor, and the licensee. If the request is made by an organisation from a country where the varieties are protected, the organisation is referred to the relevant Licensee, who has the exclusive rights to propagate and sell the varieties in that country. The varieties are not protected in Australia and as such are "free" and not subject to royalty payment to the breeder. Thus, there is no restriction on the propagation or trade in the varieties in Australia and to other countries where the varieties are not protected.

LEONORA DISTRICT HIGH SCHOOL - ATTENDANCE NUMBERS

1184. Hon MARK NEVILL to the Leader of the House representing the Minister for Education:

- (1) What are the trends in, and truancy levels at, the Leonora District High School over the last five years?
- (2) What are the attendance numbers compared with the number of children enrolled at the above school over the last five years?

Hon N.F. MOORE replied:

- (1)-(2) The attendance records for students enrolled at Leonora District High School have not been adequately maintained over this period. Consequently, the accuracy of the information requested cannot be guaranteed.

Available statistics indicate that the level of non-attendance varies from 15% - 26%. However, the inaccuracy of this information is compounded by the fact that it is likely to include students who are truanting as well as those students who lead transient lifestyles, and who are absent from school for this reason.

A truant is a child of compulsory school age who does not have a proper and acceptable reason for being absent from school. Student transiency is widespread in the Goldfields Education District, and it is often difficult to determine whether a child is truanting or has left the area.

HALLS CREEK DISTRICT HIGH SCHOOL - ATTENDANCE NUMBERS

1185. Hon MARK NEVILL to the Leader of the House representing the Minister for Education:

- (1) What are the trends in, and truancy levels at, the Halls Creek District High School over the last five years?
- (2) What are the attendance numbers compared with the number of children enrolled at the above school over the same period?

Hon N.F. MOORE replied:

- (1) A truant is a child of compulsory school age who does not have a proper and acceptable reason for being absent from school. Due to high levels of student transiency in the Kimberley Education District it is often difficult to determine whether a child is truanting or has left the area. Extrapolating from the attendance figures it would be realistic to deduce a truancy rate of approximately 5 per cent - 9 per cent over the years in question. There does not appear to be a significant upward trend.

- (2) Following is a table of figures related to attendance over the period requested. These figures are not to be confused with 'truancy'. Actual attendance figures are consistent excepting the primary percentage for 1996-7 and secondary percentages for 1997. The 20-25 per cent non attendance is related to high levels of student transiency which is consistent with similar remote schools. Other than 1997, there is no discernible trend upward or downward.

Year	Average Enrolment	Average Primary Attendance	Average Secondary Attendance
1991	292 (Yr 1 - Yr 10)	76%	75%
1992	301 (Yr 1 - Yr 10)	77%	72%
1993	311 (pp - Yr 11)	70%	69%
1994	321 (pp - Yr 12)	78%	67%
1995	312 (pp - Yr 11)	73%	78%
1996	374 (pre-school - Yr 11)	50% (Term 3)	87% (Term 3)
1997	323 (pre-school - Yr 12)	61%	54%

OFFICE OF THE COMMISSIONER FOR PUBLIC SECTOR STANDARDS - EFFICIENCY AUDITS

1191. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Public Sector Management:

- (1) How long does it take for the Commissioner for Public Sector Standards to make a decision about whether or not to conduct an inquiry?
- (2) Is the Office of the Commissioner for Public Sector Standards subject to efficiency audits?
- (3) If so, by whom?
- (4) When will I be advised if a full inquiry into WorkSafe will take place?

Hon MAX EVANS replied:

- (1) Under Section 22 of the Public Sector Management Act 1994, the Commissioner acts independently concerning the performance of his functions. The Commissioner is conducting an inquiry into this matter. A general response cannot be provided as the circumstances may vary from case to case.
- (2) Yes.
- (3) The Auditor General.
- (4) The Commissioner for Public Sector Standards should be in a position to respond to your inquiry when he has reviewed the matter and determined what action, if any, may be taken.

BROOME NURSING HOME - ESTABLISHMENT

1196. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

- (1) Is the Minister for Health aware that a frail aged facility is urgently needed for elderly people residing in Broome?
- (2) What options is the State Health Department currently examining to assist in meeting the aged care needs of the Broome community?
- (3) Will the State Government provide funding to assist the Federal Government in establishing a frail aged facility in Broome?
- (4) If not, why not?

Hon MAX EVANS replied:

- (1) The Minister has received correspondence and is aware of the community perception that a frail aged facility is needed for elderly people residing in Broome.
- (2) The Health Department of WA is to undertake a major study of the health and aged care needs of people living in the North West of the State. The study's scheduled completion date is 30 May 1998.
- (3)-(4) State Government funding will be dependent on the outcome of the North West planning study.

NUMBUD TRUANCY PATROL, DERBY - FUNDING

1197. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Aboriginal Affairs:

- (1) Is the Minister for Aboriginal Affairs aware of the Numbud Truancy Patrol program in Derby?
- (2) Does this program achieve its main objective in encouraging young people to attend school?
- (3) Is the Minister aware that the property crime statistics supplied by the Derby Police have shown a significant decrease in property crime during the period that Numbud Truancy Patrol has been operating?
- (4) Is the Minister prepared to make funding available to this worthwhile program to ensure its continued success?

Hon E.J. CHARLTON replied:

- (1) I am aware that the Numbud Patrol operates a Night Patrol and a Truancy Patrol.
- (2) Yes.
- (3) I have not received actual statistics relating to property crime in Derby but I am aware of claims that property crime has decreased during the period that Numbud Truancy Patrol has been operating.
- (4) The Government will continue to fund the Numbud Patrol.

NUMBUD TRUANCY PATROL, DERBY - FUNDING

1198. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Family and Children's Services:

- (1) Is the Minister for Family and Children's Services aware of the Numbud Truancy Patrol program in Derby?
- (2) Does this program achieve its main objective in encouraging young people to attend school?
- (3) Is the Minister aware that the property crime statistics supplied by the Derby Police have shown a significant decrease in property crime during the period that Numbud Truancy Patrol has been operating?
- (4) Is the Minister prepared to make funding available to this worthwhile program to ensure its continued success?

Hon E.J. CHARLTON replied:

- (1)-(2) Yes.
- (3) No.
- (4) Approval was given to the Shire of Derby to utilise unspent funds on this project on a once-off basis in 1997. The Derby Aboriginal Sporting Association currently receives funding from Family and Children's Services of \$53,867 to provide services for young people in Derby.

