WESTERN AUSTRALIA

Parliamentary Debates
(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
1999

LEGISLATIVE ASSEMBLY

Wednesday, 8 September 1999

THE SPEAKER (Mr Strickland) took the Chair at 12 noon, and read prayers.

GENETICALLY MODIFIED FOOD, LABELLING

Petition

Mr Brown presented the following petition bearing the signatures of 62 persons -

> To the Honourable the Speaker and members of the Legislative Assembly in the Parliament assembled.
>
> We, the undersigned petitioners call on the State Government to support the proper labelling of genetically modified food so that consumers know exactly what they are purchasing.
>
> We believe consumers are entitled to make a choice between purchasing natural and genetically modified food. That choice can only be provided by the law requiring genetically modified food to be labelled.
>
> Your petitioners humbly pray that you will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

[See petition No 40.]

FORRESTFIELD MARSHALLING YARDS

Statement by Minister for Planning

MR KIERATH (Riverton - Minister for Planning) [12.02 pm]: The Forrestfield marshalling yards have been progressively downgraded since their peak period of operation in the 1970s. The yard's owners, Westrail, have decided that most of the land in the yards is surplus to its needs and will consolidate its existing operations into a much smaller area. The land contains marshalling yards, rail lines and buildings for storage, servicing and maintenance.

Under the amendment, most of the marshalling yards area is to be transferred from the Railways Reservation to the industrial zone. The area of Dundas Road between Tonkin Highway and Wittenoom Road will be removed from the regional road reservation and replaced by urban and industrial zones. The Western Australian Planning Commission received 39 submissions on the amendment when it advertised in May 1998 for a period of three months. However, most of the submissions related to concerns about the future of the local road network and were not directly related to the amendment. Eight submissions relating to environmental issues were referred to the Environmental Protection Authority. The Minister for the Environment has set some conditions and these will be incorporated into the metropolitan region scheme. As a result, all of the relevant environmental issues will be satisfactorily addressed. The Planning Commission modified the amendment after considering the submissions to realign part of the proposed regional road reservation within the marshalling yards site. The amendment allows for the sale of surplus railway land through rezoning and subdivision into lots, primarily for industrial use. This will give opportunities for further industrial development and employment in the area and I commend the amendment to the House.

[See paper No 124A-D.]

SIGN IN 2000, MILLENNIUM PROJECT

Statement by Minister for Youth

MR BOARD (Murdoch - Minister for Youth) [12.07 pm]: I rise to inform the House about a new millennium project, which will involve every school student in Western Australia. Sign In 2000 is a concept that has been developed over the past year to recognise the role of young people in the future of this State. All 371 000 government and non-government 1999 school students, from pre-primary to year 12, will be invited to sign their names on a ceramic paving tile. There will be 120 names on every tile and they will be a feature of the landscaping at the Barrack Square redevelopment.

The year 2000 will be a year of national focus on youth affairs as all the States work towards the development of a national youth training program. Sign In 2000 is a demonstration of Western Australia's commitment and leadership in that area. This project will be a major tourist attraction not only in the immediate future but for generations to come. Western Australians can visit their own tiles and those of their classmates. In the years ahead, today's students will bring their children and grandchildren to witness a time when the whole community came together on a single project.

This year is the fiftieth anniversary of Australian citizenship and in 2001 we celebrate 100 years of federation. A millennium is a milestone that only occurs every 30 or 40 generations. In Western Australia we are celebrating that milestone by recognising the citizens who represent our future; young people. This initiative typifies the direction of upcoming multi-faceted citizenship programs planned for Western Australia. This project is one of many which will show the world how important the people of this State are to our success.

Sign In 2000 is the first project of its kind in the world and that fact alone reflects the State's progressive and forward-thinking approach to young people. The Government's role, through the Ministry of Citizenship and Multicultural Interests, is to focus the community on the importance of citizenship and to coordinate activities so that all Western Australians get the best value from millennium celebrations.

Sign In 2000 provides every Western Australian school student with the opportunity to sign his or her name into history. Provisions have been made for students in outback areas, hospitals and home schooling situations. Students with disabilities, those studying away from school and even young people studying overseas will all be given the opportunity to be a part of Sign In 2000. Parents will be asked to give consent for their child to participate in the project and the majority of signatures will be collected as part of Sign in Week from 13 to 17 September. Students will sign their names onto stencils which will be printed onto tiles with ceramic ink. The tiles will be fired, bonding the signatures indelibly to the surface.

Young people represent our hopes for the future and it is appropriate that their place in history be recorded as a part of such significant celebrations. Housing an enduring symbol of our young people's community spirit at a prominent site is a fitting message to give the world.

PRISONS AMENDMENT BILL 1998

Consideration in Detail

Resumed from 7 September.

New clause 18 -

Progress was reported after Mrs van de Klashorst had moved the following amendment -

Page 30, after line 11 - To insert the following clause -

18. Part XA inserted

After section 109 the following Part is inserted -

" **Part XA - Inspector of Custodial Services**

Division 1 - Office of Inspector of Custodial Services

109A. Creation and purpose of office of Inspector

An office of Inspector of Custodial Services is hereby created for the purpose of performing the functions of the Inspector under this Act or any other law.

109B. Appointment of Inspector

(1) The Governor shall appoint an appropriately qualified Inspector.

(2) The *Public Sector Management Act 1994* does not apply to or in relation to the appointment of the Inspector and the Inspector is not subject to that Act.

(3) Subject to this Act, the Inspector holds office for such term of not more than 7 years as is specified in the appointment and is eligible for re-appointment for one or more terms each of not more than 7 years.

(4) No person who is or has been within the preceding 3 years a member of the Parliament of the Commonwealth or any State shall be appointed as Inspector or acting Inspector.

109C. Conditions of appointment

(1) The Inspector -

(a) shall be paid salary and allowances at such rates per annum as are determined by the Salaries and Allowances Tribunal established by the *Salaries and Allowances Act 1975*; and

(b) has such leave and other entitlements as are determined by the Governor and which cannot be reduced during a term of appointment.

(2) The salary and allowances payable to the Inspector are to be charged to the Consolidated Fund and this subsection appropriates the Consolidated Fund accordingly.

109D. Oath

(1) Before performing the functions of his or her office the Inspector shall take an oath or affirmation that he or she will faithfully and impartially perform the duties of the office, and that he or she will not, except in accordance with this Act, divulge any information received by him or her under this Act or any other law.

(2) The oath or affirmation shall be administered by the Governor.

109E. Removal of Inspector from office

(1) The Governor may remove the Inspector from office -

(a) for -

(i) misbehaviour or incompetence; or

(ii) physical or mental incapacity, other than temporary illness, impairing the performance of the Inspector's functions;

or

(b) if the Inspector becomes a bankrupt or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of salary for their benefit.

(2) In subsection (1)(a)(i) **"misbehaviour"** includes conduct that renders the Inspector unfit to hold office as Inspector even though the conduct does not relate to any function of the office.

109F. Acting appointments

(1) The Governor may appoint a person to act in the office of the Inspector -

(a) during a vacancy in the office; or

(b) during any period or during all periods when the person holding or appointed to act in that office is absent from duty or is for any other reason unable to perform the functions of the office.

(2) If the Governor has not appointed a person under subsection (1) the Inspector may appoint a person to act in the office of the Inspector in the circumstances referred to in subsection (1)(b) -

(a) for not more than 4 weeks at a time; and

(b) for not more than 6 weeks in a 12 month period.

(3) If the Inspector appoints a person under subsection (2) and the Governor later appoints a person under subsection (1) whose term of the appointment is to begin before the term of the Inspector's appointee has ended, the appointment of the Inspector has no effect on and from the day when the term of the Governor's appointee begins.

(4) An appointment under subsection (1) or (2) may be made at any time and may be expressed to have effect only in the circumstances specified in the instrument of appointment.

(5) A person who is acting in the office of Inspector shall perform all the functions of the office of Inspector under this or any other Act and is subject to all relevant provisions of this Act and any other law applying to the Inspector.

(6) The validity of anything done by or in relation to a person purporting to act in the office of Inspector under an appointment made under subsection (1) or (2) shall not be called in question on the ground that the occasion for the appointment had not arisen, that there is a defect or irregularity in the appointment, that the appointment had ceased to have effect or that the occasion for the person to act had not arisen or had ceased.

109G. Portability of superannuation and other entitlements

(1) If a public service officer is appointed to the office of Inspector he or she is entitled to retain all existing and accruing rights, including those as to superannuation, as if his or her service in that office were a continuation of his or her service as a public service officer.

(2) If a person ceases to hold the office of Inspector and becomes a public service officer his or her service in that office shall be regarded as service in the Public Service for the purposes of determining his or her rights, including those as to superannuation, as a public service officer.

(3) If -

(a) immediately before his or her appointment the Inspector occupied an office under Part 3 of the *Public Sector Management Act 1994*; and

(b) his or her term of office as Inspector expires by effluxion of time and he or she is not reappointed,

that person is entitled to be appointed to an office under Part 3 of the *Public Sector Management Act 1994* that is not lower in status than the office which he or she occupied immediately before the appointment to the office of Inspector.

(4) In this section -

"public service officer" has the definition it has in the *Public Sector Management Act 1994*.

109H. Staff

(1) The staff necessary for the performance of the Inspector's functions shall be appointed under Part 3 of the *Public Sector Management Act 1994*.

(2) A person may be appointed or engaged for the purpose of giving expert advice or other assistance in relation to the performance of the Inspector's functions.

(3) The Inspector may by arrangement with the relevant employer make use, either fulltime or parttime, of the services of any officer or employee -

(a) in the Public Service;

(b) in a State agency or instrumentality; or

(c) otherwise in the service of the Crown in right of the State.

(4) The Inspector may by arrangement with -

(a) a department of the Public Service; or

(b) a State agency or instrumentality,

make use of any facilities of the department, agency or instrumentality.

(5) An arrangement under subsection (3) or (4) is to be made on such terms as are agreed to by the parties.

Division 2 - Functions and powers of Inspector

109I. Functions of Inspector

(1) The Inspector shall inspect each prison at least once every 3 years and prepare an inspection report on his or her findings.

(2) An inspection report may contain such advice or recommendations as the Inspector considers appropriate in relation to the findings.

(3) The Inspector may -

(a) inspect a prison at any time and on any number of occasions between the inspections of the prison referred to in subsection (1); or

(b) review a prison service at any time, including any aspect of a prison service.

(4) The Inspector may, at any time -

(a) report to the Minister on any matter relating to an inspection of a prison or a review of a prison service and give advice or make recommendations in relation to the matter; or

(b) deliver to the Minister or any other person having an interest in the subject matter of the document -

(i) a draft inspection report; or

(ii) a report prepared by the Inspector concerning an inspection or review under subsection (3).

(5) The Inspector shall ensure that the performance of a function of the Inspector under this Act or any other law is not likely to delay, interfere with or duplicate -

(a) a pending inquiry under section 9;

(b) a pending investigation, or the taking of further action (as defined in section 17 of the *Anti-Corruption Commission Act 1988*), by the Anti-Corruption Commission under that Act; or

(c) a pending investigation by the Parliamentary Commissioner for Administrative Investigations under the *Parliamentary Commissioner Act 1971*.

(6) The Inspector shall not deal with a complaint or grievance concerning an individual other than to advise the complainant that the Inspector's functions do not relate to the matter or, if appropriate, to refer the matter to the Parliamentary Commissioner for Administrative Investigations.

109J. Powers of the Inspector

(1) The Inspector has power to do all things necessary or convenient to be done for or in connection with the performance of the functions of the Inspector under this Act or any other law.

(2) It is not necessary for any person to be given notice of the Inspector's intention to perform a function of the Inspector under this Act or any other law.

109K. Inspector may have access to prisons and certain persons, vehicles and documents

(1) The Inspector and any person authorized by the Inspector may, at any time, (with any assistants and equipment that the Inspector or authorized person thinks are necessary) have free and unfettered access to a prison, person, vehicle or document referred to in subsection (2) for the purpose of performing the Inspector's functions under this Act.

(2) A person referred to in subsection (1) may have access to -

(a) a prison or any part of a prison;

(b) a prisoner in a prison;

(c) a person whose work is concerned with a prison;

(d) a vehicle used to transport prisoners;

(e) a prisoner in such a vehicle;

(f) a person whose work is concerned with such a vehicle; and

(g) all documents in the possession of -

(i) the Department in relation to a prison or a prison service; and

(ii) a contractor or a subcontractor in relation to a prison or a prison service that is a subject of a contract.

(3) The Inspector may authorize a person for the purposes of subsection (1).

(4) An authorization must be in writing and may be made subject to such conditions and limitations specified in the authorization as the Inspector thinks fit.

(5) A person must not hinder or resist a person referred to in subsection (1) when the person is exercising or attempting to exercise a power under that subsection.
Penalty: $20 000.

(6) Nothing in this section limits any entitlement that a person, under a law, has to have access to a place, vehicle, person or document referred to in subsection (2).

109L. Directions

(1) Except as provided in this section, the Inspector is not subject to direction by the Minister or any other person in the performance of the Inspector's functions.

(2) The Minister may direct the Inspector to inspect a prison or to review a prison service or an aspect of a prison service and report on a specified matter of significance.

(3) The Minister may, after consultation with the Inspector, issue to the Inspector directions as to the performance of any of the Inspector's functions but a direction cannot be issued in respect of a particular case.

(4) The Inspector must comply with a direction under subsection (2) or (3) unless, in the Inspector's opinion, there are exceptional circumstances for not complying.

(5) If the Inspector refuses to comply with a direction under subsection (2) or (3) he or she must prepare written reasons for the failure to comply and cause the reasons to be laid before each House of Parliament within 14 sitting days of that House after the refusal.

(6) Every direction shall be in writing and the text of the direction shall be included in the annual report of the Inspector under section 109N(2)(d).

109M. Minister to have access to information

(1) Subject to this section the Minister is entitled -

(a) to have information in the possession of the Inspector; and

(b) where the information is in or on a document, to have, and make and retain copies of, that document.

(2) For the purposes of subsection (1) the Minister may -

(a) request the Inspector to furnish information to the Minister;

(b) request the Inspector to give the Minister access to information;

(c) for the purposes of paragraph (b) make use of the Inspector's staff to obtain the information and furnish it to the Minister.

(3) The Inspector must comply with a request under subsection (2) and make his or her staff and facilities available to the Minister for the purposes of subsection (2)(c) unless, in the Inspector's opinion, it would not be in the public interest to provide the information.

(4) If the Inspector refuses to comply with a request under subsection (2) he or she must prepare written reasons for the failure to comply and cause the reasons to be laid before each House of Parliament within 14 sitting days of that House after the refusal.

(5) In this section -

"document" includes any tape, disc or other device or medium on which information is recorded or stored;

"information" means information specified, or of a description specified, by the Minister that related to the functions of the Inspector.

109N. Reporting

(1) The Inspector shall, as soon as is practicable in each year but not later than 30 September, deliver copies of the documents referred to in subsection (2) -

(a) to the Speaker of the Legislative Assembly and the President of the Legislative Council who shall keep the documents in safe custody; and

(b) to the Minister, who may prepare a response to the documents.

(2) The documents are -

(a) each inspection report prepared by the Inspector as a result of inspecting a prison in the period of 12 months ending on the preceding 30 June;

(b) a list of -

(i) the prisons that have been inspected since the preceding 30 June and the day on which the list was prepared; and

(ii) the prisons that are proposed to be inspected in the period up to the next 30 June;

(c) any report prepared by the Inspector concerning an inspection or review under section 109I(3) that the Inspector considers appropriate to be laid before the Houses of Parliament; and

(d) a report on the administration of the Inspector's functions for the period of 12 months ending on the preceding 30 June.

(3) Nothing in this section prevents a document from being delivered under subsection (1) at a different time from another document.

(4) The Speaker and the President shall lay each document delivered under subsection (1)(a) before their respective Houses of Parliament not before 30 days after the document is delivered under subsection (1)(a) but as soon as practicable after the expiration of the 30 day period.

(5) If neither House of Parliament is sitting on the day when the 30 day period referred to in subsection (4) expires, the Clerk of the Legislative Assembly and the Clerk of the Legislative Council shall jointly ensure that the document is published as soon as practicable in a prescribed manner.

(6) The inspector shall not, in a document referred to in subsection (2) disclose information or make a statement setting out opinions that are, either expressly or impliedly, critical of the Department or a contractor or any person unless the Inspector has complied with subsection (7) in relation to the matter.

(7) Where the Inspector proposes to disclose information or make a statement setting out opinions referred to in subsection (6) he or she shall, before doing so, afford -

(a) if the opinions relate to the Department, the chief executive officer;

(b) if the opinions relate to a contractor or other person, the contractor or person,

The opportunity to make submissions, either orally or in writing, in relation to the matter.

Division 3 - Other matters relating to the Inspector

109O. Consultation

(1) The Inspector may consult the Anti-Corruption Commission, the Director of Public Prosecutions or the Parliamentary Commissioner for Administrative Investigations concerning the performance of a function of the Inspector under this Act or any other law.

(2) Information obtained by the Inspector or the Inspector's staff in the course of, or for the purpose of, the performance of a function of the Inspector under this Act or any other law may be disclosed for the purposes of a consultation under subsection (1).