NUMBUD TRUANCY PATROL, DERBY - FUNDING

1200. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) Is the Premier aware of the "Numbud Truancy Patrol" program in Derby?
- (2) Does this program achieve its main objective in encouraging young people to attend school?
- (3) Is the Premier aware that the property crime statistics supplied by the Derby Police have shown a significant decrease in property crime during the period that Numbud Truancy Patrol has been operating?
- (4) What Government funding can be made available to this worthwhile program to ensure that night patrols will continue and for a new vehicle to be purchased and maintained?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Derby District High School has reported an improvement in the level of student attendance. However, other initiatives which are conducted by the Education Department to address truancy may have contributed to this result. Derby District High School utilises the services of ten Aboriginal Education Workers whose

role, in part, is to address truancy experienced at the school. At the district level, information about transient and truanting students is maintained through the ongoing supply of information by schools. This facilitates early identification of truanting behaviour, and subsequent intervention. An Aboriginal Liaison Officer and a School Development Officer (Aboriginal Education) are employed through the district office to liaise between the school and parents, where truanting is identified.

- (3) The Minister for Education has advised me that he is aware that property crime statistics have shown a significant decrease during the period in which the Numbud Truancy Patrol has been operating.
- (4) The Education Department has committed funds to the project for the next three years.

ENGLISH AS A SECOND LANGUAGE - FUNDING OF PROGRAMS

1201. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

- (1) What schools receive funds under the specialist English as a Second Language Program?
- (2) How much is received in each case?
- (3) What number of students from a non-English speaking background attend each of these schools?

Hon N.F. MOORE replied:

- (1) English as a Second Language (ESL) funds are not allocated to specific schools. ESL support is allocated in the following ways:
 - specialist teacher allocations
 - Ethnic Aide allocations
 - School Assistant support
 - access to a specialist resource centre
 - advisory and advocacy service
 - access to professional development support
 - a visiting teacher service

An annual contingency grant is allocated to four Cell Programs servicing 15 primary schools, which are located at:

- Balcatta Cell (Balcatta, Takari, West Balcatta and Osborne Primary Schools)
 - Mirrabooka Cell (Mirrabooka, Westminster Junior, Tuart Hill and Nollamara Primary Schools)
 - Girrawheen Cell (Girrawheen, Montrose and Blackmore Primary Schools)
 - Balga Cell (Boyare, North Balga, Warriapendi and Dryandra Primary Schools)
- (2) Each ESL Cell Program receives an annual ESL grant of \$500 per ESL Cell for contingency purposes. Funds for the support services outlined in (1) are applied to schools for children who satisfy the eligibility criteria for ESL funding. In 1997, \$5.4 million was allocated for these purposes.
 - (3) During 1997 about 2350 eligible non-indigenous ESL students and 5200 indigenous students for whom English is a second language or second dialect have accessed ESL services throughout the State. Throughout the year, 120 specialist personnel provided ESL specialist services at Central Office, District Office and school levels.

ROTTNEST ISLAND PRIMARY SCHOOL - SALARY AND WAGES BILL

1202. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

What is the anticipated total annual salary and wages bill for the Rottnest Island Primary School for 1997?

Hon N.F. MOORE replied:

The anticipated total annual salary and wages bill for the Rottnest Island Primary School for 1997 is \$131 460.

WORKSAFE WESTERN AUSTRALIA INQUIRY

1205. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Public Sector Management:

- (1) How many written requests have been received by the Ombudsman or the Commissioner for Public Sector Standards for a full inquiry into either the activities of WorkSafe WA or Commissioner Bartholomaeus or both?
- (2) Why has there not been a full inquiry into WorkSafe WA?

- (3) Why is the Government prepared only to inquire into WorkSafe WA's prosecution policy rather than the full operations of WorkSafe WA?

Hon MAX EVANS replied:

- (1) Commissioner for Public Sector Standards - two Ombudsman - 4 complaints
- (2)-(3) The matter is still under consideration by the Ombudsman and the Commissioner for Public Sector Standards.

EMERGENCY AND DESPATCH SYSTEMS REVIEW - CONSULTANTS

1210. Hon KEN TRAVERS to the Leader of the House representing the Premier:

In relation to the review carried out on the State's emergency and despatch systems, what were the names of the consultants who assisted with the review?

Hon N.F. MOORE replied:

The review was conducted by Price Waterhouse Warwick as lead consultants, supported by Gibson, Quai and Associates (WA based communications consulting engineers) and C3 PLUS Systems Pty Ltd (specialists in computer aided despatch systems). The consultants who assisted with subsequent short evaluations of funding options were Ernst & Young for the call taking and despatch centre, and Deloitte & Touche Consulting Group for the radio network.

COMMUNITY DRUG SERVICE TEAMS

1217. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Family and Children's Services:

- (1) Who were the successful providers of the Community Drug Service Teams?
- (2) What areas will each provider service?
- (3) How much will each provider receive?
- (4) Will each provider need to meet the same outcomes and provide the same services?
- (5) If no, what will be the different outcomes or services provided?

Hon E.J. CHARLTON replied:

(1)-(3)

METROPOLITAN

Location	Agency	Amount
South Metro (city to Mandurah)	Palmerston Association Inc	\$272,000
North Metro (city to Yanchep)	St John of God Community Services	\$272,000
Southeast Metro (city to Armadale)	Perth City Mission	\$272,000
Northeast Metro (city to Mundaring)	Holyoake Institute	\$272,000

REGIONAL

Location	Agency	Amount
Southwest	Centrecare	\$157,000
Great Southern	Palmerston Association Inc	\$162,000
Goldfields	Centrecare	\$183,000
Gascoyne/Murchison	Geraldton Health Service and COMPARI	\$192,000
Kimberley	Kimberley NW Mental Health Services	\$238,750
Pilbara	East Pilbara Health Service (being finalised)	\$238,750

- (4) All teams have both a treatment and prevention focus and provide the following services:

general alcohol and drug counselling;

support to other health and welfare providers to manage alcohol and other drug problems among their clients (through shared case management, consultation and education activities); and

support to the local community to prevent alcohol and other drug problems.

In implementing these services, the teams will provide a particular focus on:

early intervention and family support;
support for schools dealing with drug abuse incidents;
outreach counselling for youth;
attention to specific local problems (such as solvent abuse);
support for Local Drug Action Groups; and
support for regional co-ordination.

- (5) The balance between the types of services and how they are implemented should reflect the needs and structures of their regions.

DAMPIER TO BUNBURY PIPELINE - TELECOMMUNICATIONS CABLE BANDWIDTH

1225. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Energy:

- (1) Can the Minister for Energy confirm the telecommunications cable which services the Dampier to Bunbury gas pipeline has bandwidth capacity in excess of that needed for the service of the pipeline?
- (2) If so, what is the extent of this surplus bandwidth capacity?

Hon N.F. MOORE replied:

- (1) The microwave system which was constructed with the Dampier to Bunbury Natural Gas Pipeline (DBNGP) is used for operational and control communications for AlintaGas, for the pipeline and its associated compressor stations, and for Western Power's communication requirements in areas adjacent to the DBNGP.

The system is jointly owned by Western Power and AlintaGas. It is managed by a Joint Management Committee, and is operated and maintained by Western Power staff. The system was built with surplus capacity to provide for future expansion, such as new communications for additional compressor stations, or new laterals.