109P. Disclosure of certain information

A person who is the Inspector or a member of the Inspector's staff authorized for the purposes of this section by the Inspector may disclose information obtained by the Inspector or the Inspector's staff in the course of, or for the purpose of, the performance of a function of the Inspector under this Act or any other law if the information -

(a) is disclosed to a person who is -

(i) a member of the Anti-Corruption Commission; or

(ii) an officer or a seconded officer of the Anti-Corruption Commission authorized for the purposes of this subparagraph by the Anti-Corruption Commission,

and concerns a matter that is relevant to the functions of the Anti-Corruption Commission;

(b) is disclosed to a person who is -

(i) the Director of Public Prosecutions;

(ii) the Deputy Director of Public Prosecutions; or

(iii) a member of the staff of the Director of Public Prosecutions

authorized for the purposes of this subparagraph by the Director of Public Prosecutions or the Deputy Director of Public Prosecutions,

and concerns a matter that is relevant to the functions of either the Anti-Corruption Commission or the Director of Public Prosecutions; or

(c) is disclosed to a person who is -

(i) the Parliamentary Commissioner for Administrative Investigations;

(ii) the Deputy Parliamentary Commissioner for Administrative Investigations; or

(iii) an officer of the Parliamentary Commissioner authorized for the purposes of this subparagraph by the Parliamentary Commissioner or the Deputy Parliamentary Commissioner,

and concerns a matter that is relevant to the functions of the Parliamentary Commissioner.

109Q. Confidentiality

(1) Information obtained by the Inspector or the Inspector's staff in the course of, or for the purpose of, performing a function under this Act or any other law, shall not be disclosed, except -

(a) for the purposes of the performance of a function of the Inspector under this Act or any other law;

(b) for the purposes of any proceedings for perjury or for an offence under this Act; or

(c) as authorized by section 109O or 109P.

(2) The Inspector may in writing direct the person to whom a document is sent by the Inspector not to disclose to any other person any information contained in the document except for the purposes of the performance of a function of the Inspector to which the document relates, and a person to whom such a direction is given shall comply with the direction.

(3) Subsection (1) does not prevent the Inspector from disclosing information, or making a statement, to any person or to the public or a section of the public with respect to the performance of a function of the Inspector if, in the Inspector's opinion, it is in the interests of the Department or a contractor or of any person, or is otherwise in the public interest, to disclose the information or to make the statement.

(4) The Inspector shall not disclose information or make a statement under subsection (3) with respect to a particular matter where the disclosure of that information, or the making of that statement, is likely to interfere with the performance of a function of the Inspector in relation to that or any other matter.

(5) The Inspector shall not, in disclosing information or making a statement under subsection (3) with respect to a particular matter set out opinions that are, either expressly or impliedly, critical of the Department or a contractor or any person unless the Inspector has complied with subsection (6) in relation to the matter.

(6) Where the Inspector proposes to disclose information or make a statement setting out opinions referred to in subsection (5) he or she shall, before doing so, afford -

(a) if the opinions relate to the Department, the chief executive officer;

(b) if the opinions relate to a contractor or other person, the contractor or person,

the opportunity to make submissions, either orally or in writing, in relation to the matter.

(7) A person shall not disclose information contrary to the provisions of this section.

Penalty: $6 000 and imprisonment for 2 years.

109R. Documents sent to or by the Inspector not admissible

Any document that is sent to the Inspector or the Inspector's staff or by the Inspector or the Inspector's staff -

(a) in the course of, or for the purposes of, the performance of a function of the Inspector under this Act or any other law; and

(b) that was prepared specifically for the purposes of the performance of the function,

is privileged and is not admissible in evidence in any proceedings other than proceedings for perjury or for an offence under this Act alleged to have been committed in relation to the performance of a function of the Inspector.

109S. Protection for proceedings in Cabinet

(1) A person shall not be required or authorized by virtue of this Act -

(a) to furnish any information or answer any question relating to proceedings of Cabinet or of any committee of Cabinet; or

(b) to produce or inspect so much of any document as relates to any such proceedings.

(2) For the purposes of this section a certificate issued by the Director General, Department of the Premier and Cabinet, with the approval of the Premier of the State, certifying that any information or question, or any document or part of a document, relates to any such proceedings as are referred to in subsection (1) is conclusive of the fact so certified.

109T. Hindering and other offences in relation to Inspector

A person shall not -

(a) without reasonable excuse hinder, resist or threaten the Inspector or any person assisting the Inspector in the performance of the Inspector's functions under this Act or any other law;

(b) make a statement that the person knows to be false or misleading to the Inspector or a person assisting the Inspector in the performance of the Inspector's functions under this Act or any other law; or

(c) deliberately mislead or attempt to mislead the Inspector or a person assisting the Inspector in the performance of the Inspector's functions under this Act or any other law.

Penalty: $6 000 or imprisonment for 12 months or both.

109U. Victimization

(1) A person shall not -

(a) prejudice, or threaten to prejudice, the safety or career of; or

(b) intimidate or harass, or threaten to intimidate or harass; or

(c) do any act that is, or is likely to be, to the detriment of,

another person because the other person -

(d) has provided, is providing or will or may in the future provide information to the Inspector or any person assisting the Inspector in the performance of the Inspector's functions under this Act or any other law; or

(e) has performed a function of the Inspector or any person assisting the Inspector under this Act or any other law in relation to the other person or is performing, or will or may in the future perform, any such function.

Penalty: $8 000 or imprisonment for 2 years.

(2) A person who attempts to commit an offence under subsection (1) commits an offence and is liable to the penalty set out in subsection (1).

(3) A person who -

(a) intends that an offence under subsection (1) be committed; and

(b) incites another person to commit the offence,

commits an offence and is liable to the penalty set out in subsection (1). ".

Mr BROWN: This clause is a whole new provision that the Government seeks to place in the Act dealing with a proposed Inspector of Custodial Services. This matter was not covered in the second reading speech. Members have not been told why the clause has come before the Parliament, what its purpose is and why it is being included by the Government. Parliament has no knowledge of the matter at all. I ask the Parliamentary Secretary to acquaint the Parliament with the reasons for the clause and to provide an outline of its intention. I ask this because on today's Notice Paper the clause which seeks to insert new Part XA of the Act runs from page 12 to page 21, so it is a very extensive division covering nine full pages of the Notice Paper. It covers areas not in the current Prisons Act and is something that was not flagged when the Bill was introduced.

Mrs van de KLASHORST: It was always the intention of the Government to have a regulatory process applied to prisons. This is on record in the second reading speech in *Hansard*, where at page 4861 it says -

> The Bill requires the chief executive officer to prepare and deliver an annual report to the minister, who must then present it to Parliament in a timely manner. The report must enable an informed assessment to be made of the operation of each contractor and the extent to which there has been compliance with the relevant contract. Ultimately, if the standards of prison services are not sufficiently met, significant monetary penalties may be invoked.

It was always the intention of the Government that the CEO prepare an annual report which would go to the minister and therefore come to Parliament. The position at that time was to be titled "regulator". Several people have contacted the Government about this matter and there has also been parliamentary disquiet expressed about the level of scrutiny; I believe the Labor Party has expressed concern. As a consequence the Government has strengthened the Bill by including a proposed independent statutory office of Inspector of Custodial Services. This will be created at arm's length from the Ministry of Justice so that the incumbent will stand alone, unconnected to the ministry or the minister. The inspector's report will come direct to Parliament rather than through the minister. This is an important provision providing independence to the inspector, who will report on the way the prison is run.

Mr BROWN: I am interested in what the Parliamentary Secretary has to say about what has been flagged to the Parliament. She referred to page 4861 of *Hansard* and quoted these words -

> The Bill requires the chief executive officer to prepare and deliver an annual report to the minister, who must then present it to the Parliament in a timely manner. The report must enable an informed assessment to be made of the operation of each contractor and the extent to which there has been compliance with the relevant contract.

This Bill is concerned primarily with enabling the Government to operate a private prison. It is to be operated by a contractor as defined under the legislation. The paragraph to which the Parliamentary Secretary referred relates to a provision in the Bill that requires the chief executive officer to prepare a report to the Parliament in relation to the operation of each contractor.

Mrs van de Klashorst: It is to go to the minister, who will send it to Parliament. It was not direct from the CEO to the Parliament.

Mr BROWN: Leaving the question of the line of reporting to one side, the report that is envisaged in the second reading speech is a report on the operation of each contractor and the extent of compliance with the relevant contract. That provision is in the Bill and that report will be required from the CEO, who will present it through the minister to the Parliament. That is already an obligation in the Bill. This division, which relates to an Inspector of Custodial Services, is a provision which goes far beyond the question of private prisons.

The Bill already contains a provision that requires the type of report to which the parliamentary secretary referred. I understand the report referred to in the second reading speech and quoted by the parliamentary secretary will still be prepared by the chief executive officer, go to the minister and, in accordance with this Bill, be presented to the Parliament. The Inspector of Custodial Services, as proposed in this amendment, is an entirely new concept; that is, it has nothing to do with the assessment of the private contractor. The inspector has a jurisdiction or mandate at large. That person will have a responsibility in relation to not only the private prisons, but also the public prisons. The inspector has certain responsibilities in relation to all prisons that must be fulfilled by him or her as an independent person. To that end, if that interpretation is correct, and if I have understood the amendment as proposed, it is different from that set out in the second reading speech. It does not contradict the second reading speech, but it is not covered within it. Therefore, when the parliamentary secretary refers to parts of the second reading speech, that does not satisfy my concerns about why this provision has been included.

Mrs van de KLASHORST: I point out to the member that the paragraph to which I referred previously in the second reading speech also states -

> It should be noted that provisions relating to privately-operated prisons would be considerably more onerous than those currently applying to publicly-operated prisons. However, it is intended that they will be applied uniformly over time across the entire prison system.

This Inspector of Custodial Services will be elaborating on the original reporting covered in the second reading speech. It is not a new thing; it is an elaboration of the CEO's report that has been mentioned previously. As was stated in the second reading speech, the provisions for privately-operated prisons will be more onerous and comprehensive than those for public prisons.

Mr BROWN: It is an important development for the Prisons Act. Firstly, the proposal to establish the position and office of Inspector of Custodial Services means that the office will deal with the inspection of all prisons, both public and private.

Mrs van de Klashorst: That is correct, and it will provide an annual report directly to the Parliament.

Mr BROWN: The type of matters that it will look at are set out in proposed section 109I(1), on the Notice Paper under the heading "Functions of Inspector". The inspector will inspect prisons every three years, has certain powers, can receive information and so on. However, I see nothing in the proposed division that would enable the inspector to investigate the question of whether a contractor was performing in accordance with his contract. The inspector can do many other things, but I see no provision that gives him or her that discretion.

Mrs van de Klashorst: Proposed new section 109I(3)(b) provides that the inspector may review a prison service at any time, including any aspect of a prison service.

Mr BROWN: Are those words intended to mean that the inspector can, if he or she so wishes, examine the contract between the Government and a private contractor, and make an assessment as to whether those contract provisions are being properly carried out in all respects, such as in financial, operational, treatment and provision of program areas? Will the inspector have such a wide mandate as to be able to do those things?

Mrs van de KLASHORST: Yes. That is the role of the Inspector of Custodial Services. I have some experience of this, having met with the regulator in England who does exactly that. He goes into prisons and looks at the whole system. He must have the contract at hand to determine whether the prison is being run under the contract conditions and to the appropriate standard. In Australia we are setting up prison standards - I saw a paper on this the other day - and the inspector will examine all those issues. He must know about the contract to make sure all its conditions are being met. That is my understanding of his role.

Mr BROWN: It certainly is not clear that the inspector has that role. Does that mean the inspector will then review the reports prepared by the CEO? Under the Bill as it currently stands, the CEO is required to provide a report through the minister to the Parliament on the operations of the contractor. A report deals with the question of standards, contract performance and so on. That report must go to the Parliament each year. Does it mean the inspector will also review that report and may comment separately and differently from the report prepared by the CEO and tabled by the minister in the Parliament? I am trying to get a clear understanding of the reporting lines.

Mrs van de Klashorst: Proposed new section 109J refers to the powers of the inspector, and indicates that he has the power to do all things necessary or convenient to be done for or in connection with the performance or the functions of the inspector under this Act or any other law. Proposed new section 109K(2)(g) states that he has access to all documents in the possession of the department in relation to a prison or a prison service, and a contractor or subcontractor in relation to a prison or a prison service that is a subject of a contract. I believe the documents the member is talking about would be covered by 109K(2)(g). The idea is that this inspector will have broad powers and be able to inspect as necessary. He will not be directed by the Ministry of Justice, the minister or any other person - he or she will be independent.

Mr BROWN: One must always be a little wary of the careful crafting of these types of provisions. Sometimes, under instruction, parliamentary counsel can craft provisions which give the impression of one thing but do not deliver it. The matters the parliamentary secretary has referred to - the question of the powers under proposed new section 109J and the question of what access the inspector may have responsibility for under 109K - all relate back to the functions of the inspector under 109I. I am concerned that if that is the intent, it simply talks about review and does not instruct the inspector about those matters. If an inspector seeks to exercise his or her discretion to examine these matters, it is arguable that they are taken care of elsewhere under the Bill and the inspector should not so exercise his or her discretion. I put that on the record.

Why are we doing two things at the same time? We are placing an onus on the director general or executive director of the department to prepare a report for the minister to present to Parliament and we are establishing an inspector to check on the veracity of that report. I am bemused about the double checking considered necessary in this process.

Mrs van de KLASHORST: The drafting of this legislation was based on the live model in the United Kingdom, which parliamentary counsel looked at. I believe the drafting has been based along the lines of that UK model, which has been working for some time. The chief executive officer is required by the provisions of the Financial Administration and Audit Act to present a report. This inspector will be separate and will report directly to the Parliament. The inspector is an extra; he will not have a reference back to the department. He will be completely independent with the power to visit any prison at any time without having to refer to anyone. He has that power.

Mr BROWN: I would like to clarify one other matter. My understanding is the Government was not particularly happy with this provision but it agreed with the Australian Democrats to allow this provision to be included in the prisons Bill to get it and the earlier Bills concerning court and custodial services through the other place. This provision is the product of a deal to enable the private prison to go ahead. This clause is a watered-down version of the one promoted by the Australian Democrats. That is my understanding of how this provision came about. I would be interested to hear if this is solely a government initiative. I understand that a deal was struck between the Government and the Australian Democrats in the

other place to introduce this clause here as a trade-off for the Democrats providing their support for the Government's legislation and that the clause is essentially a watered-down version of what the Democrats wanted to achieve.

Mrs van de KLASHORST: I visited the United Kingdom to look at the custodial services and the inspector of prisons. I relayed to the Ministry of Justice my personal opinion that this was a good idea. I believe the Government is very happy with this provision. The member would need to speak to the minister himself about how the provision was drafted and what he did but as far as I am aware, the Government and the Ministry of Justice are very happy with this provision. I do not believe it has been watered down at all and I am pleased it has been included. This is the Government's legislation and I am pleased to be putting it through the House. This system works well in England; I have read many reports about it and spoken to people there. Many people lobbied the Government for this system. I cannot speak for the minister - the member will have to ask a question of him - but I believe it is a great thing.

Mr BROWN: Can I take it that the parliamentary secretary does not know whether this clause represents a deal between the Government and the Australian Democrats?

Mrs van de Klashorst: Parliamentary counsel's instructions come from Government. This legislation was given to the House by the Government and the member for Bassendean would have to ask the Attorney General about any deal that may have been made. It is a government Bill and we are putting it through.

Mr BROWN: I thought there might be some openness in this process. That is what I am seeking to clarify. I am told this clause is a deal between the Government and the Australian Democrats and it is a deal which relates to the Australian Democrats promising to vote in the other place for this Bill and the earlier Bills concerning court and custodial services in return for the Government including this clause. It is a simple question. Obviously the minister has not confided in the parliamentary secretary about what took place. I cannot reflect on the minister in this place but one might wonder why the parliamentary secretary has not been taken into the minister's confidence. I am disappointed that we cannot get an answer to that question. The Opposition will need to have that matter take up by its colleagues.

Mrs van de Klashorst: I am not the minister. I suggest the Opposition take it up in the upper House.

Mr BROWN: Although I appreciate it is not possible for ministers to brief parliamentary secretaries on all the details of legislation or for parliamentary secretaries to have the same intimate knowledge of pieces of legislation and their construction as a minister, I am disappointed that the minister has not chosen to properly brief the parliamentary secretary about the background of this provision of such a fundamental matter. However, we can leave it at that for the moment.

Mr McGINTY: My area of interest is with regard to the independence of the office of inspector. The amendments on the Notice Paper indicate that this matter will be dealt with in a number of ways. Firstly, the Governor shall appoint an appropriately qualified inspector. Secondly, under proposed new section 109C, the inspector shall be paid salary and allowances at such rates per annum as are determined by the Salaries and Allowances Tribunal. What sort of person will the inspector be, and what sort of independence from the Ministry of Justice will the inspector exercise?

Mrs van de KLASHORST: This will be a senior position and statutory agency that will be completely independent and separate from the Ministry of Justice. I have no details about what type of person may be appointed. The absolute strength of this position will lie in the fact that the inspector will have the freedom to make decisions without being subject to the minister or the Ministry of Justice.

Mr McGINTY: Is it envisaged that the inspectorate will be one person, or an office with the appropriate bureaucracy surrounding it?

Mrs van de Klashorst: It will be one person, the inspector, who will naturally require some staff to run the office. I imagine that some of those staff will form part of the inspection team, but I do not have the full details of that matter.

Mr McGINTY: Will those people be located in the Ministry of Justice building?

Mrs van de Klashorst: No. There will be an Office of Inspector of Custodial Services.

Mr McGINTY: Will that be an independent office that is not part of and not geographically located with the Ministry of Justice?

Mrs van de Klashorst: Yes.

Mr McGINTY: What links will exist between the Ministry of Justice and this independent office? I use as an analogy the role of the Auditor General, who has a completely independent and separate office and audits the books and performance of a raft of government agencies. The relationship between the Auditor General and the Education Department or the Health Department is one of complete independence. Is that sort of relationship envisaged between this office and the Ministry of Justice with regard to prisons; and, if not, how will it differ?

Mrs van de KLASHORST: The inspector will set up with the departments with which he or she will need to work, which may be the Health Department, the Police Service or the Ministry of Justice, the protocols that are required to carry out the role of Inspector of Custodial Services. Proposed new section 109H states -

(4) The Inspector may by arrangement with -

(a) a department of the Public Service; or

(b) a State agency or instrumentality,

make use of any facilities of the department, agency or instrumentality.

(5) An arrangement under subsection (3) or (4) is to be made on such terms as are agreed to by the parties.

In other words, the inspector will set up the protocols as required. The inspectorate will definitely be a separate office.

Mr McGINTY: I turn now to the functions and powers of the inspector. What will this person do? I am not talking only about the functions that are laid down in the legislation. Is the current lock-down at Casuarina Prison and its associated health and security issues the sort of matter this person will investigate and report on to the Parliament? Will this person deal with grievances by prisoners? It is not clear to me, and I would appreciate some significant elaboration of what this person will do in the implementation of the powers that are specified in this legislation.

Mrs van de KLASHORST: The inspector may investigate a circumstance such as a lock-down, particularly if complaints have been made about that lock-down, as is the case at Casuarina Prison, and give advice to the person who is running that prison about changes that may be made, or make a report. An example is the British report from Her Majesty's Chief Inspector of Prisons that I have tabled. The role of our inspector is drawn from the Inspector of Prisons in Great Britain, which can be paraphrased as being to contribute to reduction of crime by inspecting the treatment and conditions of those in custody in a manner that informs ministers, Parliament, custodial authorities and others, and that influences advances in planning and operation of delivery of custodial services. Some of the things that I looked at when I visited the prisons - and I was advised by the Ministry of Justice - were the structure of the day, the sort of food that was served, whether the menus were changed regularly, whether the prison was clean, whether the prisoners had work and training opportunities, whether educational facilities were available for prisoners, the staffing levels, how the prison officers felt about the prison, and the interaction between prison officers and prisoners. Any matter that concerns the running of prisons can be inspected by the Inspector of Custodial Services.

Mr McGINTY: Once the inspector had inspected the circumstances that existed in a prison, what would happen next? This matter might be dealt with in proposed new section 109N, which deals with reporting. Would the Parliament then be apprised of the circumstances directly, or would the matter go to the minister and perhaps never see the light of day? That is a fairly important point, particularly if the office were truly independent.

Mrs van de KLASHORST: A report would be given simultaneously to the presiding officers of both Houses of the Parliament and would be held for 30 days. It would then be published, so it would become a public document. I have a published report from Her Majesty's Chief Inspector of Prisons at HM Prison Blakenhurst in the United Kingdom, which is a full and comprehensive report of what that inspector found and suggested.

Mr McGINTY: I expect that other reports will also be produced, such as after an annual inspection or things of that nature. Will those other reports also come to the Parliament?

Mrs van de KLASHORST: There are several different kinds of reports. There would be a short inspection, and I imagine that would occur when the inspector has been asked to inspect something specifically or is conducting follow-up inspections after things have been put in place. These inspections can be made with or without notice, and thematic reports can also be handled by the inspector.

Mr McGINTY: Will those automatically come to Parliament? It is truly an accountability question.

Mrs van de Klashorst: The inspector can provide advice, interim reports or recommendations or he may, if he wishes, table a report in Parliament.

Mr McGINTY: The Parliament would not necessarily be apprised of advice or a report drawn up by the inspector.

Mrs van de KLASHORST: It would be a matter of discretion. There might be a short inspection for a particular incident and it would be up to the inspector to decide. The member must remember that the inspector is independent. He could give some advice by way of letters, but, as an independent person, he can make a decision about a report.

Mr McGINTY: Would all matters in his office be subject to the Freedom of Information Act? What limitations would exist?

Mrs van de KLASHORST: No. He is exempted from freedom of information.

Mr McGinty: Why is that?

Mrs van de KLASHORST: Simply because it may jeopardise his inquiries; that is, if every note he writes is open to freedom of information and is discoverable. It will allow him to go in with an open mind and say what he really wants to say. It might be a personal matter involving one prisoner which should not be made public.

Mr McGINTY: The issue I am trying to develop is the accountability involved with this office. If the office is totally exempt from the freedom of information laws, that seems to be a bit excessive. Obviously if there are personal circumstances surrounding a prisoner, that should not be subject to freedom of information laws. Will this office function effectively as an ombudsman for prisoners? If a prisoner has a particular grievance, will this be the course of action he will take in terms of an external agency? Essentially, at the moment a prisoner has one option: To go to the chain of command within the prison, particularly the superintendent. If a prisoner had a grievance about his sentence or conditions, is this the office to which the parliamentary secretary envisages the prisoner would go? Where would prisoners go in respect of those matters?

Mrs van de KLASHORST: Although there is some similarity with the Ombudsman, this inspector is not the person prisoners would approach.

Mr McGinty: To whom would they go?

Mrs van de KLASHORST: They would go to the chief executive officer through the normal channels and then to the Ombudsman, but not to this person. Proposed section 109I(6) states -

> The Inspector shall not deal with a complaint or grievance concerning an individual other than to advise the complainant that the Inspector's functions do not relate to the matter or, if appropriate, to refer the matter to the Parliamentary Commissioner for Administrative Investigations.

Mr McGINTY: The Inspector of Custodial Services having conducted an investigation, are the powers of this office purely advisory or is there any power to direct? A fairly simple and current example of this is the Casuarina Prison lock- down. If the inspector said that this was in breach of a whole raft of international conventions which are binding upon the Government of Western Australia, and therefore practices should change forthwith, can he do anything other than whistle into the wind, or does he have some power to direct or change things?

Mrs van de KLASHORST: He can inspect and advise - the member must remember he is reporting to Parliament - but he cannot run the prison system; that is run by the minister and the Ministry of Justice. If the inspector felt that something really needed to come to Parliament, and it came into Parliament, I am sure that would be enough publicity. As members know, the Press is here to get things moving, and that is what the Opposition and the Government are for.

Mr McGinty: Does the British model have any power?

Mrs van de KLASHORST: No.

Mr McGinty: It is purely advisory.

Mrs van de KLASHORST: Yes.

Mr BROWN: I will pursue some of the matters raised by the member for Fremantle, in particular proposed section 109I(6), which deals with the functions of the inspector. It proposes to provide that an inspector shall not deal with a complaint or grievance concerning an individual other than to advise the complainant that the inspector's functions do not relate to the matter or, if appropriate, refer the matter to the Parliamentary Commissioner for Administrative Investigations. I will pose a particular issue to determine how this matter would be dealt with. Prisoner A complains that he is unable to get a place on the sex offender treatment program. That prisoner could be complaining that, because he is six foot tall or has green eyes, he is being discriminated against, and that for some obscure reason prison officers or the superintendent will not allow him to participate and so on. Under those circumstances and after going through the internal processes, the role of the prisoner would be to refer the matter to the Ombudsman as a personal complaint. However, let us say that that prisoner cannot get a place on the sex offender treatment program because the ministry has decided to allocate resources to other programs. That then goes to a systemic question: The operation of the service as a whole; not about that particular individual, although he is raising the complaint. He is not saying that he is disadvantaged because he is six foot tall or has green eyes; he is saying that he is disadvantaged because there is a systemic weakness in the system, which means that he is unable to get a place on the program. Is the parliamentary secretary saying that in both of those circumstances it would go to the Ombudsman, or is she saying that in the second circumstance it would go to the inspector for investigation?

Mrs van de KLASHORST: The inspector obviously cannot be diverted from his role of inspecting and checking the whole system to make sure. If, for instance, he found that several prisoners in a prison could not get into the sex offender program or that there were complaints about other programs as well, he could put in a thematic report about programs in that prison. This is all theoretical, of course. He might look at all the various programs in the prison, how they are working, whether they are working and how they relate to the prison, or he could look at all prisons to determine whether other programs were available, how those programs contrast or whether that program is available in another prison. Individual complaints would be a matter for the Ombudsman, and the inspector would consider the general thematic scenario when he inspected the prison.

Mr BROWN: I want to clarify this, because essentially the Ombudsman deals with individual complaints. The Ombudsman's reports will find that Joe Bloggs or Jimmy Smith has not been treated correctly, or whatever. The Ombudsman is sometimes reluctant to make findings that challenge government on issues such as resource allocation. If the Inspector of Custodial Services has a role in the issues to which the parliamentary secretary referred such as the provision of art services, appropriate standards of care and the provision of programs, but does not accept complaints from individuals, how does he instigate an investigation? Does the inspector have a flash of inspiration in his office that he should inspect this aspect of the prison? Although I understand that the inspector will not investigate complaints from individuals who are involved in the system, whether prisoners, prison officers or other staff, they must at least be able to draw apparent problems to the inspector's attention for examination. How will the inspector find out what is happening unless he or she makes it known to everyone in the system that they can lodge their concerns about problems with the system with the inspector? They could not lodge a complaint because someone did not get a promotion or a transfer.

One of the matters that has been raised with me is the inadequate resources within the Ministry of Justice to provide all of the programs that are currently needed by prisoners. The ministry does not provide the money so that programs can be provided. If an individual goes to the Ombudsman and says that he is being treated unfairly because he cannot get into this or that program the Ombudsman is likely to find that as an individual he has not been unfairly treated. However, it is unfair to a class of people that resources are not being allocated. The parliamentary secretary will recall two or three years ago the major debate on access to the sex offender treatment program. It was not that certain individuals were being excluded, but rather that there were inadequate funds for that program. Is it the role of the inspector to investigate those matters and

to provide a report? If that is not his role, and the inspector is simply a person wandering around a prison once every three years to work out whether it needs another paint job or whether the pipes are leaking, he will not be dealing with issues of the day in any depth. Will the inspector deal with the issues of the day that concern prisoners, prison officers and staff? Will he exercise discretion in that area or will he ignore them? Is the creation of this office no more than a deal between the Australian Democrats and the Government?

Mrs van de KLASHORST: The member for Bassendean has brought up why we need an Inspector of Custodial Services. The inspector will visit prisons and investigate some of those matters. I hope the member will support the Bill, because he has put his finger on why we need an inspector. The inspector will not investigate complaints about individuals. He is required to visit the prisons at least once every three years - that is a minimum, he can go as often as he wishes - and can produce a thematic report and make follow-up inspections. If there were insufficient programs or funding in a prison it is the inspector's role to find out about that and to make recommendations and report back to Parliament. This will make the prison system more accountable to the Parliament. Section 109(O) of the Parliamentary Commissioner Act states that the inspector may consult the Anti-Corruption Commission, the Director of Public Prosecutions or the Parliamentary Commissioner for Administrative Investigations concerning the performance of a function of the inspector under the Act or any other law. For instance, if the Ombudsman had received numerous complaints about prisoners' inability to enter sex offender treatment programs a protocol will be in place so that he can contact the Inspector of Custodial Services to pass on that message and the inspector can also contact the Ombudsman.

Mr BROWN: The parliamentary secretary is saying that there is a strong desire to ensure that the office of inspector of prisons is not confronted with the immediate, day-to-day issues of the prison. I have not yet been able to find a clear line of communication for prisoners, prison officers or staff who have major concerns - not relating to an individual - about the way in which a prison is being run or on the inadequacy of programs. Can they contact the inspector and urge the inspector to carry out an investigation? From what the parliamentary secretary has said, the inspector will push those concerns away to someone else, and will carry out his or her job in some sort of vacuum without being subjected to the daily rigours of what is happening on the ground. I am trying to find out what will trigger the inspector to carry out the type of inspection that is envisaged. Is it triggered by complaints from prisoners, prison officers and staff? Is it triggered by the inspector making a decision on whether a complaint is of an individual nature and therefore should be dealt with in another place, or is it one of a general nature that the inspector should look at and therefore examine? I am not entirely clear how the inspector becomes involved in those matters. Perhaps the parliamentary secretary can make it clearer. It is not clear. It appears to be a determined attempt to isolate this person and to allow day-to-day activities to go on around him.

Mrs van de KLASHORST: The person who will be given this job - I do not know whether it will be a he or a she - can go into the prisons at any time to talk to the prisoners and to get a feel for the situation. I made day visits to prisons in England, Victoria and Queensland. Although I could not do so, the inspector will be able to inspect the books and the contract to ensure that the prison is being run appropriately. If a prisoner wants to write to the inspector of prisons, there is nothing to stop that. However, the inspector will not handle individual cases. If a prisoner said one of the prison officers had assaulted him, the inspector would not handle that individual case; it would go to the Ombudsman.

The member has been involved in prisons and knows that the prison grapevine works very well. Prison officers, prisoners, the executive staff and, I presume, the Ministry of Justice will keep the inspector involved if problems arise. I refer back to the English model on which this system is based. One of the issues mentioned was that some of the staff felt frustrated about the lack of promotional opportunities, but that they were improving. Obviously the inspector had a casual conversation or staff talked to him. He did not look at every staff promotion, but commented that generally staff were not happy with promotional opportunities. I could quote numerous examples of good work in education and health care. The inspector will look at the entire prison and get a feeling about what is happening by talking to people. There is nothing to stop these people writing to the inspector.

It must also be remembered that the report is tabled in the Parliament. People like the member for Bassendean and me, who have an interest in this, will look at these reports to ensure that they reflect what is happening in the prisons and, when problems arise, that something is done to resolve them. Just as the inspector has a role to improve the accountability of the Ministry of Justice, so he will be judged by the Parliament as to the depth of his reports.

Mr BROWN: Is it the parliamentary secretary's expectation that, if systemic problems are drawn to the attention of the inspector by whomever, inside or outside the system, those matters will be investigated by the inspector?

Mrs van de KLASHORST: He must not be diverted from what he is doing, which is inspecting the prisons. He will investigate all matters brought to his attention, depending on what he is doing at the time. It is a matter of priorities.

Mr MARLBOROUGH: As a member of Parliament I have before me a request from a number of prisoners that the prison telephone system be reviewed; that is, the telephone system that allows incoming and, in some instances, outgoing calls for prisoners. When a married couple or a de facto couple are both in prison at the same time - one in a female prison and one in a male prison - they cannot use the existing telephone system. I have spoken to officers at Bandyup Women's Prison who have told me that they simply do not have the staff to supervise prisoners when they make telephone calls. Prisoners are restricted to one call a week or less frequent communication. If they are in prison and want to make or receive an outside call, they can because that activity is staffed differently. In that situation they are not viewed as tying up services in two prisons. When the request first came to me from a prisoner at Casuarina I was curious about how many married couples are in prison at the same time. The prison manager at Bandyup told me that there is an unusual number and that accommodating them causes great strain.

The authorities at Casuarina Prison and Bandyup Women's Prison indicated that they cannot accommodate the situation

because they simply do not have the resources. How does the Government see an inspector dealing with that circumstance? It affects the morale of individual prisoners, but it could have consequences for the running of prisons in respect of both staffing and safety. Those decisions are made at the prison level and that results in different telephone rules at each prison; there is no common thread in how prisoners are allowed to use the system. How does the Government see a prison inspector being involved in such an issue, or would he be able to be involved in such an issue?

Mrs van de KLASHORST: This is another reason that the member should support the Bill. In that case, if the inspector got the message that there was something wrong with the rules relating to the making of telephone calls between prisoners, or incoming and outgoing calls, he would investigate the issue. He could then submit a thematic report about the use of telephones. He might visit other prisons.

Mr Marlborough: They are not saying they do not have enough telephones, but that they do not have enough staff to escort prisoners to the telephones and to supervise them.

Mrs van de KLASHORST: The inspector would investigate that. He would address why something happens in one prison but not in others. He could submit a thematic report. He could investigate communication systems and rules across prisons, and, as I said, he would report that to Parliament. You would have an opportunity to ring him or write to him about your concerns. It is one way of bringing it to his attention.

Mr MARLBOROUGH: It is one thing to be involved, but it is another thing to be able to implement recommendations to remedy the problem. Is the parliamentary secretary saying there is no emphasis on either the individual prisons and/or the minister responsible for prisons to act upon any such report? Is she also saying that, the inspector having been involved in assessing a process, such as the telephone system which I have mentioned, people must sit around and wait for an annual report to be made to the Parliament?