- (2) The system has about 300 analogue channels, of which about 170 are currently being used. The unused channels are currently being held in reserve for future expansion requirements.

DEPARTMENT OF LAND ADMINISTRATION - LAND CLAIM MAPPING UNIT

1226. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Lands:

With reference to the Department of Land Administration ("DOLA") Annual Report for 1996/97 -

- (1) What resources from the Land Claim Mapping Unit, or any other unit within DOLA, have been dedicated to date for procedures relating to native title in terms of -
- (a) human resources;
 - (b) legislative research; and
 - (c) administrative costs,
- for the financial year dating from 1994 to the present?
- (2) What increase of resources, if any, was allocated specifically to the Land Claim Mapping Unit in the light of the threefold increase in plan production reported over the 1995 to 1997 period in terms of -
- (a) human resources;
 - (b) legislative research; and
 - (c) administrative costs?
- (3) If none, why have additional resources not been allocated to this unit?

Hon MAX EVANS replied:

- (1) (a)

94/95	4 FTEs
95/96	11 FTEs
96/97	15.5 FTEs
97/98	17.5 FTEs
- (b) No resources are specifically dedicated to legislative research although officers regularly refer to the Crown Solicitors office for advice.

- | | | | |
|-----|-------|-----------|------------------|
| (c) | 94/95 | \$154,332 | |
| | 95/96 | \$845,282 | |
| | 96/97 | \$998,229 | |
| | 97/98 | \$423,621 | (as at 31/10/97) |
- (2) (a) 95/96 2 FTEs - (77% increase from 1994)
96/97 1.5 FTEs - (90% increase from 1994)
- (b) No resources are specifically dedicated to legislative research although officers regularly refer to State and Commonwealth legislation in the performance of their duties.
- | | | |
|-----|-------|---------------------------------------|
| (c) | 95/96 | \$259,489 - (189% increase from 1994) |
| | 96/97 | \$264,782 - (193% increase from 1994) |
- (3) Not applicable.

TIMBER INDUSTRY - BREAKDOWN OF ROLES

1227. Hon J.A. SCOTT to the Leader of the House representing the Minister for Resources Development:

Now that the figure for employment in the timber industry has been reduced from 20 000 to 18 000 (the figure given by Hon Colin Barnett in his Ministerial statement on the woodchipping industry on September 11, 1997) -

- (1) How many people are currently directly employed in -
- (a) native forest management in -
 - (i) State forest and timber reserves; and
 - (ii) conservation reserves;
 - (b) native forest logging (falling and hauling);
 - (c) sawmilling logs from native forest;
 - (d) woodchipping logs from native forest;
 - (e) woodchipping sawmill residue from native forest logs and forest residue from native forest logging;
 - (f) processing native forest hardwoods;
 - (g) plantation and farm forestry management;
 - (h) plantation and farm forestry logging (falling and hauling); and
 - (i) processing plantation and farm forestry logs?
- (2) What multipliers were used to arrive at the figure of 18 000?

Hon MAX EVANS replied:

The estimate of 18 000 employed in the timber industry in Western Australia was the result of using more recent Bureau of Statistics information.

- (1) Timber industry employment is currently being assessed as part of the Regional Forest Agreement process and it is appropriate to publish more detailed information when it becomes available.
- (2) The multiplier for forestry activities was 1.96, for wood industries was 2.50 and for paper industries was 2.56.

ABSTUDY ASSISTANCE - TABLING OF POSITION PAPER

1228. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

Further to question on notice 706 dated August 19, 1997 -

- (1) Will the Minister for Education table the position paper prepared by the Education Department of Western Australia for submission to the Federal Government's review of Abstudy?
- (2) If yes, when will the Minister table the paper?
- (3) If not, why not?

Hon N.F. MOORE replied:

- (1) Yes. The State and Territory Coordinators of Aboriginal and Torres Strait Islander Education form a Standing Committee of the Chief Executive Officers of Education Systems (CESCEO). They have identified issues in the changes to the Abstudy/Youth Allowance and are developing a paper which analyses the potential impact of these changes on Aboriginal students' access to, and participation in, the education process.

Senior Officers of the Education Department and the Department of Employment, Education, Training and Youth Affairs (DEETYA) have had preliminary discussions and the Education Department was advised there is a proposed Commonwealth review of Abstudy. The Department will be invited to prepare a submission on the impact of the changes to Abstudy.

- (2) At the Autumn sitting of Parliament in 1998.
- (3) Not applicable.

JUSTICES ACT 1902 - AMENDMENTS TO SECTION 127

1230. Hon N.D. GRIFFITHS to the Attorney General:

With respect to page 50 of the Director of Public Prosecution's ("DPP") Annual Report 1996/97 -

- (1) What is the wording of the DPP's proposed amendments to section 127 of the *Justices Act 1902* to do with bail and surety undertakings?
- (2) On what date were they proposed?

Hon PETER FOSS replied:

- (1) It is proposed to repeal the current section 127 of the Justices Act 1902 and substitute the following section -
 "If the defendant is committed for sentence under section 101C or 108, or for trial under section 101C or 107, the justices shall, as soon as possible after the committal, transmit to the Director of Public Prosecutions -
 (a) the complaint and all statements, depositions and exhibits other than any statement of the material facts served under section 100 (1) or 114; and
 (b) copies of all bail undertakings and surety undertakings".
- (2) The amendments were proposed on 23 December 1996 and approved by Cabinet on 28 January 1997.

DIRECTOR OF PUBLIC PROSECUTIONS ANNUAL REPORT - MATTERS PENDING

1231. Hon N.D. GRIFFITHS to the Attorney General:

With respect to page 48 of the Director of Public Prosecution's ("DPP") Annual Report 1996/97 -

- (1) Which matters referred to by the DPP by the Royal Commission into the Commercial Activities of Government and Other Matters were not completed as at June 30, 1997 but have now been completed?
- (2) Are there still any matters pending?

Hon PETER FOSS replied:

- (1) R-v-Brenda Dawn Brush (District Court Trial)
 Brian Thomas Burke-v-The Queen (Court of Criminal Appeal - appeal against sentence and conviction)
 David Charles Parker-v-The Queen (High Court - application for special leave to appeal).
- (2) No.

MR HARVEY JAMES DALES - COMPENSATION

1232. Hon N.D. GRIFFITHS to the Attorney General:

With respect to the case of Mr Harvey James Dales who was acquitted after spending 20 months in custody awaiting trial -

- (1) Has any offer of compensation been made to him by the Government?
- (2) If not, why not?

(3) If so, in what amount?

Hon PETER FOSS replied:

This was not a matter prosecuted by the State DPP.

EVIDENCE OF WITNESSES LEGISLATION - AMENDMENTS

1233. Hon N.D. GRIFFITHS to the Attorney General:

With respect to page 49 of the Director of Public Prosecution's ("DPP") Annual Report 1996/97 -

(1) What amendments were proposed to the *Justices Act 1902*, the *Children's Court of Western Australia Act 1988* and the *Evidence Act 1906* in relation to the evidence of witnesses who die, become ill or disappear prior to trial?