Mrs van de Klashorst: The member was not in the Chamber when we discussed it but it has been pointed out that the inspector can conduct short or full inspections and provide different sorts of reports. The inspector is not limited to annual or bi-annual reports. The inspector can go into a prison any time he wants to. For example, if you, as a member of Parliament, brought something to his attention, he could go into a prison. That is covered in proposed new section 109K(1) and specifically (2)(a).

Mr MARLBOROUGH: I have not participated in the debate so far, but I am assuming that the inspector's role has been added to the running of the prison system.

Mrs van de Klashorst: No, it is not added to the running of the prison system; it is an independent inspectorate that will have an additional function and is virtually separate from the prison system.

Mr MARLBOROUGH: That is fine, but the role of the inspectorate is to assess matters and to bring about changes that may affect anything from an individual prisoner to the running of the prison. My concern is about when an inspector can be involved and enter the process. How does the process work once the inspector enters into it? Proposed new section 109N(2)(a) states -

> each inspection report prepared by the Inspector as a result of inspecting a prison in the period of 12 months ending on the preceding 30 June;

Proposed new section 109N(1) states that -

> The Inspector shall, as soon as is practicable in each year but not later than 30 September, deliver copies of the documents referred to in subsection (2) -

The proposed new section refers to an annual reporting mechanism to the Parliament and proposed subsection (2) details how reports must be prepared, the dates of inspection, when they must be available and so on. I am concerned that the inspector may do nothing and have no authority. The bottom line is that the inspector can be directed by the minister.

Mrs van de Klashorst: No he cannot.

Mr MARLBOROUGH: With the greatest respect, perhaps the parliamentary secretary will clarify that. I refer to proposed new section 109L(3), which states -

> The Minister may, after consultation with the Inspector, issue to the Inspector directions as to the performance of any of the Inspector's functions -

Mrs van de Klashorst: You must read 109L(1) first.

Mr MARLBOROUGH: That proposed new subsection states -

> Except as provided in this section, the Inspector is not subject to direction by the Minister or any other person in the performance of the Inspector's functions.

Mrs van de Klashorst: He cannot be directed by the minister.

Mr MARLBOROUGH: Why then does proposed subsection (3) indicate that he can? After an indication in proposed section 109L(1) that the inspector cannot be directed by the minister, proposed subsection (2) states -

> The Minister may direct the Inspector to inspect a prison or to review a prison service or an aspect of a prison service and report on a specified matter of significance.

Therefore, the inspector can be directed by the minister. Is that how it will work in reality?

Mrs van de KLASHORST: If the minister is concerned about a particular matter, he can approach the inspector and ask him to look at it. The inspector makes the decision on the matter because he is completely independent. However, the minister must be able to talk to him if he wishes to. The minister cannot tell the inspector, say, that he must inspect Bandyup Women's Prison, but he can draw to the inspector's attention any matter that needs examination. The inspector will make the decision. The minister can direct the inspector's attention to some service that is either being provided or not being provided, as can any member of Parliament.

Mr MARLBOROUGH: It goes further than that. If the inspector were substituted by a member of Parliament, I would be equally concerned about the provision. On the one hand, we are talking about the independence of the inspector's role but, on the other hand, that independence is undermined because this independent inspector from time to time may be directed by the minister. It further states in the proposed new section that if the independent inspector disagrees with the minister's direction, he or she must make a report to Parliament within 14 sitting days. That diminishes the inspector's independence. I do not know what may be in the mind of the minister of the day.

I refer to another independent person in the political system, such as the Auditor General. Who directs the Auditor General to look at certain things? I ask the parliamentary secretary to name a minister who directs the Auditor General. I am not aware of one. I do not think the Premier has the authority.

Mrs van de Klashorst: Doesn't the Parliament?

Mr MARLBOROUGH: The Parliament is much different from a minister. The Parliament goes through a public process and is accountable by the nature of its being. It is surrounded by people in the public gallery and parliamentary officers who listen to the debate, and, at the end of the day, a record of the debates goes into *Hansard*. It is a public process and it is much different from the operation of a minister. Some ministers of the Crown have been known to pick up a telephone and direct all sorts of people in their portfolios. Not many people would need to be more independent than an inspector of prisons and to be seen to be truly independent.

I have a personal interest in this matter. My father, who passed away seven years ago, was a senior prison officer at the Fremantle Prison for 25 years before he retired. I have some knowledge of what goes on in prisons and I have a keen interest in them. The history of the Western Australian prison system shows that in the past 20-odd years, at least three major riots have taken place in Fremantle Prison. My father, as a prison officer, was involved in all of them. When the last riot took place at Fremantle Prison, from the verandah of my house in Fremantle, which overlooks the prison, I watched as the major wing of the prison building burnt down.

There is a great case for an independent body to have all sorts of powers to look at the prison system. For example, the present situation at Casuarina Prison, where there has been a lock-down in place since Christmas, goes well beyond any humanitarian considerations. I am not saying the prisoners are right or wrong, but what other democracies put people in a cell measuring 3 metres by 4 metres for 24 hours a day? I recognise that a riot took place at Christmas and that people's lives were at risk, but is that the reason prisoners are being kept in their cells eight months later, when many of them were new to the prison system? Many of the prisoners were not there at the riot last December. Certainly many did not participate in the riot even if they were there. They are not being locked up because of that incident, although it may have been the trigger. The reason they are being locked up is that there are not enough resources in the prison for the system to be properly managed. We designed a prison for approximately 384 prisoners and today it has nearly 1 000 prisoners. We have not put in appropriate prison officers to look after 1 000 prisoners. If a truly independent inspector of prisons was in place today, this House may have had an independent report, similar to the Auditor General's, recommending the need for change. I am not convinced that under the proposed amendment the so-called independent inspector remains independent.

Mrs van de KLASHORST: The member has given me a hundred reasons why he should support this Bill. At the moment he is not receiving any reports. If we had an Inspector of Custodial Services an issue could be brought to his attention by the minister, a member of Parliament or anybody in the community. The job of the prisons inspector would be to investigate an issue and present a report to Parliament. The report could be debated in the House and government policy could be set covering some of the issues. I hope the member will support the Bill because he feels, as I do, that the prison system needs to be investigated.

Mr MARLBOROUGH: I am not suggesting that any of the concerns I am raising are a rejection of the Bill. I believe that if we put a new process in place, the key to its success is the independence of that process.

Mrs van de Klashorst: That is absolutely right.

Mr MARLBOROUGH: The proposed amendment is worded in such a way that the independence of the process is eroded before it is put into place. The amendment clearly gives the minister the ability to direct the inspector. I ask the parliamentary secretary to tell me in what way the Auditor General is directed. A number of people may write to the Auditor General. Ministers, backbenchers, indeed anybody, can write to the Auditor General and suggest that he look at particular matters. However, I am unaware of, nor have I ever heard any suggestion of, anything within the Auditor General's powers or any Act surrounding his role whereby a minister can direct him to investigate certain areas. If, for whatever reason, he rejects a minister's request, he simply has to submit a written report within 14 days stating why he rejected it. I cannot make myself any clearer other than to say this: I would be happier with a truly independent inspector that mirrors the rights, privileges and powers of an Auditor General and where the minister has no right to direct. The proposed amendment should not be written as it is now. If the minister has a particular interest he may, like any other person, write and suggest a review of an area. I have no objection to that, but the proposed amendment does not say that. Proposed section 109L(1) states -

Except as provided in this section, the Inspector is not subject to direction . . .

Proposed subsection (2) states -

Mrs van de Klashorst: If the member for Peel wishes to move an amendment to proposed subsections 109L(2), (4) and (5) and change the word "direction" to "request", we will accept that. I understand the member's concern. However, in proposed section 109L(1), it must be "is not subject to the direction", so the word must stay there. That is, I believe, the intent of the Bill. If the member wishes to change the word "direction" in proposed subsections (2), (4), (5) and (6) to "request", then we will accept that amendment because that is the intent of the Bill. The Bill does not intend that the minister can direct the inspector. The minister can bring things to his attention and make requests, but the inspector is obliged to submit a report to Parliament if he has refused a request, stating why the request was refused.

Mr MARLBOROUGH: In the spirit of the parliamentary secretary's willingness to indicate that she does not want the inspector to be directed, I suggest that proposed subsection (4) becomes superfluous. It is written about direction, not requests, and I do not think it is required. The parliamentary secretary may want some time to consider that.

Mrs van de KLASHORST: My adviser suggests that it may be better if the subsection is left in, but the word changed to "request". That does not detract from the proposed subsection. In my notes it has already been changed to "request".

Mr Marlborough: I am concerned about the phrase "there are exceptional circumstances for not complying". The word "request" does not necessitate that.

Mrs van de KLASHORST: My adviser says that it is a completely different issue. All we need do is change the word to "request". We are happy to meet that amendment so that it does not cause any confusion with the Bill.

Mr MARLBOROUGH: My amendment was formulated on the run, having looked at the parliamentary secretary's willingness to change the word "direct" to "request". However, the whole of proposed subsection (4) becomes unnecessary because it states that the inspector must comply with a direction. If it is a request, and the intention is not to direct people, the word "must" is not necessary. We do not want the proposed subsection to state that the inspector must comply with a request. The whole reason for changing "direct" to "request" is to change the intent of giving a direction. The word "must" does not go with "request" and neither does the rest of the sentence. I have no difficulty with proposed subsection (5), whereby if the inspector refuses a request, he must submit a report, as that is a fair mechanism. It is the safety net for any concerns the parliamentary secretary may have. I think that proposed subsection (4) becomes superfluous to the overall reading of the Bill with the word "request" in place. When the parliamentary secretary says the Government accepts my amendment, is it accepting the removal of proposed subsection (4)?

Mrs van de KLASHORST: No, we need the inspector to explain to Parliament if he refuses and there are exceptional circumstances; we need that. We will accept the change of the word "direction" to "request" in those four proposed subsections, but we will not delete proposed subsection (4).

Mr MARLBOROUGH: I congratulate the parliamentary secretary for accepting the amendment to change "direction" to "request". I hope I am not talking semantics but it is clear in my mind that in proposed subsection (4) the word "must" places a different connotation on the word "request". It really takes it back to direction.

Mrs van de Klashorst: However, it has a specific meaning and purpose. Where there are exceptional circumstances for not complying, the inspector must report to Parliament about that reason.

Mr MARLBOROUGH: That is why I thought proposed subsection (4) was superfluous. Proposed subsection (5) provides that protection. If we remove proposed subsection (4) for the moment -

Mrs van de Klashorst: It does not say "exceptional circumstances" for not complying. Parliamentary counsel specifically drafted this provision to cover this and I am not prepared to accept any change.

Mr MARLBOROUGH: If the parliamentary secretary is not prepared to agree to the change now, I would like the Government to give the matter some thought. I suggest that the words "exceptional circumstances" describe nothing. Think about it; the words "exceptional circumstances" or "exceptional" or "circumstances" on their own -

Mrs van de Klashorst: They were intentionally drafted to cover exceptional circumstances.

Mr MARLBOROUGH: We would then have an argument about what are "exceptional circumstances" if the inspector gets into trouble for non-exceptional circumstances. That is my point.

Mrs van de Klashorst: The information would be brought to the attention of Parliament and it would be Parliament's decision about the exceptional circumstances.

Mr MARLBOROUGH: However, let us take out the words "exceptional circumstances". Those words do not mean anything; they become a definition. Proposed subsection (5) provides that process. With my amendment, proposed subsection (5) would read -

If the Inspector refuses to comply with a request under subsections (2) and (3)

Subsection (4) is not even mentioned -

he or she must prepare written reasons for the failure . . .

We do not need "exceptional circumstances" given what proposed subsection (5) will say.

Mrs van de Klashorst: That is the member's opinion. Parliamentary counsel believe the subsection should be in there and drafted it as such. I will not accept that change.

Mr MARLBOROUGH: Let us move on. It is for the parliamentary secretary not to accept the amendment at this time but I ask her to give some thought to it. What I seek to withdraw from the Bill will not weaken it. My amendment will tidy up the Bill. In its present form, proposed subsection (5) does not mention subsection (4); it mentions only subsections (2) and (3), and the words "exceptional circumstances" become something to be argued about - what is "exceptional", what are "circumstances" - whereas proposed subsection (5) is quite clear. If the inspector refuses - and we know what "refuses" means; that is, does not go ahead - he puts in a written report to the Parliament. The Opposition is happy with that. I ask the parliamentary secretary to give some further consideration to that process.

I did not intend to make that point now. I am still concerned about the telephone system and the role of the inspector; how he will report those matters and, most importantly, how they will be acted upon. Although independent - and that greater independence is now further ensconced in our minds - the inspector will bring down reports which will impact on the prison system. When bringing down reports on the prison system, members on both sides need to acknowledge that management structures already exist within the prison system. Where will the managers in the present prison system fit into the process when we have this independent inspector? Will they still be able to advise me about why the telephone system cannot be put in place or cannot be fixed? Will they still be in charge of policy in their prisons? Will they have to defer and address an independent inspector who will have input into the running of the prison system? How do they fit into the new hierarchy which will determine outcomes in the prisons?

Mrs van de KLASHORST: The member for Peel was not here at the beginning of the debate. The inspector is an additional safeguard for the prison system. I know members opposite will support this because they are always asking for additional safeguards for prisoners. This will provide accountability for the prisons. The inspector inspects and recommends, but the running of the prison system will not change; it will still be run by the Ministry of Justice through the officers in the prisons. This is an extra accountability mechanism for the prison system, one which will be transparent because the inspector's reports will be brought into Parliament. That provides full accountability as the reports will be public documents in this place.

Mr MARLBOROUGH: I see some difficulties with this. For the record, I understand that this is only one part of the Bill but it is a very significant part. Having some small knowledge about how the prison system works at present and some idea of the many other changes being proposed for the prison system, my concern is that we have not quite worked out where this independent inspector fits into the overall running of the prison system. On the opposition side, it is fair to say we commend the principle behind the inspector's role but we would hate to think that inspector's role could be diminished by the present management hierarchy in the prison system. The relevant Act gives those managers exclusive powers over many of the activities within a prison system.

Mrs van de Klashorst: Perhaps the member does not understand that this inspector is a statutory authority independent of the Ministry of Justice and the minister; it is an agency in its own right. The inspector is in charge of his own agency and makes the whole system, the delivery of service to prisoners and the way prisons are run, more accountable.

Mr MARLBOROUGH: I do not dispute that, but we need to be careful about how the inspector's role may be seen within the existing prison system because the people running the key prisons in this State have powers basically to run the prisons like a captain runs a ship.

Mrs van de Klashorst: That will not change. What will change is there will be an additional person, independent of those managers, inspecting the service delivery to prisoners. I do not know whether the member for Peel was here when we said this is based on the British model.

Mr MARLBOROUGH: I was here but I do not know a great deal about the British model. My understanding of that British model is that backing up the inspectorate system in the United Kingdom are localised committees with the power to go into prison systems at the drop of a hat; they can inspect lockups, police establishments and prison systems.

Mrs van de KLASHORST: Last night I read from a British report from Her Majesty's Chief Inspector of Prisons. Under the British model, the inspector can only inspect prisons. Under the Western Australian model, the Inspector of Custodial Services will have statutory powers, whereas the Inspector of Prisons in the United Kingdom does not. That will make the position of Inspector of Custodial Services in this State stronger and more viable.

Mr MARLBOROUGH: I have a fairly dim memory of the prison system, but in 1988 when Casuarina Prison was being built in what was then my electorate, I went to the United Kingdom to look at its prison system -

Mrs van de Klashorst: It has moved on since then.

Mr MARLBOROUGH: Yes. My understanding in 1988 was that the British prison system was backed up by local community groups that comprised people who had standing in the community, such as local government councillors and business leaders, and who could inspect prisons without notice, and so on. Is that still the case?

Mrs van de Klashorst: As far as I am aware, the English prison system has a board of visitors, as is the case in our prison system, but that board has no statutory authority or power. I do not know much more about it.

Mr MARLBOROUGH: I do not either. An inspectorate which was supported by a community group would appear to have some further safeguards built into it to assure the community that the prisons were being managed properly, and particularly now that we are going down the privatisation path, we need to ensure that all of the processes that are required in the prison system are effectively in place.

I asked a question earlier about how reports from the inspector will be implemented, and I am not sure that I received an answer. From my reading of proposed new section 109N, there will be a 12-month reporting procedure to the Parliament. How will we know, other than when the inspector rejects something that has been put to him, in which case he must report to the Parliament within 14 days of that rejection, whether inspections are being carried out and what are the outcomes of those inspections, and, more importantly, whether any of those matters are being acted upon? When the Auditor General prepares a report on a particular sector of government, that report must be laid before the Parliament. How will this reporting process compare with the reporting process of the Auditor General, and how will we know what is taking place within this inspectorate other than by the inspector's annual report to the Parliament?

Mrs van de KLASHORST: It will not necessarily be just an annual report. Under proposed new section 109N(2)(c), the inspector may make progressive reports, which will come into the Parliament and will, therefore, be public documents, and I imagine that the minister will then take up some of the issues and the Parliament will take up some of the issues, and the report will go to the chief executive officer who runs the prison.

Mr MARLBOROUGH: Proposed new section 109N(2)(c) states -

> any report prepared by the Inspector concerning an inspection or review under section 109I(3) that the Inspector considers appropriate to be laid before the Houses of Parliament . . .

Does that mean the report will be laid before the House only if the inspector considers it appropriate?

Mrs van de Klashorst: Yes.

Mr MARLBOROUGH: At a time when we are seeking greater accountability, all reports should be laid before the House, not only reports that the inspector considers it appropriate to be laid before the House. The Parliament should know as quickly as possible what is taking place within the prison system so that it can ascertain whether action is required. If for whatever reason the inspector did not consider it appropriate that a report be laid before the House, the parliamentary process would be left in limbo, the accountability processes attached to the setting up of the inspectorate would be set aside, and we would not know what benefits could flow from having such an inspectorate. When we read about this process, we are encouraged to believe it will be of benefit to prisoners and to the expenditure of taxpayers' money in the prison system. However, under proposed new section 109N(2)(c) that will not be the case if the inspector does not consider it appropriate that a report be laid before the House. Surely this proposed new section should provide that upon the completion of an inspection or review, the report shall be laid before the House within 14 days, or whatever, and it shall not simply be left to an inspector to say, "I have written this report, but I do not want it to become public, for whatever reason, so I will leave it out". If the inspector does not act as quickly as he should in putting before the Parliament and the minister a problem that is occurring in a prison so that answers can be found, in a very short time the inspector's credibility will be attacked, because the longer it takes the inspector to deal with a problem, the less credibility he will have.

[Questions without notice taken.]

Mr MARLBOROUGH: I draw to the attention of the parliamentary secretary proposed new section 109M(3) which states -

> The Inspector must comply with a request under subsection (2) and make his or her staff and facilities available to the Minister for the purposes of subsection (2)(c) unless, in the Inspector's opinion, it would not be in the public interest to provide the information.

I refer to the points I made earlier about the rationale behind the introduction of an inspector into the running of prisons. It seems to me that part of the rationale, particularly when the Government is going down the path of privatisation in the prison system, is a recognition by the Government that it needs a process that is seen to have a great deal of independence, and is seen to have authority in the way it oversees the running of the prison system and reports to the Parliament and, thus, to the public of Western Australia. I am, therefore, confused about the rationale behind the inspector determining what is in the public interest. After all, the inspector does not have the role of prosecutor, is not an elected member of Parliament, and simply has the role of bringing to the attention of the minister, the parliamentary process and the community, matters that are affecting the welfare of prisoners, the running of prisons, the welfare of staff, the management structures and any other matters that pertain to the proper running of the prison system. On that basis it is amazing to give the inspector a level of power by which the process can be set aside simply because the inspector deems it is not in the public interest to carry out such an activity. Proposed new subsection (3) states that the inspector must comply with requests from the minister set out in subsection (2). Under proposed subsection (2), the minister may -

(a) request the Inspector to furnish information to the Minister;

(b) request the Inspector to give the Minister access to information;

(c) for the purposes of paragraph (b) make use of the Inspector's staff to obtain the information and furnish it to the Minister.

Any role played by the inspector in examining the prison system requires a written report to be given to the minister. I understand that giving it to the minister would automatically give the minister access to the information. Obviously there are some circumstances surrounding these activities, of which I am not aware, in which the inspector may not want to either meet the minister's request to furnish information or give access to information. I do not know what those circumstances are, and I ask the parliamentary secretary to give the reasons for those proposed provisions.

Mrs van de KLASHORST: Proposed new section 109M states that the minister is entitled to do this but also, because the

inspectorate is a separate agency, the inspector does not necessarily have to give that information to the minister. For example, the inspector might be halfway through a report which he does not want to give to the minister until it is complete because further investigation and other circumstances might change the whole report. If the inspector decided that it was not in the public interest to give that to the minister, it would be up to the Parliament to decide whether the inspector was right or wrong. He must make a report to the Parliament, which can then judge whether he is doing his job properly. The accountability is in the Parliament itself.

Mr MARLBOROUGH: I appreciate that reply, which clarifies the matter. The interpretation of proposed subsection (3) led me to believe, until the parliamentary secretary made that statement, that the inspector would determine whether something was in the public interest. Is the intention broader than is suggested? The parliamentary secretary has described a situation in which a minister may request material. It is difficult to follow that, because it refers to a situation in which, in the inspector's opinion, it would not be in the public interest to provide the information. That seems to be another step. There is a difference between the minister requesting some information, and I presume it would not initially be for public consumption, and the inspector making a decision that it is not appropriate to provide the information because it is not in the public interest. That seems to be at another level.

Mrs van de Klashorst: It is at the same level. Perhaps the access by the minister in that case is not in the public interest. It is a judgment the inspector must make.

Mr MARLBOROUGH: In proposed subsection (3) it states that the inspector must comply with requests under subsection (2) from the minister, unless in the inspector's opinion it would not be in the public interest.

Mrs van de Klashorst: That is right. The inspector makes the decision but accountability is built in, and the inspector is accountable to Parliament for that decision.

Mr MARLBOROUGH: Is the parliamentary secretary saying that if the inspector decided not to provide, say, a report that he was halfway through because he felt it would not be in the public interest to do so, it would mean the inspector could bypass the parliamentary process of making an annual report?

Mrs van de Klashorst: No, he cannot bypass the parliamentary reporting process. When the inspector refuses to provide information or access to the minister, he must advise the Parliament.

Mr MARLBOROUGH: I may have missed this earlier.

Mrs van de Klashorst: You missed some of the information when we debated it earlier.

Mr MARLBOROUGH: Has an indication been given of how many people will be involved in the inspectorate office?

Mrs van de Klashorst: The number has not been determined. It will be a separate agency from the Ministry of Justice and from the minister. The inspector will have his own staff. Proposed section 109H(3) sets out the arrangements the inspector may make regarding the services of any officer or employee. In other words it provides the opportunity to find the right people for the inspectorate.

Mr MARLBOROUGH: Will the office be similar to, say, an Ombudsman's office containing three or four staff?

Mrs van de Klashorst: Those details are not available to me at this time.

Mr MARLBOROUGH: We are referring to the expenditure of taxpayers' money; it is appropriate that those facts come before us as soon as possible. In saying that, I presume that the minister has an end view in mind of the operations he wants to have in place through his inspectorate and the workload that may be on the inspectorate's book. There is plenty going on in the prison system at present, such as overcrowding, deaths in custody and privatisation.

Mrs van de Klashorst: Many of those matters will be dealt with when the legislation is passed and the inspectorate is established.

Mr MARLBOROUGH: They could be. It would not cheer me a great deal to help pass a piece of legislation that at the end of the day may not have the resources to make it work. I would not be imbued with any need to work on this Bill. I must look into the eyes of the parliamentary secretary and believe that her commitment to this is the same as that of the minister.

We do not know the number of staff required, nor what funds will be allocated. This legislation could be pie in the sky.

Mrs van de Klashorst: This Bill must be passed before the administration is put in place. At this stage there is no inspectorate.

Mr MARLBOROUGH: Surely the parliamentary secretary can understand my concern. We are dealing with a piece of legislation that will give this body new powers.

Mrs van de Klashorst: It will create a new body.

Mr MARLBOROUGH: As I said, it will give this new body new powers and opportunities to look at the prison system. I am not arguing with that. However, I would be far more convinced about the strength and veracity of the legislation if I knew, for example, that it would be staffed by 20 lawyers working 24 hours a day. That may be my starting point. The parliamentary secretary may not deem that number necessary; she may deem we need only two people to run it. In that case I would be somewhat affected knowing the real commitment to what is a piece of legislation on paper. I am not saying that the Government is not committed. However, I would have liked to know the measure of its commitment and where in the budget funds are allocated. Has any money been set aside for it in this year's budget?

Mrs van de Klashorst: There cannot be a budget for something that does not exist; that will be determined after the Bill is passed.

Mr MARLBOROUGH: Was this inspectorate thought of last week?

Mrs van de Klashorst: No.

Mr MARLBOROUGH: Why can those issues not be determined?

Mrs van de Klashorst: This Bill is to establish the function of the office.

Mr MARLBOROUGH: I thought that the manning levels of the office had something to do with its ability to function. If it is not manned, how will it function? Will it be unable to bring down annual reports because it does not have the staff to carry out inspections or prepare reports?

Mrs van de Klashorst: If that were the case, which it will not be, obviously the inspector would report to the Parliament that he has insufficient staff, just like the inspector does in the United Kingdom.

Mr MARLBOROUGH: I do not want to be flippant about this matter, but I am a bit surprised to find out this far into the debate that this process has not been sufficiently thought through and that the minister responsible cannot advise how many staff the inspectorate may need to run it. Perhaps we are talking about a position to be occupied by 0.4 of an FTE. We could all sit down and go to afternoon tea if that were the case; it would not be worth debating. I assumed, obviously wrongly, that by now we would have some idea how big the inspectorate would be. Will it be calling on volunteers off the street to help it, or seeking assistance from Centrecare from week to week?

Mr McGOWAN: I am interested in the comments of the member for Peel on this important matter and I would love to hear more from him.

Mr MARLBOROUGH: I understand the member for Rockingham's eagerness to hear more. As do I, he has the State's major prison close to his electorate. We are equally concerned about the inspector's role in determining the future running of such an overcrowded establishment. I am happy to accept that the parliamentary secretary cannot provide any more information. However, it is not a good way to conduct debate on a Bill.

Mrs van de Klashorst: In normal circumstances, once a Bill is passed, according to the rules of Parliament the Government of the day funds the body for which the legislation is required. There is no way that Parliaments set up a new organisation before legislation is passed. The inspectorate does not exist. We cannot budget for something that does not exist. The Bill must first be passed by Parliament.

Mr MARLBOROUGH: The Bill titillates us in proposed section 109C regarding its size and funding. Under conditions of appointment it refers to these nonexistent people being paid "salary and allowances at such rates per annum as are determined by the Salaries and Allowances Tribunal established by the *Salaries and Allowances Act 1975* . . . "

Mrs van de Klashorst: With respect, this section applies to a condition of appointment. It has nothing to do with the budget. It is to say that when the inspector is appointed he should be paid a salary. He will be a senior officer.

Mr MARLBOROUGH: Of course; it refers to the appointment of real people. All I was seeking to ascertain was whether in pursuing this matter the minister had determined a number of strategies to make it work. Firstly, the minister needs a Bill to give it approval. Secondly, as a rule when having legislation drafted, ministers know what they want. Surely the minister has clear in his mind what will be needed to run the organisation. Surely the parliamentary secretary can tell us whether it is proposed to have an inspector, assistant investigators or some clerical functions. We cannot get even that information from the parliamentary secretary.

Mrs van de Klashorst: The Government will provide sufficient resources for the appropriate number of staff required. Should that not occur, the inspector will report it to Parliament.

Mr MARLBOROUGH: I hope so. I am not impressed with that answer because it makes my suspicious mind think this Bill has been rushed into Parliament with very little thought about its real outcome just to make the public and the Opposition believe that the Government is concerned about the prison system. It may have more to do with putting something in place for the setting up of a private prison system, to show that the Government has some sort of independent authority, albeit one it has not resourced or budgeted for. The Government has not budgeted anything for an inspector this year because it does not need to set up the authority this year given that it has not yet built the private prison. The Government will set up this authority only when the private prison is built. It will be interesting to see when this inspectorate is intended to be implemented. Has the minister given the parliamentary secretary any indication of whether, on approval of this Bill, this inspectorate will be set up this financial year?

Mrs van de Klashorst: That is in clause 2, which we have not yet handled. The proposed amendment to clause 2(3) states that the inspector provisions come into operation on such day as is fixed by proclamation but that day must not be more than six months after the day referred to in subsection (1).

Mr MARLBOROUGH: The Opposition does not want to hold up that process because this is an important body that needs to be in place.

Mr BROWN: I have a brief question relating to proposed section 109I, "Functions of Inspector". Proposed subsection (4) states -

The Inspector may, at any time -

. . .

(b) deliver to the Minister or any other person having an interest in the subject matter of the document -

(i) a draft inspection report; . . .

Why is provision made for a draft inspection report to be provided in that way?

Mrs van de KLASHORST: The inspector may submit a report but he may also submit a document when he would like to speak with groups of people about that report. This covers that type of activity. The inspector may also take comments from people.

Mr BROWN: I see some sense in the process given that the inspector may get the technical terms and prison terminology wrong but I wonder to what extent the procedure might be tainted by his going through a process of making a draft report available and its being open to comment.

Mrs van de Klashorst: The inspector may be testing some facts or the basis of facts he has received to ensure they are correct.

Mr BROWN: I accept that but I am worried about the degree to which any report may be tainted. Proposed subsection (5) states -

The Inspector shall ensure that the performance of a function of the Inspector under this Act or any other law is not likely to delay, interfere with or duplicate -

(a) a pending inquiry under section 9 . . .

Could the parliamentary secretary provide the Chamber with an example of where the performance of the inspector's function is likely to duplicate a section 9 inquiry given the nature of those inquiries under the Prisons Act?

Mrs van de KLASHORST: The intention of the Act is that the inspector may not perform any function which is the function of another body and section 9 is the function of the chief executive officer of the Ministry of Justice and not of the inspector.

Mr MARLBOROUGH: The matter I will to refer to may conclude my part in the debate and concerns proposed section 109N, "Reporting", proposed subsections (6) and (7). It states -

(6) The inspector shall not, in a document referred to in subsection (2) disclose information or make a statement setting out opinions that are, either expressly or impliedly, critical of the Department or a contractor or any person unless the Inspector has complied with subsection (7) in relation to the matter.

(7) Where the Inspector proposes to disclose information or make a statement setting out opinions referred to in subsection (6) he or she shall, before doing so, afford -

(a) if the opinions relate to the Department, the chief executive officer;

(b) if the opinions relate to a contractor or other person, the contractor or person,

The opportunity to make submissions, either orally or in writing, in relation to the matter.

I am very worried about that process. I hope I am not reading too much into it. I would assume that anybody carrying out an investigation would speak to the parties involved.

Mrs van de Klashorst: I should imagine so.

Mr MARLBOROUGH: Further, one would assume that in that process those people would be able to come before the inspector, would be interviewed, would give evidence - I am not sure at what level the evidence would be given; we have not gone into that sort of detail - and that some record would be made of that evidence. Is that the process we are talking about? I am concerned that, having gone through the normal process of investigation and having written a critical report, the inspector must telephone the aggrieved parties and tell them he has written a critical report and is giving them the opportunity to reply before that report proceeds to the minister and/or the Parliament. I hope that is not the case because it would not be acceptable to this side of the House. It would be paramount to blackmailing the inspector. The Government should not hold a guillotine over the inspector's head and tell him to be careful what he writes or says. Can the parliamentary secretary clarify what these provisions mean and the rationale for including them?

Mrs van de KLASHORST: It means that the inspector would see people during the course of an investigation, as the member suggested, and if he intends to write a negative report, he must tell the involved parties and give them a chance to reply and make a submission. The inspector may still submit an adverse report but he needs to take submissions from the parties on the content of his report. The sole purpose of it is to forewarn them that an adverse report might well be in the public arena.

Mr MARLBOROUGH: I can live with that. I seek further clarification. What powers does the inspector have in taking evidence? Without having a thorough knowledge of the Prisons Act, I am aware that there are sections within the Act whereby officers can be called, and rules and regulations must be observed when people are giving evidence, such as how the evidence is taken down, whether it is on oath and so forth.

Mrs van de Klashorst: The inspector does not have an adversarial position or brief. He inspects, reviews and reports. However, his role is not adversarial, as the member indicated.

Mr MARLBOROUGH: To clarify, proposed subsections (6) and (7) simply relate to the actual processes that take place during an investigation.

Mrs van de Klashorst: Yes.

Mr MARLBOROUGH: It is not an add-on to a final report. If people have concerns, they have the opportunity to come back to the inspector and say -

Mrs van de Klashorst: No, it is just to ensure that they know that they will be part of the report. Therefore, there is no secrecy.

New clause put and passed.

Clauses 18 and 19 put and passed.

Schedule 1 -

Mrs van de KLASHORST: I move -

Page 32, after line 6 - To insert the following subclauses -

(2) Section 3(1) is amended in the definition of "independent agency" by inserting after "Auditor General" -

, the Inspector of Custodial Services

(3) Section 3(1) is amended by inserting after the definition of "independent agency" the following definition -

"Inspector of Custodial Services" means the Inspector of Custodial Services under the *Prisons Act 1981*;

(4) Section 14(1) is amended by inserting after paragraph (a) the following paragraph -

(aa) the Inspector of Custodial Services;

Amendment put and passed.

Mrs van de KLASHORST: I move -

Page 32, after line 11 - To insert the following clause -

2. ***Constitution Acts Amendment Act 1899***

Schedule V Part 1 Division 2 is amended by inserting after the item relating to the Information Commissioner the following item -

Inspector of Custodial Services under the *Prisons Act 1981*;

Amendment put and passed.