(2) On what date were they proposed?

Hon PETER FOSS replied:

(1) It is proposed to amend:

- (a) Section 19B(4) of the Children's Court of Western Australia Act 1988 (WA) to enable the Court to direct the prosecutor to serve on the child (or the child's solicitor or counsel), and lodge with the clerk, within such time as is specified, a copy of the written statement of each person which the prosecution proposes to tender in evidence under s69(2) of the Justices Act 1902 (WA);
- (b) Section 69(2) of the Justices Act 1902 (WA) to enable the written statement of any person to be tendered to the justices to be used in evidence for the purposes of the trial or sentencing of a child, where the child is charged with an indictable offence that could not be dealt with summarily and the child does not elect to be heard by a judge and jury; and
- (c) Section 107 of the Evidence Act 1906 (WA) to enable a deposition taken in any proceeding under s19B(4)(c) of the Children's Court of Western Australia Act 1988 (WA) to be produced and given in evidence at the trial of the person against whom it was taken in the circumstances set out in s107.

(2) The amendments were proposed on 9 January 1997 and approved by Cabinet on 28 January 1997.

JUSTICES ACT 1902 - AMENDMENTS TO APPEALS PROVISION

1234. Hon N.D. GRIFFITHS to the Attorney General:

With respect to page 49 of the Director Public Prosecution's ("DPP") Annual Report 1996/97 -

(1) What is the wording of the proposed amendment to the *Justices Act 1902* to abolish the requirement of leave to appeal from a decision of the Court of Petty Sessions to the Supreme Court?

(2) When was that proposed?

Hon PETER FOSS replied:

(1) The amendment has not yet been drafted.

(2) Cabinet approved the drafting of the amendments on 1 October 1996.

COURT OF PETTY SESSIONS - APPLICATIONS

1235. Hon N.D. GRIFFITHS to the Attorney General:

The *Restraining Orders Act 1997* provides that applications can be made to a Court of Petty Sessions -

(1) Is it now contemplated that the Court of Petty Sessions situated at the Family Court of Western Australia will receive applications where there are -

- (a) proceedings already in the Family Court of Western Australia; and
- (b) not proceedings already in the Family Court of Western Australia?

(2) Will you be giving the Family Court of Western Australia extra resources to deal with these applications including interface with the Police computer?

- (3) If so, what and when?
- (4) If not, why not?
- (5) If it is not proposed that applicants can use the Court of Petty Sessions situated at the Family Court of Western Australia why is that the case?

Hon PETER FOSS replied:

- (1)-(5) I have taken this matter up with the Family Court and am currently considering the most appropriate place for the hearing of applications under the *Restraining Order Act 1997*, I am not in a position to make a decision at this time.

JUSTICES ACT 1902 - AMENDMENTS TO SECTION 101C(c)

1236. Hon N.D. GRIFFITHS to the Attorney General:

- (1) What is the wording of the proposed amendment to section 101C (c) of the *Justices Act 1902* (WA) referred to in page 49 of the Director of Public Prosecution's Annual Report 1996/97?
- (2) On what date was the amendment proposed?

Hon PETER FOSS replied:

- (1) It is proposed to amend section 101C of the Justices Act 1902 by inserting after the section designation "101C" the subsection designation "(1)" and by inserting the following subsection -
 - "(2) Nothing in subsection (1)(c) applies in relation to a deposition or written statement provided by the Director of Public Prosecutions -
 - (a) for the purposes of a trial; or
 - (b) in accordance with written directions issued, or written guidelines published, by the Director of Public Prosecutions".
- (2) The amendments were proposed on 24 April 1997 and approved by Cabinet on 5 May 1997.

EDUCATION DEPARTMENT TRAVEL - BTI'S PERFORMANCE

1238. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

- (1) Is it a requirement that all Education Department funded travel is now required to go through a travel group known as BTI?
- (2) If so, is the Minister for Education aware that some Education Department employees have been able to negotiate substantially lower prices, of up to \$611, with travel agents other than BTI?
- (3) What steps is the Education Department taking to monitor the performance of BTI in obtaining the lowest possible airfares?

Hon N.F. MOORE replied:

I am advised -

- (1) Yes. A Common Use Contract has been established across government for the provision and co-ordination of travel services. The Education Department has been allocated to Business Travel International (BTI). The Common Use Contract arrangement is designed to ensure value for money in travel by harnessing volume discounting and economies of scale. A panel of five companies exist for international bookings and BTI has been nominated as the preferred booking agent of the Education Department of WA.
- (2) BTI has arrangements with the airlines which enable it to match or beat any equivalent fares offered by other travel agents.
- (3) The Monitoring of Common Use Contracts is the responsibility of Contract and Management Services. CAMS has a large and well qualified staff skilled in establishing and monitoring government contracts. Contractor performance is regularly reviewed by CAMS officers.

TRAINEESHIPS - PAYMENT OF SUBSIDIES

1240. Hon J.A. COWDELL to the Leader of the House representing the Minister for Employment and Training:

- (1) Is the Minister for Employment and Training aware of complaints from employers that the Department of Training is the cause of significant delays in the payment of traineeship subsidies to employers?
- (2) How many traineeship agreements are currently awaiting registration by the Department of Training?
- (3) What is the average time for the Department of Training to satisfy itself that an employer qualifies for the payment of a subsidy?
- (4) How long does it take to communicate this decision to the Commonwealth Employment Service?
- (5) How many businesses are still awaiting registration of traineeships three months after their initial application?
- (6) How many complaints has the department received with respect to the administration of traineeships in the last 12 months?

Hon N.F. MOORE replied:

- (1) I am not aware of significant delays as you describe. Some delays are being caused by the current down sizing of the Commonwealth Employment Service and the outsourcing of its functions. The situation is expected to improve with the letting of Commonwealth tenders with effect from May 1998.
- (2) 213.
- (3) Not applicable. It is the responsibility of the Commonwealth Department of Employment, Education, Training and Youth Affairs to identify when an employer qualifies for payment of a subsidy.
- (4) Not applicable.
- (5) 129.

The major causes of delay in registering traineeships are:

- . Training Administration Bodies have a backlog of registrations, which they are working to reduce;
- . Incorrect traineeships title and information, which means the training agreement is returned to the employer for amendment.
- . A large number are small business traineeships, which require the employer to liaise with the Commonwealth's training employment assistance program provider to prepare a training plan; and
- . Said training plan being registered by the Chamber of Commerce and Industry WA.

- (6) When a complaint is raised, it is dealt with promptly. Training Consultants from the Department of Training respond to complaints by contacting the Training Administration Body and requesting a field officer to contact the employer to resolve the problem. The number of complaints received is low and it is difficult to determine where the complaint actually lies in this period of transition.