Mrs van de KLASHORST: I move -

Page 32, after line 25 - To insert the following subclause -

(2) Schedule 1 clause 14(1) is amended -

(a) by deleting "or" after paragraph (b);

(b) by deleting the full stop after paragraph (c) and inserting instead "; or";

and

(c) by inserting after paragraph (c) the following -

(d) section 109Q(1) of the *Prisons Act 1981*.

Page 33, after line 8 - To insert the following subclause -

(2) Section 4 is amended by inserting after the definition of "Director of Public Prosecutions" the following definition -

"Inspector of Custodial Services" means the Inspector of Custodial Services under the *Prisons Act 1981*;

Page 33, after line 19 - To insert the following subclauses -

(5) Section 22A(1) is amended by inserting after "Commission" -

, the Inspector of Custodial Services

(6) Section 22B is amended after paragraph (a) by deleting "or" and inserting the following paragraph -

(aa) is disclosed to a person who is -

(i) the Inspector of Custodial Services; or

(ii) a member of the staff of the Inspector authorized for the purposes of this subparagraph by the Inspector,

and concerns a matter that is relevant to the functions of the Inspector;

or

(7) Schedule 1 is amended by inserting after the item about the Parliamentary Commissioner the following item -

The Inspector of Custodial Services under the *Prisons Act 1981*.

Amendments put and passed.

Schedule, as amended, put and passed.

Postponed clause 4: Section 3 amended -

The clause was postponed after the following amendments had been moved -

Page 3, line 10 - To delete "definition"and insert "definitions".

Page 3, after line 14 - To insert the following definition -

"medical practitioner" means a person -

(a) who is registered as a medical practitioner under the *Medical Act 1894*; and

(b) who has current entitlement to practise under that Act;

Mr BROWN: What is the reason for these amendments, given that there is some controversy within the prison service about medical practitioners and medical officers and about the intention of these amendments compared with the existing practice?

Mrs van de KLASHORST: The member for Bassendean requested these amendments when we last discussed this matter. These amendments will clarify the term "medical practitioner" to bring it into line with what was discussed. The only term that will be used will be "medical practitioner", which means a person who is entitled to practise under the Medical Act.

Amendments put and passed.

Mrs van de KLASHORST: I move -

Page 3, after line 20 - To insert the following subclause -

(5) Section 3(1) is amended by inserting the following definitions in the appropriate alphabetical order -

"inspection report" means an inspection report referred to in section 109I(1);

"Inspector" means the Inspector of Custodial Services referred to in section 109A;

Amendment put and passed.

Postponed clause, as amended, put and passed.

Postponed clause 5: Section 6 amended -

Mrs van de KLASHORST: I move -

Page 3, line 23 - To insert after "including" the words "medical practitioners as".

Page 3, line 28 - To delete "there may be appointed or" and page 4, lines 1 to 6 and substitute the following -

the chief executive officer may -

(a) appoint under contracts of service; or

(b) engage under contracts for services,

medical practitioners as medical officers.

Page 4, after line 6 - To insert the following subclause -

(3) After section 6(5) the following subsection is inserted -

(6) In this section -

"this Act" does not include Part XA.

Amendments put and passed.

Postponed clause, as amended, put and passed.

Long title -

Mrs van de KLASHORST: I move -

Page 1, line 6 - To insert after "**matters**" the following -

, to establish the office of the Inspector of Custodial Services,

Mr BROWN: The reason for this amendment is that there is nothing in the long title of the Bill to deal with the Inspector of Custodial Services. I do not object to this amendment, but that point needs to be made in light of the discussion we had earlier.

Amendment put and passed.

Long title, as amended, put and passed.

Recommittal

On motion by Mrs van de KLASHORST (Parliamentary Secretary), resolved -

That clauses 2 and 7 of the Bill be reconsidered.

Clause 2: Commencement -

Mrs van de KLASHORST: I move -

Page 2, line 2 - To insert after "Act" the following -

, other than the Inspector provisions,

Page 2, after line 7 - To insert the following subclauses -

(3) The Inspector provisions come into operation on such day as is fixed by proclamation but that day must not be more than 6 months after the day referred to in subsection (1).

(4) In this section -

"the Inspector provisions" means section 4(5), section 5(3), section 18 and Schedule 1 clause 1(2) to (4), clause 2, clause 4(2) and clause 5(2) and (5) to (7).

Mr BROWN: I understand the purpose of the amendment is to insert new subclause (3), which deals with the day of proclamation, but what is the purpose of the amendment to insert new subclause (4)?

Mrs van de KLASHORST: This amendment is related to the appointment, terms and conditions of the inspector, and some other consequential amendments to the Bill and to other Acts.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 7: Part IIIA inserted -

Mrs van de KLASHORST: I move -

Page 10, after line 10 - To delete new subclauses (4) and (5) and insert the following subclauses -

(4) The Minister is to ensure that a contract, as amended from time to time, is laid before each House of Parliament within 30 days of such House next following the execution of the contract or the amendment.

(5) If neither House of Parliament is sitting on the day when the 30 day period referred to in subsection (4) expires -

(a) immediately on the expiration of that period the Minister is to send a copy of the contract or the contract as amended, as is relevant to the case, to the Clerk of the Legislative Assembly and the Clerk of the Legislative Council; and

(b) the Clerks are to jointly ensure that the contract or the contract as amended is published as soon as practicable in a prescribed manner.

Page 15, line 8 - To delete "shall" and substitute "may".

The ACTING SPEAKER (Ms McHale): Do these amendments delete previously amended subclauses?

Mrs van de KLASHORST: Yes.

Mr BROWN: The first amendment seeks to delete new subclauses (4) and (5) and to substitute for them other subclauses.

This relates to proposed new section 15G covering annual reports. I take it that previously in the consideration in detail debate an amendment was agreed to setting out new subclauses (4) and (5).

The ACTING SPEAKER: I hesitated earlier because we were double-checking that matter. Clause 7 was amended during the consideration in detail stage. The purpose of this amendment is to amend that previous amendment. Members do not have in front of them the amended clause that was previously agreed to, which is now being further amended by this amendment.

Mrs van de KLASHORST: In the first draft it was presumed, by parliamentary counsel I imagine, that both Chambers handled consideration of each clause in the same way. When we proceeded in this Chamber, we found that each Chamber handled things differently. We got the amendment to allow the processes in both Chambers to work. We got advice to amend the clause in such a way as it could be handled in each Chamber.

Mr BROWN: I ask the Clerks to look at the earlier document, which I do not have. I want to check on only one matter. If it is not possible to do that -

The ACTING SPEAKER: I agree entirely. We all need to make sure we have the previous amendments. While we are checking that, I am quite happy for nothing to happen for a minute or two until we find it.

I will leave the Chair until the ringing of the bells so that we can find this amendment, rather than keep members waiting.

Sitting suspended from 3.37 to 3.47 pm

The ACTING SPEAKER (Ms McHale): We are dealing with clause 7. I believe those members who were here prior to the adjournment or those who were interested in the Bill have a copy of the old amendment, so we will resume debate on clause 7. The question is that the amendments be agreed to.

Mr BROWN: During the adjournment I had the opportunity to look at the two original clauses that were moved and I have satisfied myself on the changes.

Amendments put and passed.

Clause, as further amended, put and passed.

ADDRESS-IN-REPLY

Motion

Resumed from 19 August.

DR TURNBULL (Collie) [3.49 pm]: It is with great pleasure that I take part in the Address-in-Reply debate to inform the House and the Governor of the progress made in Western Australia in the ongoing development of services for mothers during their pregnancies, during childbirth and in the weeks following the birth of their children. In 1995, as the chairman of the Select Committee on Intervention in Childbirth in Western Australia, I presented a report to the House. A great deal of activity has occurred since the report was published in fulfilling the recommendations of the report. The committee held this inquiry because of the high incidence of intervention during childbirth for Western Australian mothers, particularly mothers having their first babies and mothers in the private sector of the health care system. The issues addressed in the select committee report resulted in some recommendations being made and there has been ongoing activity since 1995 connected with those recommendations.

I inform the House of the importance of a small booklet called *Your Birthing Choice.* The booklet was launched about six months ago and is the result of a great deal of hard work in developing its contents. The idea of the booklet, which came from the recommendations, was to give a mother, her spouse and family accurate information early in the pregnancy of the methods of managing the pregnancy and where to have the child. It is apparent that the choice a mother makes of whether she will be managed by a general practitioner-midwife shared care team or by a specialist obstetrician can markedly affect the outcome of her delivery. Statistics provided by the midwives' register show a marked difference in the occurrence of intervention between a mother managed by a private practitioner and a practitioner in the public health system. There is also a marked difference between a general practitioner-midwife shared care team and a specialist obstetrician managing the pregnancy. The select committee report recommended the importance of mothers, particularly low-risk mothers, having this information so that they can make a choice.

Madam Acting Speaker (Ms McHale), you would be interested in this issue. The statistics in the committee's report show that older mothers having their first babies are more likely to have intervention. I am not saying that because Madam Acting Speaker might have been an older mother and I apologise if she has that impression. I am just saying that older mothers tend to have more intervention. There are complex reasons for the tendency of older mothers, particularly having their first babies, to have intervention during childbirth. That relates partly to the fact that many older mothers are career women who have important jobs and who have a plan by which they organise their lives. The reasons revolve around the expected date of delivery of the baby. If natural childbirth does not correspond with that expected date, frequently the labour is induced in order to ensure the delivery corresponds with the planned arrangements.

When a mother starts off on the path of an induction, particularly a social induction, she has already started on what the committee called a cascade of events which can lead to intervention. A labour which is induced is often more painful than a natural commencement to childbirth. As the labour becomes more painful, the push commences for an epidural anaesthetic to manage that pain. When a mother has an epidural, the chances of the labour not progressing smoothly are greatly

increased; the mother then is more likely to proceed to a situation where a caesarean section is necessary. Currently, in the private sector in Western Australia, an older mother having her first baby has an almost 50 per cent chance of having a caesarean section; that is an astounding statistic. This shows how the cascade of events is set in train and is compounded by the initial decision made by the mother and her family about who will manage her pregnancy.

I will tell the House about an older mother in Australia who had her first baby not very long ago. She had a very successful pregnancy with, obviously, very high quality antenatal care and much advice and support. She went through the birthing process very smoothly and now has a beautiful baby; that is Elle Macpherson. Elle Macpherson's experience was published in the *Women's Weekly*.

Mr Baker interjected.

Dr TURNBULL: Yes, she was interviewed about how the pregnancy moved along and how confident she was with the support she received that she could have a natural childbirth without the fear that she would have a caesarean section or any other intervention. These are the things we need to accentuate to people to show that having a baby is a very natural event; that an older mother having a first baby is natural and there is no need to fear that having that precious baby means there is a risk and the pregnancy should be managed by a specialist in a specialist facility with the possible outcome of intervention.

If we want to try to direct the attitudes of women in Western Australia towards having natural births without intervention and it is not inevitable that they will need intervention, we should invite Elle to Western Australia to inform our young mothers and older mothers having their first baby that having a baby is a very worthwhile experience and having it as naturally as possible is very safe. Western Australia and New South Wales are the safest places in the world to have a baby. The perinatal mortality and morbidity statistics for New South Wales, Western Australia and Canada have been published recently. The figures show that having one's baby in a facility in Western Australia, particularly in a rural or regional area, ensures the best outcome. The reason that hospitals in Geraldton, Kalgoorlie, Collie and Northam are so safe is the skill of general practitioners in selecting between low risk patients and high risk patients.

[Leave granted for the member to continue her remarks at the next sitting.]

Debate thus adjourned.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) BILL 1999

Second Reading

DR GALLOP (Victoria Park - Leader of the Opposition) [4.01 pm]: I move -

That the Bill be now read a second time.

One of the most controversial issues in Western Australia today is the proposal by Pangea Resources Australia Pty Ltd to establish an international nuclear waste dump here. The public outcry was immediate and unequivocal. Western Australians do not want their State treated as an international nuclear waste dump.

Before I go through the provisions of the Nuclear Waste Storage Facility (Prohibition) Bill, I will give some background to the proposal. In December 1998, the Friends of the Earth released Pangea Resources' promotional video which outlined what the company calls the "Pangea Concept". This video sent shockwaves around the country. Pangea identified Australia - specifically outback Western Australia - as a potential waste dump for high level nuclear waste. Significantly, it proposed that the nuclear waste would be imported from overseas.

I refer briefly to two main elements of the Pangea proposal. Firstly, it wants to establish a disposal facility in a stable democratic country that has the appropriate geology and biosphere conditions. Secondly, it wants to provide countries that want to use Pangea's services with an alternative to disposing of high level nuclear waste in their own countries. Put simply, using Pangea's services means Western Australia's accepting the world's nuclear waste for a period of 40 years. After that time, the site would be permanently sealed off.

The concept, as described, involves a dedicated port and rail link to the inland site, covering approximately five square kilometres on the surface and 20 square kilometres underground, 500 metres down. It is planned that over the 40-year life of the project, 75 000 tonnes of imported spent fuel and high level waste will be deposited. This is estimated to be about 20 per cent of the spent fuel generated each year by commercial reactors worldwide. It is unclear where the world's high level nuclear waste will be dumped after the 40-year lifespan of the Pangea repository has passed. One might well ask whether agreeing to the Pangea proposal would open the floodgates to new, additional sites throughout Western Australia. It is proposed that once the repository is sealed, the nuclear waste will become the property of the Australian Government forever. This means that all the risks of storage will be transferred to the Australian people in perpetuity. Not surprisingly, Pangea and its supporters claim there will be substantial economic benefits for Australia and this State.

Access Economics has undertaken an analysis for Pangea of the purported economic benefits flowing from the proposal. It estimates that over the life of the project, export revenues of $200b would be generated, with payments of approximately $90b to Australian Governments through royalties and payroll and company taxes. Western Australia's share of royalties is estimated at $300m per annum, as well as payroll and other taxes. Access Economics also claims that an additional $36.2b would be added to the gross state product over the period 2000-2049. Undoubtedly, these represent significant economic benefits. However, there is an important qualification to the Access Economics analysis. It specifically does not provide any comment on the technological, social and environmental issues.

It is the technological, social and, most importantly, the environmental issues that go to the heart of the public's concerns. The public is aware that nuclear waste is highly radioactive and that it contains Pu-239, which can be used to make nuclear weapons. Also, several previous attempts at waste disposal have failed and led to the contamination of the environment.

Western Australians are telling their elected representatives that their progress, wellbeing and quality of life are not solely dependent upon, nor measured by, the gross state product. It is fair to say that the Western Australian public has a much broader and, indeed, better balanced view of its wellbeing than Governments and decision makers have recognised. In any event, as the Access Economics study points out, the long term care of the facility after its closure must be factored into any purported financial benefits.

The site would be operational for a 40-year period. After that time, all the responsibility - legal, financial, security and environmental - would be Australia's. We would be talking of another 10 000 to 20 000 years, which is hardly an insignificant time in human history and all the mistakes that can be made.

As to safety, Pangea claims that its operations will be undertaken to the highest safety standards, with the risk minimised. To quote Pangea's own promotional material, the risk will be "in line with ALARP (as low as reasonably practicable) principles". Pangea's standards for the facility's long term safety are based on not exposing future generations to any risks that are higher than those judged acceptable by today's population. Firstly, this standard excludes the possibility that future research may show that higher levels of safety standards and practices than we know of today are needed. Secondly, the public knows that nothing is risk-free. There are no guarantees that even a well-resourced and planned strategy would be effective to ensure the site's safety and security; for example, in cases of natural disasters or even terrorist attacks.

The environmental impact and the risks during transportation are other reasons for public concern. Among Western Australia's greatest attractions are its natural beauty and its clean, green image. This means that Western Australians are able to enjoy a wonderful quality of life that is hard to beat. It is also the major drawcard for tourists to this State. An international nuclear waste dump, wherever it is located, would have a devastating impact on the tourism industry. I know this is of grave concern to many people in the industry. It would make a mockery of our image as a clean and green State.

The environmental concerns are not restricted to the site itself, but involve all sectors of the transportation chain, from the country where the waste is generated - the United States, Britain or Europe - to its eventual disposal in Western Australia. This will involve transporting the waste by sea to Western Australia and then overland by rail or road to the site itself. It is worthwhile remembering that in other countries, such as Germany, there has frequently been a public outcry and controversy about the transportation of radioactive wastes and other nuclear materials within and across national borders. For example, in 1997 in Germany, 30 000 police in full riot gear were needed to protect the first shipment of nuclear waste in that country, at a cost of more than $57m. That was coupled with extensive public disruption and sabotage of the railway lines. A subsequent shipment also resulted in serious protests and violence. Later, all shipments were halted because of the discovery of contamination from the casks used to ship the waste. Despite the public outcry over the Pangea proposal, the responses at both federal and state levels are best described as ambivalent.

I acknowledge that government ministers have given assurances that it is currently not government policy to import high-level nuclear waste. Last month a motion was moved in the federal Senate opposing the Pangea proposal and it was unanimously supported by all parties. However, the public remains concerned. The public is not convinced that either coalition Government is genuinely committed to opposing the proposal. For example, we know that a Pangea representative has already met with Wilson Tuckey, the federal Forestry and Conservation Minister. Senator Ross Lightfoot has also predicted that more than half of the coalition members of Parliament would support the project. Only last week, the federal member for Kalgoorlie said that the proposal may well have to be considered in the future.

Of course, more significant for the debate in this Parliament is the response of the State Government and its members. The Deputy Premier has confirmed that he and the Premier's former chief of staff met with representatives of Pangea Resources in November 1997. Since those meetings, the Premier's office has received updates from Pangea about its progress and approaches to industry.

In many respects, however, what is more disturbing are the attempts by some senior coalition members to draw a link between mining uranium and a so-called obligation that we have to accept imported nuclear waste as a result of this mining activity. This is contrary to the present international understanding that each country is ethically and legally responsible for the disposal of any nuclear wastes it has generated. The state Labor Party supports this approach, and I was pleased to see in the *Sunday Times* on 29 August that the Premier also accepts that Western Australia should not be expected to import other countries' nuclear waste.

The member for Cottesloe has publicly stated his support for the establishment of a uranium industry in Western Australia. In respect of the nuclear waste dump proposal, in answer to a question on notice dated 1 July he stated -

> I think that any country is a significant uranium producer has some moral and international responsibility to be part of the debate on the disposal of nuclear waste.

Trying to draw this link between uranium mining and the disposal of nuclear waste gives rise to many questions about the Government's future intentions in respect of the Pangea and similar proposals.

Labor recognises that there is a high degree of public scepticism about official claims that it is not government policy to allow an international nuclear waste dump in this State. Unfortunately, there is a basis for this public scepticism, when people remember that the Premier said "no" to a gold royalty before the 1996 state election, and then promptly introduced one after winning a second term. The Prime Minister promised that he would "never ever" introduce a goods and services

tax! Let us look at the very words that the Premier and his senior ministers used when questioned about a gold royalty in 1996. On 17 September the Premier told *The West Australian* -

> The Government has not got the issue of the gold royalty on the agenda.

And, earlier in this story he said of the gold royalty -

> I have not considered it as a source of revenue and it has not been built into our forward estimates for the next three years.

The next day - 18 September - the Resources Minister told the Parliament in what seemed to be the most simple and straightforward language -

> There is no proposal for a gold royalty.

For his part, the Deputy Premier took the betrayal of voters' confidence to new lows. On the election campaign trail in Kalgoorlie, he did not mince words. He promised not to be part of any Government that broke its promise not to introduce a royalty. On 7 December, the Deputy Premier was reported in the *Kalgoorlie Miner* as saying -

> . . . if on the one hand there is going to be a clear statement as there has been that a gold royalty is not on the agenda, then very clearly I am not going to be part of any government (which) having said that then breaks that commitment.

When asked to justify this backdown after the election, he rubbed salt into the wounds by saying -

> . . . unless it is over an issue that was far more serious than a gold royalty.

So brazen was the coalition Government in its efforts to deceive that coalition candidates even made a feature out of their deception. In their election campaign, members will remember National Party candidates produced advertisements and posters claiming that a gold royalty was not on the agenda. I remind members of what the ads said -

> There will be NO gold tax!! This is NOT an issue!
>
> How many times do Labor need to be told?

I think I heard those words in the Parliament yesterday: How many times must members of the Opposition be told that there will not be a nuclear waste dump? We were told exactly the same thing before the last state election in respect of the gold royalty. Immediately after the election it came onto the agenda and it was passed by this Parliament. It is now obvious that it does not matter how many times the coalition Government promises the public something, because it does not mean a thing.

I now turn to the Nuclear Waste Storage Facility (Prohibition) Bill. The purpose of the Bill is to ensure that the Government's stated policy of opposing the establishment of an international waste dump is enshrined in state law. Given the Government's official opposition to the Pangea proposal, I can see no reason that it should not be prepared to adopt a genuinely bipartisan approach and show its support for this Bill.

I will now turn to the provisions of the Bill. The Bill is intended to prohibit the construction and operation of a Pangea-style nuclear waste storage facility in Western Australia. The objective of the legislation is to protect the health, welfare and safety of Western Australians and the environment in which we live by prohibiting a waste facility for any radioactive material derived from the operations of a nuclear reactor, nuclear weapons facility, nuclear reprocessing plant or isotope enrichment plant. It implicitly recognises that any potential economic benefits must be balanced against the social and environmental implications. In so doing, it also recognises that there are more ways for Western Australia to progress and develop than as the world's nuclear waste dump.

Clause 7 provides that the penalty for contravening this law will be a fine of $500 000. This penalty can also be levied on directors of a corporation. Clause 9 provides that no government or public money can be made available for the purpose of encouraging or financing any activity associated with the development, construction or operation of a nuclear waste storage facility. This law will also bind the State. Finally, clause 10 makes a consequential amendment to the Nuclear Activities Regulation Act 1978 so as to provide that this Bill prevails over it.

It is important to note that the definition of "nuclear waste" in clause 3 excludes nuclear waste that has been generated in Australia or material that has been used under licence for scientific, industrial or medical purposes in accordance with the provisions of the Radiation Safety Act 1975. The Bill is not intended to prevent the use and consequent disposal of radioactive material for very worthwhile scientific, industrial and medical purposes that is already occurring in this State. The Radiation Safety Act already provides a regulatory regime for this material.

Labor recognises that countries that generate their own nuclear waste should be responsible for the disposal of that waste. I reiterate that this reflects the general international principle. It would be highly hypocritical if Australia wanted to avoid its own international responsibilities and tried to dispose of its own nuclear waste by exporting it to another country. This is exactly the situation Australia finds itself in with the Pangea proposal. We need to be consistent and principled in the way we respond to our international obligations.

Finally, Labor recognises that a future Government, if it wanted to, could simply repeal this Bill and allow the establishment of an international nuclear waste dump within the State. However, the state Labor Party believes that the Pangea and like proposals are fundamental issues of importance to the State.

The other important point to make about our legislation is that it constrains the Executive in what it can do. I refer members to clause 9, which provides that no consolidated fund and other moneys can be granted or advanced to any person for the purpose of encouraging or financing the development of a nuclear waste storage facility. It should be up to State Parliament, and not only the Government of the day, to decide. Any future attempt to reverse this proposed legislation would require the passage of a repeal Bill in both Houses of Parliament, which would provide more accountability and the opportunity for full debate on the issue.

I urge the Government to put its official opposition to the establishment of an international nuclear waste dump in this State into practical effect, and to support this legislation. I commend the Bill to the House.

Debate adjourned, on motion by Mr Barnett (Minister for Resources Development).

MINISTER FOR POLICE, ACCOUNTABILITY FOR LEAKING OF CRIMINAL RECORD OF CANDIDATE FOR PERTH CITY COUNCIL

Motion

MRS ROBERTS (Midland) [4.19 pm]: I move -

> That this House calls on the Minister for Police to be accountable to the people of Western Australia with respect to the leaking of the criminal record of a candidate for the recent Perth City Council elections to the lord mayor. Further we note that the issue raises serious matters that are neither in the public's interest nor the Police Service's interest to cover up.

This matter has received considerable comment over the past six months. It is not, as the Minister for Police suggests, an insignificant or minor matter. It is a serious matter which involves some significant people in this State, such as the Lord Mayor of the City of Perth, the highest local government office in this State. It also involves a very senior police officer. We know it is a senior police officer because the minister has referred to that fact, and the investigation was immediately taken over by the Anti-Corruption Commission. It was taken over by the Anti-Corruption Commission because of the seniority of the person alleged to have accessed the police computer and who was involved in the release of Mr Maller's criminal record. For the Anti-Corruption Commission to become involved, the rank of the police officer concerned must be at command group level; that is, the commissioner or a deputy or assistant commissioner. That is the level of officer at which the ACC intervenes and conducts investigations.

This is a very serious matter in which some significant people involved. The internal record of the Western Australia Police Service has been leaked. Another issue is the context in which the information was leaked and the motivation behind that leak, but I will talk about that later. In recent weeks the Minister for Police, in response to questions by myself and the media, has tried to downplay the issue. He has tried to suggest that the information released was simply a matter of public record. A week ago he attempted to tell a group of journalists that the information was easy to access. He has subsequently backtracked and has suggested that, although it was not quite as easy as he had suggested, if one researched, one could find the information somewhere on the public record. Of course, if the matter was simply that public information had been exchanged between a police officer and the lord mayor, there would be no reason for the officer to be counselled.

The issue of leaking police records - accessing the Western Australia Police Service computer system and using that information - must be looked at. It was canvassed in the August issue of *WA Police News* in an article by senior vice-president Russell Armstrong and legal manager, Robin Moore. Part of the article states -

> Many members have been charged, both criminally and disciplinarily for unlawful access to the police computer, which apart from fines and or reprimands has resulted in some members tendering their resignations (in preference to being removed from the service by a Section 8 Notice) and some members being reduced in rank.
>
> The first screen encountered when computer access is commenced has the following sentence under the heading *******WARNING******* - Information contained within the Western Australia Police Service Computer Systems is **CONFIDENTIAL, MUST NOT DISCLOSED** to unauthorised persons under any circumstances and **NOT BE ACCESSED FOR PERSONAL REASONS.**

The article goes on under the heading "Agree to Conditions" -

> When you place your police registered number and User ID into the respective places you are acknowledging that you have read the full list of conditions and agree to abide by them. You are then required to actually enter the word "Yes" to indicate such agreement.
>
> The instructions also advise that you may enter the PF2 key to access the conditions where once again the Commissioner sets out the warnings and the confidentiality of the information system and the fact that criminal charges and/or disciplinary action may result from unauthorised access.
>
> Don't forget that you may be called upon at any time to explain why you accessed a particular person's details or a particular record or other system and the access may well have been many, many months or even years previously.
>
> If you do not have a good or valid reason as to why you made the particular access or accesses there is a good chance you may be charged.

The article then makes suggestions about updating the recording system so officers can enter their reasons for accessing the

system. It suggests that in the meantime officers should keep their own diary notes, however onerous that may be. The article gives rise to the question: How serious is this? It seems there may be one rule for junior officers and another rule for more senior officers. The article clearly states that officers have been removed from the service, reduced in rank and subjected to criminal charges and disciplinary measures because of their unlawful access to the police computer.

On 2 September, Mr Terry Maller wrote to the Director of Public Prosecutions suggesting that the Criminal Code may have been breached. I gather that he drew attention to section 81. Unlike the Minister for Police, it appears that the Director of Public Prosecutions takes this matter seriously. He responded to Mr Maller in a five-page letter dated 3 September 1999. One can only assume that he thought it a matter of some urgency, as well as of some importance. The letter from the Director of Public Prosecutions states -

> In your letter, you expressed the view that the officer's action constituted an offence of section 81 *Criminal Code.* As you no doubt know, section 81 *Criminal Code,* described as disclosure of official secrets, provides that any person who, being employed in the public service, publishes or communicates any fact which comes to his knowledge by virtue of his office and which it is his duty to keep secret, or any document which comes into his possession by virtue of his office and which it is his duty to keep secret, except to some person to whom he is bound to publish or communicate it, is guilty of a misdemeanour, and is liable to imprisonment for two years. Section 1 *Criminal Code* defines the term "person employed in the public service" to include police officers.

He then argues about the application of that section. Further on in the letter he refers to police regulations and writes -

> Generally, the duty of secrecy is said to arise under Regulation 607 *Police Force Regulations* 1979, which relevantly provides:
>
> "(1) A member or cadet shall not -
>
> (a) give any person any information relating to the force or other information that has been furnished to him or obtained by him in the course of his duty as a member or cadet, or
>
> (b) disclose the contents of any official papers or documents that have been supplied to him in the course of his duties as a member or cadet or otherwise,
>
> except in the course of his duty as a member or cadet."

The rest of the letter from the Acting Director of Public Prosecutions, Robert Cock, QC, goes on to discuss -

Mr Prince: Would you mind tabling that, or can I have a copy?

Mrs ROBERTS: Yes. I do not see any reason the minister cannot have a copy. I will check with Mr Maller to see whether he minds. He is available today and that is no problem. It is his correspondence.

Mr Prince: I assume I will respond to this when you sit down, so I would like to glance at it.

Mrs ROBERTS: Mr Maller is in the public gallery and does not appear to have a problem with my providing the minister with a copy. I am happy to provide that once I have sat down.

The Acting DPP looked at this matter at some length and also wrote -

> Even if a prima facie case for a breach of section 81 is disclosed, and of course, I have not seen any material from which I can express a view one way or the other on that, it would also be relevant to have regard to particularly here, the alleged offender's antecedents, the availability or efficacy of any alternatives to prosecution, the prevalence of the alleged offence and the need for deterrence, either personal or general, the likely length and expense of a trial, whether the alleged offender has cooperated in the investigation, the likely outcome in the event of a finding of guilt having regard to the sentencing options available to the court and, of course, the seriousness of the particular offence and the consequences of it to the victim.
>
> Against those factors must be weighed the need to maintain the rule of law, the need to maintain public confidence in basic constitutional institutions, the entitlement of a person affected to criminal compensation, the need for punishment and deterrence and the circumstances in which the alleged offence were committed.
>
> It is not only appropriate but necessary that those who investigate the alleged offence have regard to these considerations in deciding whether they will, or will not, commence a prosecution for a breach of section 81.

The conclusion of that letter from the Acting DPP states -

> In all the circumstances as I have set them out above, your letter does not raise matters of sufficient concern for me to ask for an investigation into the matter. Saying that, I assure you that I have given this matter the earnest considerations which you have requested. Indeed, if there is any fact which I have not understood or misconceived, or to which my attention has not been drawn, I would be pleased to reconsider the matter.

It is to that point that I go now, because I have had my attention drawn to another section of the Criminal Code, to which I draw the attention of the House today. It is not a section the Acting Director of Public Prosecutions has hitherto considered, to the best of my knowledge, and certainly not in the context of his response to Mr Maller.

Section 440A of the Criminal Code may well be relevant to this matter. Under the heading "Unlawful operation of a computer system" it states -

(1) In this section -

(a) **"system"** means a computer system or a part or application of a computer system;

(b) a system is a restricted-access system if -

(i) the use of a particular code, or set of codes, of electronic impulses is necessary in order to obtain access to information stored in the system or operate the system in some other way; and

(ii) the person who is entitled to control the use of the system has withheld knowledge of the code, or set of codes, or the means of producing it, from all other persons, or has taken steps to restrict knowledge of the code or set of codes, or the means of producing it, to a particular authorized person or class of authorized persons.

It continues -

(2) A person who without proper authorization -

(a) gains access to information stored in a restricted-access system; or

(b) operates a restricted-access system in some other way,

is guilty of an offence and is liable to imprisonment for one year or a fine of $4 000.

(3) A prosecution for an offence under subsection (2) may be commenced at any time.

The Acting Director of Public Prosecutions may indeed need to turn his attention to that section of the Criminal Code, as well as section 81, and this may well be a matter that Mr Maller can refer or already has referred to the Acting DPP.

The matters raised are not insignificant but are potentially very serious offences. An offence that carries a penalty of imprisonment or a significant fine must be fully investigated and the situation must be clarified for a number of reasons. Some of those reasons are, as set out in the letter from the Acting DPP, because the community wants to have faith in its institutions and to provide justice for its citizens, such as Mr Maller in this instance.

Mr Prince: If you are moving on, can I have a copy of the letter now?

Mrs ROBERTS: Yes, the minister may have a copy.

The whole matter of the leaking of the criminal record and the action of a police officer or officers is significant, and I do not think a satisfactory explanation has been provided. The explanation is not satisfactory from Mr Maller's point of view or from the points of view of the public or the Police Service. As it stands, it casts an aspersion on a very senior police officer. There is the taint of potential corruption or cover-up which has not been clarified. It must be clarified so that faith is restored in the senior police officers, the institution of the Police Service and the parliamentary system.

I go back to the first principles involved in this matter. Let us consider where it all started, because we can then realise potentially how even more significant this issue is. It may well be that it is one of the most significant issues the new Commissioner of Police, Barry Matthews, will face in the initial part of his term of office or perhaps even the whole of it. This whole issue raises some very serious matters. Why has it reached this stage? Why did Mr Maller's criminal record become a matter of some interest?

Mr Prince: Are we talking about the council elections this year?

Mrs ROBERTS: Yes. The minister is right in saying that we are talking largely about the council elections this year. However, members may be aware that Mr Maller was a candidate for a by-election last year and some unfounded allegations were put about at that time also. This whole matter of Mr Maller's criminal record arose on Tuesday, 23 February 1999 at a council meeting which was open to the public. Mr Maller asked a question of the Lord Mayor Peter Nattrass. At that time Mr Maller was a declared candidate for election.

Mr Prince: Was he endorsed by any party?

Mrs ROBERTS: No.

Mr Prince: Did he have no political affiliations?

Mrs ROBERTS: No, to the best of my knowledge, Mr Maller was not endorsed by any party and I am not aware of his having any party affiliations. I understand that he was not among the favoured potential candidates for lord mayor, and it was fairly clear that the lord mayor saw him as an opponent of sorts. However, Mr Maller was a declared candidate for lord mayor at that time and other persons were aware of that. The lord mayor's answer showed how aware he was that Mr Maller was a declared candidate for the elections to be held by post in April-May. Mr Maller also headed a local residents' group and there had been some publicity in its newsletter about Mr Maller's intention to stand for the Perth City Council in addition to a note that he had resigned as president of that organisation in order to do so. On Thursday, 25 February, *The West Australian* reported -

> City of Perth candidate Terry Maller went public yesterday about his criminal past - dating back 36 years, covering three States and involving five jail terms - to end a smear campaign.