GOODSTART SCHEME - NUMBER OF LOANS

1241. Hon NORM KELLY to the Minister for Finance representing the Minister for Housing:

- (1) How many tenants have registered their interest in the Goodstart scheme?
- (2) How many loans have been granted?
- (3) Of these, how many were for housing in non-metropolitan areas?
- (4) What is the expected number of loans to be granted in 1997/98?
- (5) What is the publicity and advertising budget for the Goodstart scheme?

Hon MAX EVANS replied:

- (1)* 2,656 Tenants.
- (2) 74 Loans approved as at 30 November 1997.
209 approved as eligible and searching for a suitable home.
- (3) The 74 loans approved are - 58 metropolitan and 16 country.
The 209 borrowers looking for properties are - 193 metropolitan and 16 country.

- (4) 900 loans was the original programme. This will be reviewed during the balance of this financial year.
- (5) Expenditure is \$20,378 for design and printing of brochures, application forms and all stationery associated with the Scheme.
\$34,529 for development of marketing plans, scheme launches, information videos and displays.
- * As distinct from applicants.

MESSRS PETRIE AND NIBLETT - EMPLOYMENT WITH WOMA (AUSTRALIA) LIMITED

1242. Hon GIZ WATSON to the Minister for Mines:

- (1) Will the Minister table copies of letters from Alcoa and WOMA to Department of Minerals and Energy district inspector, Mr Andrew Extract, in respect of the reasons they provided for Mr George Petrie and Mr Christopher Niblett leaving their jobs with WOMA?
- (2) If not, why not?
- (3) Has any other correspondence passed between Alcoa, WOMA and the Department of Minerals and Energy or Mr Andrew Extract in relation to Mr George Petrie and Mr Chris Niblett?
- (4) If yes, will the Minister table copies?
- (5) If not, why not?

Hon N.F. MOORE replied:

- (1) No.
- (2) The correspondence referred to in the question relates to an operational matter.
- (3) Yes.
- (4) No.
- (5) The correspondence referred to in the question relates to an operational matter.

SWAN RIVER ESTUARINE FOUNDATION - FUNDING AND ACHIEVEMENTS

1243. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) What money has the Swan River Estuarine Foundation received from Government since its formation?
- (2) Will the Premier table the report from the foundation to Government?
- (3) What are the achievements of the foundation to date?
- (4) To which Minister does the foundation report?

Hon N.F. MOORE replied:

- (1) 1994/95 \$750,000
1995/96 \$750,000
1996/97 \$500,000
- (2) Reports on the projects funded by the Foundation are not expected until later in 1998. The Foundation has submitted Annual Reports to the Swan River Trust for the 1994/95 and 1995/96 years.
- (3) The Foundation oversees a range of research projects by Universities, CSIRO, etc. that will support management of Western Australia's estuaries. These projects have improved understanding of the estuarine processes that cause algal blooms.
- (4) Under its Constitution, the Foundation is required to report annually to the Minister for the Environment.

THE 1994 SUMMIT ON ALCOHOL ABUSE PUBLICATION - COST AND DISTRIBUTION

1244. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

Further to the answer to question on notice 1195 of 1997 -

- (1) Is the amount of \$13 990 the full and inclusive cost involved in the preparation, design, layout, presentation, publication and distribution of the document?
- (2) If not, what additional costs were involved?

Hon MAX EVANS replied:

- (1) The amount of \$13,990 is the full and inclusive cost of the preparation, design, layout, presentation and printing of the document. This amount does not include the cost of distribution because that information was not requested.
- (2) The cost of the primary distribution run was \$286. It is not possible to identify all other distribution costs as all subsequent mailings of the report went through the Health Department's bulk mail system.

CITY OF WANNEROO - AUDIT DOCUMENTS

1245. Hon BOB THOMAS to the Minister for Transport representing the Minister for Local Government:

In the light of the Royal Commissioner's comments that he did not have the opportunity to examine the audit documents of the City of Wanneroo and that matters of concern about its financial administration "should have been raised through the audit process and made the subject of adverse comment and corrective action" (RC report, pp 1017-1018) -

- (1) Will the Commissioners or the Inquiry Panel now examine the audit documents?
- (2) Will the conduct of the City Council's auditors be the subject of any investigation or inquiry by the Commissioners or the Inquiry Panel?
- (3) If no to (1) or (2) above, why not?

Hon E.J. CHARLTON replied:

- (1)-(3) The matters raised by the Royal Commissioner are considered to fall within the ambit of internal, rather than external audit. Although internal audit is not a legislative requirement for local governments, the Commissioners of the City of Wanneroo are in the process of implementing an internal audit system to address both financial and legislative compliance. In addition, the Local Government Financial Advisory Committee will shortly be undertaking a wide-ranging review of the local government audit system.

DOMESTIC VIOLENCE - FACILITIES AVAILABLE

1248. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Women's Interests:

- (1) What facilities are available to women escaping domestic violence in the South West and Great Southern Regions?
- (2) Is the Minister for Women's Interests aware that because of closer access, women escaping domestic violence in the South West are presenting at local hospitals where nurses have been placed in the position of refusing entry to violent men in order to protect their partners?

Hon MAX EVANS replied:

- | | | |
|-----|---|---|
| (1) | Women's Refuges:
Victim Advocacy and Support Services:
Counselling Service: | Albany, Bunbury and Narrogin.
Bunbury and Katanning
Bunbury |
|-----|---|---|

The above are specialist domestic violence services. Women escaping domestic violence may also access services from other service providers such as:

Family and Children's Services;
 Health Department;
 Homeswest;
 South West Counselling Services;
 CentreCare (Bunbury); and
 Relationships Australia (Bunbury).

- (2) It has not been previously brought to my notice that staff of South West Hospitals have been required to refuse entry to violent men and protect women presenting at these facilities. Unfortunately, regardless of the availability and accessibility of other facilities this circumstance may arise where women require immediate medical attention. Such situations would clearly call for the involvement of the Police.

QUESTIONS WITHOUT NOTICE**MR IAN FLETCHER - AUTHORITY OVER MINISTRY OF JUSTICE****1173. Hon TOM STEPHENS to the Attorney General:**

- (1) Does Mr Ian Fletcher, the Premier's chief of staff, have any authority to determine the duties or direct or counsel any officers of the Ministry of Justice or the Attorney's office in the performance of their duties?
- (2) Is Mr Fletcher ever purported to exercise any such authority over any staff of the Ministry of Justice?
- (3) If so, when and in what circumstances?

Hon PETER FOSS replied:

- (1) This part of the question is out of order because it seeks a legal opinion.

The PRESIDENT: I thought about whether it did seek a legal opinion. I believe that the question is asking whether a certain person is involved in some activity connected with the Ministry of Justice.

Hon PETER FOSS: The Leader of the Opposition asked whether Mr Fletcher had any authority. That is a legal question. The second question was whether Mr Fletcher purported to do it.

The PRESIDENT: The Minister is entitled to answer as he sees fit. I do not think it calls for argument.

Hon PETER FOSS: Mr Fletcher regularly counsels both the chiefs of staff and press officers. Anybody can counsel anybody. In politics we are always subject to counselling, and we are always counselling people. I do not believe he has counselled me.

Hon Tom Stephens: Have you encouraged him?

The PRESIDENT: Order!

Hon PETER FOSS: I have not encouraged him to counsel me. Unfortunately, the nature of the member's question is a little vague. Counselling could happen by bumping into somebody in the corridor and their saying, "You have done a good job" or otherwise. The Leader of the Opposition may be counselling me at the moment. I have bumped into Mr Fletcher and talked to him from time to time. I do not believe that he has given any directions to my staff. As far as anybody else is concerned, again it is a matter of the dealings between Mr Fletcher and other people, and I am not privy to those.

MR IAN FLETCHER - EVIDENCE OF MR GARY BYRON**1174. Hon TOM STEPHENS to the Attorney General:**

In the light of Mr Gary Byron's evidence to the Standing Committee on Estimates and Financial Operations that Mr Ian Fletcher had twice stated to Mr Byron that the Attorney had lied to Mr Byron, does the Attorney still believe as stated in his account of events dated 4 February 1998 that Mr Fletcher has "given a perfectly understandable account of what happened"?

Hon PETER FOSS replied:

I am not sure that questions are allowed to refer to the proceedings of a committee which have not been reported.

Hon Tom Stephens: Just give a short answer.

The PRESIDENT: Order! Let me work out whether we are talking about evidence that was taken in public or what the situation was.

Hon Peter Foss: The evidence was certainly taken in public.

The PRESIDENT: It seems the question relates to a matter that is currently before one of our standing committees. Until the committee reports, the House is not in a position to know what discussions did or did not take place. In that regard the question is out of order.

ATTORNEY GENERAL - REFUSAL OF ABC INTERVIEW**1175. Hon N.D. GRIFFITHS to the Attorney General:**

Why did the Attorney General refuse a recent interview with the ABC program "Four Corners" in reference to the Western Australian prison system?

Hon PETER FOSS replied:

I referred the ABC to the Ministry of Justice because the question it appeared to be raising appeared to be more appropriately dealt with by the ministry.

Hon Tom Stephens: The ABC says that no-one there knew anything about it.

The PRESIDENT: Order! The Leader of the Opposition will get his chance. He has more chances than anyone else in this place. He will just hold back.

INDUSTRIAL RELATIONS - EQUALITY OF REMUNERATION

1176. Hon HELEN HODGSON to the Minister for Finance:

- (1) Is the Minister aware of the recommendation 211 of the 1995 Fielding Review of Western Australian Labour Relations Legislation that the Minimum Conditions of Employment Act incorporates the principle of equal remuneration for male and female workers for work of equal value?
- (2) Is the Minister aware that the labour relations reform discussion paper issued by the Department of Productivity and Labour Relations in October 1997 rejects this principle?
- (3) Is the DOPLAR position consistent with the objectives of the Women's Policy Development Office?
- (4) Has the Women's Policy Development Office or the Minister lodged a submission with DOPLAR in response to the discussion paper?
- (5) If so, will the Minister table that response?

Hon MAX EVANS replied:

- (1)-(2) Yes.
- (3) The Women's Policy Development Office position is to promote women's economic independence and to improve the status of women and therefore a reduction in the pay gap between men and women. The Minister for Labour Relations in the Productivity WA 2000 publication has made a commitment to reduce the gap between male and female earnings by the year 2000. The Women's Policy Development Office is currently having discussions with DOPLAR on strategies to achieve this.
- (4) No, being addressed as above.
- (5) Not applicable.

WESTRAIL - NORTH QUAY FREIGHT LOOP

1177. Hon J.A. SCOTT to the Minister for Transport:

- (1) Is the Minister aware that Westrail officers have told residents of North Fremantle that they have no intention to build the freight loop into the North Quay area when the Leighton marshalling yards are removed?
- (2) Is he further aware that Westrail is lobbying the North Fremantle community to consider the relocation of the proposed extension of the western suburbs highway to a position east of the electrified rail line and adjacent to Stirling Highway?
- (3) Has he consulted the Minister for Planning over the changes proposed by Westrail?
- (4) What freight connection will be left to the North Quay area if these changes are carried out?

Hon E.J. CHARLTON replied:

- (1) I am aware that a Westrail officer informed a meeting convened by the City of Fremantle that a direct railway loop to the North Quay area will not be constructed in the immediate future and that appropriate land reservations have been made in the metropolitan region scheme to permit construction of a direct loop should it be justified in the future.
- (2) As I have stated on numerous occasions, this Government does not plan to proceed with a western suburbs highway. At the meeting referred to in (1), the Westrail officer who attended responded to questions about road options considered in the Fremantle strategy plan, including the option for Stirling Highway, which is located east of the electrified line, to become a six lane highway. The Westrail officer was invited by the

City of Fremantle to answer questions at the meeting. Accordingly, any suggestion that Westrail is engaged in lobbying the North Fremantle community is absurd, incorrect and totally misleading.

- (3) Westrail has not proposed any changes.
- (4) Not applicable.

The line into North Quay for future operations depends on the users of the Port of Fremantle. They will make that decision and not anybody else. If a railway line is required and people want to use the railway, then that line will be implemented. The other part of the equation is that next week the Australian National Railways will start a service direct out of the Port of Fremantle.

MINISTER FOR JUSTICE - CORE FUNCTIONS PROJECT

1178. **Hon LJILJANNA RAVLICH to the Minister for Justice:**

- (1) Has Mr Peter Jones ever expressed to the Minister either orally or in writing concerns at delays in the implementation of the Minister for Justice core functions project?
- (2) Did the Minister or any of his staff meet with Mr Jones following Mr Jones' expression of concern to Mr Ian Fletcher of the Premier's office about delays in the project?
- (3) Was the Minister aware of Mr Jones' concerns before Mr Fletcher raised them?
- (4) Does the Minister agree that Mr Jones' concerns are justified?

Hon PETER FOSS replied:

We are talking about core functions? The only concern I have had passed on to me was some concern that a minute had not been processed. That concern was totally wrong. The problem was in the Public Sector Management Office and in the Ministry of Justice in that a minute to which they refer had been referred back to the Ministry of Justice and had later been sent to the PSMO for correction. There was no delay as far as I was concerned. I had only had those things second-hand. I tried to get hold of Mr Jones to make sure that I could deal with any of his concerns. There was some difficulty in getting hold of him and getting him into my office. However, when I finally got him into my office he expressed no such concerns. If he had expressed such concerns they were completely unjustified.

PRISON OVERCROWDING - DUTY OF CARE

1179. **Hon KIM CHANCE to the Attorney General:**

- (1) Does the Attorney agree with the statement made in submissions prepared for Cabinet by the Ministry of Justice to the effect that "prison overcrowding places inevitable limitations on the capacity of prisons to satisfy their duty of care"?
- (2) If the Attorney agrees, has he received any advice on the likely cost to the State if it fails to satisfy that duty of care to prisoners, prison staff and the public?
- (3) If so, what is that advice?

Hon PETER FOSS replied:

- (1)-(3) The member should keep in mind that everything is relative. Some people will say a prison is overcrowded if it does not have 15 per cent spare capacity; that is, if it does not have a free capacity of some 15 per cent below that which it has been planned to have.

Hon Tom Stephens: We are talking about four and five in a cell.

Hon PETER FOSS: In some places we specifically put two to a cell. As the member with an interest in Aboriginal matters knows, generally Aboriginal people do not like to be in cells on their own. However, the question asked by Hon Kim Chance relates to overcrowding. It is a matter of how one defines overcrowding. Some people, especially those selling prisons, would say that a prison is overcrowded unless there is a 15 per cent spare capacity; that is, 15 per cent of the rated capacity of that prison is not filled by prisoners. However, not a single prison in Australia operates under those conditions. Most of them are up to their rates of capacity and most of them also have more people than that flat capacity.

Many factors relate to the exercise of duty of care to prisoners, not only the number of prisoners. We cannot quantify what the cost would be or the effect that it has on the duty of care. Many other factors have to be dealt with. I have not taken advice on that because, frankly, I do not believe a lawyer should be asked to estimate the cost of that

because there are so many hypotheticals and so many things which are incapable of being resolved in any formal legal opinion.

ROAD SAFETY AUTHORITY CHAIRMAN

1180. Hon NORM KELLY to the Minister for Transport:

Some notice of this question has been given.

- (1) How many applications were received for the position of independent chairperson of the Road Safety Council, advertised in November 1996?
- (2) How many applicants were short listed for this position?
- (3) How many applicants were interviewed for this position?
- (4) Were all applicants notified of the outcome of the appointment process, and if so, when did this occur?
- (5) Is it policy for the Department of Transport to notify unsuccessful applicants prior to the public announcement of the successful applicant?
- (6) Was the appointed person one of the original applicants for the position?

Hon E.J. CHARLTON replied:

- (1)-(6) The State Government has fundamentally changed the way in which road safety is delivered to the community of Western Australia through the Road Traffic Amendment Act. A Ministerial Council on Road Safety, a Road Safety Council and an Office of Road Safety have been set up so that the Government's road safety policy objectives as outlined in "The way ahead: Road safety directions for Western Australia" can be achieved. Critical to the success of this new approach was the appointment of an independent chairperson to the Road Safety Council who had the credibility and community profile required for such a position.

Advertisements calling for expressions of interest was one mechanism used to identify such a person. Discussions were held concurrently with a range of people and community groups to assist in identifying suitable candidates for the chair.

As the Minister appointing all members of the Road Safety Council, I perused the expressions of interest and made a decision after considering all sources of information. I understand at least one person did not receive notice of the outcome of my decision. I subsequently wrote to that person apologising for the oversight. The improved coordination provided by the new approach to road safety is working. The State had 50 fewer fatalities in 1997 than it had in 1996, giving us our best year since 1963. As of today, we have had eight fewer fatalities than at the same time last year.

I am not sure of the background to the honourable member's question. I am not sure whether he was referring to the process or whether he was being critical of the appointment. I am happy to discuss the issue with the member at any time. I encourage every member to be a part of the process. A number of task force groups have been formed. There has never been so much progress in road safety as since the new chairman was appointed. He has brought a great deal of credibility to the issue, as he has done in so many other community organisations.

LEGAL AID EFFICIENCY COMMITTEE

1181. Hon GIZ WATSON to the Attorney General:

- (1) What has been the cost to date of the efficiency committee on legal aid?
- (2) What was the estimated annual budgeted cost of this committee?
- (3) What is the projected cost to date for the completion of this committee?
- (4) From what budget allocation are the funds for this committee being acquired?
- (5) Will funding of this committee reduce in any way the funding available to legal aid for the representation of clients?
- (6) Has an interim report been completed?
- (7) Will the Minister table the interim report?

- (8) When is this committee due to present its final report?

Hon PETER FOSS replied:

I thank the member for some notice of this question. As the preparation of a complete response to this question involves considerable time and research to collate, I ask that the question be placed on notice.

REMISSION AND PAROLE REVIEW COMMITTEE

1182. Hon N.D. GRIFFITHS to the Attorney General:

- (1) Has the Remission and Parole Review Committee finally reported?
- (2) If so, when?
- (3) If not, why the continued delay?
- (4) If so, will the Attorney General table the report?
- (5) If not, why not?

Hon PETER FOSS replied:

- (1)-(5) I am pleased to be able to say that it has finally reported. I received the report on Friday, I think. I will have it printed and distributed to the public. At that stage, I will ensure that the member receives a copy.

MULTILATERAL AGREEMENT ON INVESTMENT

1183. Hon HELEN HODGSON to the Minister representing the Treasurer:

Some notice of this question has been given.

- (1) Has the Federal Government informed the Treasurer of developments in respect of the Multilateral Agreement on Investment's coverage of matters concerning this State?
- (2) Has the State Government expressed a view to the Federal Government?
- (3) If so, will the Treasurer table this view?

Hon MAX EVANS replied:

I ask that the question be placed on notice.

TIMBER MILLS IN SOUTH WEST

1184. Hon CHRISTINE SHARP to the Minister representing the Minister for the Environment:

- (1) How many timber mills in the south west region have opened since 1987?
- (2) How many timber mills in the south west region have closed since 1987?
- (3) According to the comprehensive regional assessment, 20 000 persons are dependent on the timber industry for employment:
 - (a) How many are directly employed in state forest harvesting and milling processes;
 - (b) where in the timber industry are others employed and how many are there in each category?
- (4) How many were employed in state forest harvesting and milling processes in 1987?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The answer to this question requires considerable research and I request that it be placed on notice to allow preparation of an adequate response.

LEGAL AID COMMISSION - SUPPLEMENTARY FUNDING

1185. Hon N.D. GRIFFITHS to the Attorney General:

- (1) What supplementary funding has been provided to the Legal Aid Commission since 25 November 1997?
- (2) What was the amount, and on what dates was it provided?
- (3) On what terms was it provided?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(3) Late in February 1998 I recommended to the Premier and Treasurer a funding proposal developed by officers of the Treasury, the Legal Aid Commission and the Ministry of Justice for the Legal Aid Commission which included supplementary funding for the balance of the 1997-98 financial year and an increase in the forward estimates for each of the years 1998-99, 1999-2000, 2000-01 and 2001-02. My recommendation is subject to the usual budget process and final approval.

The terms of the increased funding will relate to the Legal Aid Commission introducing a series of measures aimed at improving the efficiency of the commission's operations with consequential cost savings which can be directed to grants of legal assistance. Those terms will be included in a new state legal aid funding agreement which is being negotiated. However, the Government is committed to an increase to an amount necessary to meet the commonwealth shortfall.

REDUNDANCY PACKAGES**1186. Hon E.R.J. DERMER to the Acting Leader of the House representing the Premier:**

- (1) Will the Acting Leader confirm the report in *The West Australian* of 6 March 1998 that 14 management initiated redundancy packages had been given in 1995-96 and 1996-97 and four in this financial year?
- (2) To which staff in which government departments and agencies was each of these redundancy packages given?
- (3) On what date was each of these redundancy packages given?
- (4) Which of these redundancy packages was subject to confidentiality conditions?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question and ask that it be placed on notice.

AUSTRALIND BYPASS - ACCESS TO SHELL GATEWAY GARAGE**1187. Hon BOB THOMAS to the Minister for Transport:**

- (1) Why did Barry Clarke direct Main Roads' Bunbury Regional Manager Derek Lee to approve a median opening in the Australind bypass to provide two way access to the Shell Gateway Garage?
- (2) Did Mr Clarke discuss the matter with other Main Roads officers before so directing Mr Lee to act against his assessment of road safety?
- (3) If so, who were those officers?
- (4) Will the Minister table all Main Roads files and documents about the matter?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) It is important to note that safety considerations are addressed for any proposed road modification or development. These considerations are taken into account as part of the normal design process. The decision to approve a median opening at this location was based on the design being appropriate for the location in question, meeting the accepted design standards and catering for all traffic movements in a safe and efficient manner.
- (2) Yes.
- (3) Commissioner of Main Roads and Main Roads' Regional Manager South West Region.
- (4) I would be happy to provide the member with a copy of the final design and any other documentation about the proposed median opening.

FREMANTLE ROCKINGHAM INDUSTRIAL AREA REGIONAL STRATEGY REPORT**1188. Hon J.A. SCOTT to the Acting Leader of the House representing the Premier:**

With regard to the Fremantle Rockingham Industrial Area Regional Strategy report -

- (1) Can the Premier assure this House that the residents of Wattleup and Hope Valley have secure tenure over their homes and properties for the foreseeable future?
- (2) Can the Premier assure this House that the residential areas of Wattleup and Hope Valley will not be rezoned industrial in the foreseeable future?
- (3) If the Premier cannot give such assurances, can he inform this House of the future plans for Wattleup and Hope Valley?

Hon E.J. CHARLTON replied:

The Fremantle Rockingham Industrial Area Regional Strategy Study is still under preparation. This will address options and issues for land development in Wattleup and Hope Valley.

- (1) Yes.
- (2)-(3) It is not appropriate to pre-empt the recommendations of the study, which will be announced later this year. However, the interests of the residents of these communities is a critical issue to be resolved in this study.

SATELLITE DISHES IN RURAL AREAS

1189. Hon MARK NEVILL to the Acting Leader of the House representing the Minister for Commerce and Trade:

- (1) Is it a fact that the Minister's office has been advising people in rural areas to keep their reception dishes trained on the Optus satellite because the analogue signal will continue to be transmitted?
- (2) Is this contrary to the stated position of Golden West Network that GWN would cease transmission of its analogue signal on 28 February 1998?
- (3) On what grounds was the Minister's office so confident that Optus would continue the analogue signal, and was the incompetence of the Minister's office responsible for misleading many viewers, who were left without a signal when transmission was turned off?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) No. Both the written and verbal advice given by the office of information and communications within the Department of Commerce and Trade has avoided recommending one or another course of action. It has simply provided factual information upon which people can make their own choice.

The fact sheet prepared by OIC on 3 December 1997 and sent to all satellite dish owners states -

Optus has offered to continue broadcasting GWN BMAC analogue signal, at no charge to GWN, until the ABC converts to digital on Optus around May 1998, but at this stage GWN has not agreed to this.

The following paragraph states clearly that -

A decision to defer purchase of a new decoder may result in the temporary loss of the GWN service if GWN maintains its current changeover timetable, or if Optus is prevented from providing a GWN service after the end of January.

- (2) No. After GWN extended its analogue service to 28 February, OIC continued to advise people that GWN would terminate the service and that there was no guarantee that Optus, despite its stated intention, would be able to continue the analogue service after that date. It was made quite clear to all callers that they could choose to buy a new PanAmSat-compatible decoder now or could wait for a new Optus-compatible decoder and take the risk of temporarily losing the GWN service.
- (3) It is understandable that some viewers feel misled, due to the conflicting information provided by both GWN and Optus and the last minute decision by Optus not to continue the GWN analogue service until the legality of its action had been clarified.

The OIC, on the other hand, has been widely commended by both the service providers and viewers for the quality and impartiality of its advice. The office was also instrumental in persuading the Australian Broadcasting Authority to deal expeditiously with this matter, which resulted in the GWN service being resumed on Optus so quickly.

GRAHAM FARMER FREEWAY

1190. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly about the Department of Transport's contract with the firm Boulderstone Clough Joint Venture, worth approximately \$203.8m, to design and construct the Mitchell Freeway to East Parade, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?

Hon E.J. CHARLTON replied:

- (1)-(6) The member is apparently referring to the Graham Farmer Freeway, the contract for which was let by the Commissioner of Main Roads, not the Department of Transport.

The decision to build the Graham Farmer Freeway was made by the Government after extensive public consultation, detailed examination and technical analysis over a long period, which included several options with various costs and benefits. All this information is on the public record in great detail. Contract 19/95 is for stage 1 between the Mitchell Freeway and East Parade, East Perth. Stage 2 completes the connection to Great Eastern Highway in Rivervale, including a major bridge over the Swan River. Having made the decision to proceed with construction, the analysis of tenders for a particular stage does not require an evaluation of the nature suggested by the questions. However, in awarding the contract, a detailed cost and risk analysis was carried out, and a value for money decision concluded that the contract be awarded to Boulderstone Clough Joint Venture. I recommend to the member that she go for a walk there, because she will then be as excited about this project as everyone else.

NON-GOVERNMENT YOUTH SERVICES

1191. Hon GIZ WATSON to the Minister representing the Minister for Multicultural and Ethnic Affairs:

- (1) Which government department is responsible for the allocation of funding to non-government youth services that provide -
- (2) Does an agency within the State Government have responsibility for coordinating and/or monitoring the types and standards of youth services provided by the non-government sector?
 - (a) If so, which agency, and what are the guidelines for such monitoring?
 - (b) If not -
 - (i) does a non-government agency that receives state government funding have responsibility for coordinating and/or monitoring the types and standards of youth services by the non-government sector;
 - (ii) if so, which agency, and what are the guidelines for such monitoring?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Family and Children's Services and the Ministry of Justice.
 - (2) The Office of Youth Affairs has a coordination role in respect of the youth services provided by the non-government sector it funds. Several other government agencies also provide and fund services to young people. Each agency is responsible for oversight of the services it funds.
-