He did this because of the events of the Tuesday night, because of the smears and innuendo and because of the unfounded allegations put about in January the year before claiming child sex offences which he believed destroyed his chance of winning a seat on the council at that time and lead to him withdrawing from that election. He felt he was the subject of an ongoing smear campaign. According to the newspaper, the meeting on 23 February was held in the presence of -

> . . . Local Government Minister Paul Omodei, former mayors, including Sir Fred Chaney, Sir Ernest Lee-Steere and Charles Hopkins, and 17 former councillors who were invited to witness the first meeting in the refurbished Council House.

It was most unfortunate that for one reason the lord mayor chose at that meeting to say that he would not be supporting a candidate of Mr Maller's calibre and referred to Mr Maller's significant criminal record.

Mr Prince: I take it you are paraphrasing the report.

Mrs ROBERTS: That is right. I know this to be the case. I was invited to that meeting but only arrived at its conclusion following a Select Committee on Crime Prevention forum in Midland. I was not there for this incident but during the evening I spoke to people who had witnessed it. Mr Maller had left the City of Perth's premises by that time because of what the lord mayor had said. We need to return to first principles and work out the motivation. Why would the lord mayor launch an attack on Mr Maller at this public meeting? There can be only one reason; that is, he was a candidate for the Perth City Council elections. Members need to bear in mind that Mr Maller was not in a grouping which favoured the lord mayor nor was he in the lord mayor's favoured grouping of candidates. Members should also bear in mind that the City of Perth has a preferential system. Effectively, only one ward with four people is elected every four years. Therefore, the preferences count considerably. Despite all of the negative publicity, Mr Maller still gained some 500 votes in this election. That is significant in a poll turnout of about 5 000 voters. However, the withdrawal of a candidate would impact on the result of the election.

What has not been clarified yet is whether the lord mayor sought to leak the criminal record or the information about Mr Maller or whether a police officer or officers decided off their own bat to furnish the lord mayor with the information. For the life of me I cannot understand why a police officer would all of a sudden decide out of context to access the record of a candidate for a council election and speak to the Lord Mayor of the City of Perth about it or provide the lord mayor with that information. It is difficult because we have not received any indication from the minister, the Police Service, the Anti-Corruption Commission or anyone else of what has happened here. However, it involves significant people and institutions in our community and raises some very serious concerns. If this information was sought by the lord mayor as some part of a dirt file on Mr Maller or if it was used by the lord mayor to deter Mr Maller from standing for election, that is a very serious matter indeed. I draw the attention of members to the fact that the Local Government Act contains significant penalties for attempting to deter a candidate from standing for election or causing the withdrawal of a candidate for election. These are covered in the Local Government Act 1995, division 2, electoral offences, under the heading "Bribery and undue influence". Section 4.85(2) states -

> A person who -
>
> (a) threatens, offers or suggests detriment for, or on account of, or to induce, electoral conduct of a promise of electoral conduct;
>
> (b) uses, causes, inflicts or procures detriment for or on account of, electoral conduct; or
>
> . . .
>
> commits an offence.

The penalty for this offence is $10 000 or imprisonment for two years. It further states -

> **"detriment"** means violence, injury, punishment, damage, loss or disadvantage;

Electoral conduct has four definitions, the first two of which are particularly relevant and state -

> (a) candidature at an election;
>
> (b) withdrawal of candidature from an election;

I also note that section 4.95 states -

> An attempt to commit an offence against this Part is an offence punishable as if the offence had been committed.

Mrs ROBERTS: Under the heading "Investigation of electoral misconduct" section 4.96 of the Local Government Act empowers the Electoral Commission to conduct an investigation in this regard. Clearly there is some potential here for the Electoral Commissioner to look at this matter. It may be that if the lord mayor sought that information in order to deter Mr Maller from contesting the election, the lord mayor has committed a very serious offence, one punishable with a fine of $10 000 or up to two years' imprisonment.

This matter must be looked at closely. I have some concern about who will look at this matter, because from what I have been able to deduce from what the minister and other people have said on radio, in this House and elsewhere, the matter that the ACC looked at may be just one small part of this issue rather than the whole. This matter has a huge stench to it. It reeks of some form of standover tactic by the Lord Mayor of the City of Perth, Dr Nattrass. Dr Nattrass said at a public meeting that a declared candidate for a council election had a significant criminal record. He said later on Radio 6PR that that record

had appeared on his desk. He subsequently swung around a bit and tried to amend what he had said on Radio 6PR that day. If Dr Nattrass has sought this criminal record in any way to induce Mr Maller to withdraw from the election, he has committed a serious offence. Another matter that must be looked at is that an offence may also have been committed - I do not know by whom - during a council by-election in January the previous year, when many allegations were made about Mr Maller and people told Mr Maller that they would not vote for him because of his child sex offences. Those offences were totally unfounded and did not form part of his record. However, they caused Mr Maller huge embarrassment and effectively intimidated him from running at that council by-election and led him to withdraw from that by-election. Mr Maller was then humiliated at a public meeting at the City of Perth in late February ahead of the election that was due to take place in April-May.

This matter is of the utmost concern. Offences have potentially been committed by the Lord Mayor of the City of Perth and by other people connected with the City of Perth. Any police officer or officers who has in any way been party to this matter may also have committed a significant criminal offence. This matter cannot be covered up or brushed under the carpet. This matter will not just go away. I admire Mr Maller for his persistence. He has sought some justice in this matter, not just for himself but also for other people who may in the future find themselves in this situation. I am sure that many people would not have either the persistence or the ability to pursue this matter in the way that Mr Maller has pursued it. Many people would be intimidated and take the easy way out. It is admirable that Mr Maller has stood up to those powerful persons and institutions and demanded a proper inquiry into this matter. This matter has an awful stench of intimidation and of possible breaches of the Local Government Act and the Criminal Code. A senior police officer is allegedly involved. We know that junior police officers have been demoted or caused to resign because of their access to the police computer system.

Much of the talk about this matter so far has been about the role of a particular senior officer. I have examined various materials, including the transcript of the Minister for Police's interview with Harvey Deegan on Radio 6PR on Thursday, 2 September. A range of matters are raised in that interview, most of which concern the ACC investigation and the senior officer. I will quote some of the relevant parts of that interview, in part to highlight some of the mystery that must be unravelled. The transcript states -

> PRINCE
>
> Well, no, it's a question really of what the individual is said to have done, and that of course has been subject to some inquiry by the Anti-Corruption Commission, and we're all bound by the Anti-Corruption Commission laws, which say we can't reveal these things. Which is really frustrating in these circumstances, because the individual officer who was counselled . . . it was nothing to do with the actual record arriving on Peter Nattrass' desk at all, it was the matter of some comments that were made about whether or not there is or is not a record. Now that is a just totally different exercise. I understand the gentleman concerned had said that he did have some sort of record . . .
>
> DEEGAN
>
> . . . Oh he's admitted that, it's . . .
>
> PRINCE
>
> Yes, yes, and there's no question about that, and the officer who was counselled said, well, you know, there may or there may not be, but had nothing to do with the actual details, or I understand, some details of the record being delivered to the Lord Mayor.

The transcript states also -

> DEEGAN
>
> All right. Now just getting back to this news conference. I understand you, at the news conference, said that people's criminal records really are simply a matter of public record, that virtually anybody can access them, now . . .
>
> PRINCE
>
> No. Well, I would like to clarify that, Harvey, because I mean what was being put at the time by a number of journalists was that they are the equivalent of a secret, and therefore a secret held within the public service that cannot be revealed, therefore a criminal offence if you do so, and the fact of the matter is that they are not.

The minister then suggested to Deegan that if he went to the library of *The West Australian* and through a lot of other rigmarole, he could access reports of criminal cases, but it was not particularly easy. The minister might like to revise those comments in light of the letter from the Acting Director of Public Prosecutions, a copy of which I have now given to the minister.

The minister also made the following telling comment -

> . . . but what happened here was that what arrived on the Lord Mayor's desk was not something that had come off a police computer; it may well have come out of some other old part of the record system that was manual, but it didn't come off the computer.

That is all conjecture as far as I can see. No-one seemed to know what arrived on Dr Nattrass' desk. I presume some investigation has been made of that, but perhaps it has not. Perhaps the ACC - this is the problem with this secret agency -

has only investigated the police officer's access to the information but has not looked at how it arrived on the lord mayor's desk. He originally said that a record had arrived on his desk. As I pointed out in the context of the potential offence against the Local Government Act, this is an important matter at which either the Police or the Anti-Corruption Commission must look. Whoever provided that information to the lord mayor is potentially party to that offence under the Local Government Act.

The transcript of the interview continued -

> PRINCE
>
> . . . what happened was that the police officer concerned was asked, whether or not this individual had a record, and made some remarks which could be interpreted as neither confirming nor denying, and that is, that is what he was counselled over. Now he did not leak any form of record of the individual at all.

That is what the minister said about presumably this senior police officer. It continues -

> DEEGAN
>
> But hang on, Dr Peter Nattrass said that Terry Maller's criminal record appeared on his desk . . . he admitted it on this program.
>
> PRINCE
>
> Yes . . . that's right . . .
>
> DEEGAN
>
> Where did it come from?
>
> PRINCE
>
> It must have come from someone within the Police Service, but not the officer who was then subject of an ACC inquiry, and who was subsequently counselled.

This was a revelation: It must have come from within the Police Service, but from somewhere else within the Police Service, not from the officer who had been counselled. It continues -

> DEEGAN
>
> But it's your job to . . .
>
> PRINCE
>
> . . . no, no, hang on, wait a minute . . .
>
> DEEGAN
>
> . . . set the wheels in motion.
>
> PRINCE
>
> . . . wait a minute. That's not something that has been found out, and the only matter that has been taken so far to the ACC was in relation to a conversation by a police officer with the Lord Mayor about whether or not Mr Maller had or had not a record, and some equivocal remarks that the officer made, for which he has been counselled. Now that's a very minor matter. Who actually got hold of the record in the form in which it was then . . . appeared on the Lord Mayor's desk, we do not know.
>
> DEEGAN
>
> Well, as Police Minister why don't you find out, or try to find out?
>
> PRINCE
>
> Well, I certainly shall endeavour to do so. It is, of course, a matter that is for the Commissioner of Police to handle, because it's obviously within his jurisdiction.

That is what I call the handball at the end. There are some serious matters that the minister must consider. It is important to get to the bottom of this matter. I do not agree with the minister that the access to the Police Service computer is just a minor matter. Sections 81 and 440 of the Criminal Code have particular relevance. Whether it was the senior officer or whether it was the other officer, who had been mentioned and who must have provided the information, it must have come out of the Police Service. At the very least, they were party to some form of smear campaign or the development of a dirt file against Mr Maller, who was merely putting himself forward for public office in the Perth City Council local government elections. However, at the very most, they have been part of some sort of concerted campaign to intimidate Mr Maller and to procure his withdrawal from election to the Perth City Council once again.

The comment to me was that what the lord mayor had done smacked of some form of standover tactic and was not an appropriate way for the highest office holder in local government in this State to deal with a constituent during public question time. The minister looks a bit exasperated by all of this, but they are serious matters. I am not sure how open and

accountable he will be on this matter today, but one way or another this matter will eventually unfold. The minister owes it to Mr Maller, the Police Service and the public of Western Australia to properly investigate the whole range of issues in this matter and to report in an accountable way to this Parliament.

MR KOBELKE (Nollamara) [5.04 pm]: This matter is an extremely serious one. It is all the more serious because the Government and the Minister for Police believe it is a matter with which they can just trifle, that they do not have to take seriously and that they can simply sweep under the carpet and it will go away. If that is the attitude that is taken by the Government, that will be the basis on which corruption will breed. The people will see this Government as being corrupt if it cannot stand up and answer questions about its conduct in such an important matter as this. Corruption is something which breeds on secrecy. Corruption occurs between people who decide to do a deal to get around the law or break a law and keep it quiet. If they can keep it out of the light of day, that corruption continues unchecked, and festers and grows. It is of fundamental importance for rooting out corruption that there be openness and accountability, and that people see that the rule of law is upheld. If that is not the case, we will have a situation which is prime for the opening up of rampant corruption. The real concern is that the perceptions in this issue indicate that that is the way things are going. I am not saying that there is corruption in government, but the signs of the cover-up by the Government will lead people to draw that conclusion. We know that in politics and in government, perception is almost as important as the facts of the matter. If the perception of the wider public is that this Government can corruptly use police and other administrative powers for its political purposes, people will perceive we have a corrupt Government, and that will bring down the whole functioning and structure of government in this State. We know that from what happened in the 1980s and early 1990s. A royal commission costing millions of dollars found no corruption, but the perception was there that the Labor Government was corrupt. That perception brought down the Government and caused problems for the good management of the Government in this State. We now have a Government -

Mr Prince: It was $1.5b with nothing to show for it that did that.

Mr KOBELKE: There was no finding of corruption in that royal commission. After millions of dollars, thousands of pages of transcripts and hundreds of investigators, there was not one finding of corruption. This Government is seen to be covering up corruption. The minister must bring the matter out into the open so we can ensure that the people of Western Australia have a Government of which they can be proud. We have seen very selective application of the law of this State, which subverts the law. That is of great concern in this case. That can quickly lead to a police state in which people have no confidence in our justice system's giving them a fair go. The people will believe that the justice system and various arms of it will make decisions based on political interests rather than on the proper management of the system of justice in this State. This case clearly opens up serious concerns about such a matter. If we have that level of intimidation, we will not have the free State in which the people of Western Australia wish to live; that is, they will feel intimidated and that the force of the State will be brought against them because they are not of the political ruling clique. It is not even a matter of Labor and Liberal in this case; it comes down to the fact that if a person is not in the ruling Liberal Party clique, he will be intimidated by the various arms of government that can be used to take action against him and disadvantage him.

This is not the only case of this type, and I will briefly mention three others. There is the case of Richard Titelius, a clerk in the courts, who issued copies of restraining orders in the fight that was going on in the Liberal Party between the Crichton-Browne faction and the other faction. He was put through hell with every possible disciplinary action taken against him because he was judged to be in the wrong faction of the Liberal Party. He was a Liberal, but on all evidence he was not playing politics when he made the decision to issue the judgment. He had to take the matter to the Supreme Court to be found to be in the right. He did what was lawful, but he had the full apparatus of the State rained upon him to intimidate him and everyone else. He had to toe the political line in the administration of justice of this State or cop it in the neck. That was the lesson to be drawn from the Titelius case.

Let us look at the leak of a document from Main Roads which did not disadvantage the commercial interests of that department. Nevertheless, hundreds of thousands of dollars were spent on investigators pursuing who might have been the public servant who leaked that information. We do not see a fraction of that amount spent on a case in which a police officer clearly broke the law. To tighten down and ensure people did not feed out information which did not serve the interests of the Liberal Government, the full force of the law was used to intimidate people in the Main Roads case.

Another clear example was the Easton royal commission in which the Government used the apparatus of the State and the quasi-judicial system to get its political opponents. This was to the extent of charging people and putting them through the courts at a huge cost, although the cases were finally defeated. This Government is clearly perceived to use the tools of government to intimidate people, and it does not administer the law in a fair and even way. It is about using the apparatus of our justice system for its narrow political ends.

The minister can see why the perception is that corruption could be involved in this case involving a police officer.

Mr Prince: You are imputing your motives on us. You're wrong.

Mr KOBELKE: The minister will have a chance to put a contrary point of view in a moment, when he might answer some of my questions.

The perception is that this Government is about using the apparatus of the State to keep people quiet or to help out its mates. Therefore, it does not wish to take action in this case because Peter Nattrass is very close to the ruling clique in the Liberal Party Government, and members opposite want no problems for him. They do not want to take action which would be taken in many other cases.

The matter is caught up with the Anti-Corruption Commission. Unfortunately, the law under which the ACC works is in

many ways deficient, especially in the key areas of secrecy and how it handles information. Complaints have been made for some time, particularly from areas of the Police Force, about how rights are abused by the use of secrecy by the ACC. In this case, the ACC is used again to cover-up information. Either by design or simply by being caught up in its legislation, the ACC becomes a way of trying to cover-up. If we have a cover-up, we could create an atmosphere in which corruption can grow. We could end up with an Anti-Corruption Commission which, by the functioning of its Act, opens up ways in which corruption could increase. The Anti-Corruption Commission could be contributing to corruption in this State, which I hope people involved in the organisation would not want to see. It is a concern that as a result of the way the Anti-Corruption Commission operates under its Act, it provides a way of trying to cover-up the events surrounding Mr Maller.

This Government has not been able to identify itself with the stamp of high standards. The Government must measure up. Does it have standards of conduct and application of the law or, again, will it squib out on the issue, run for cover and try to cover-up the matter and avoid addressing this important issue?

Members opposite might like to compare themselves to previous Labor minister Hon Bob Pearce, who used information in this House relating to the financial affairs of a member of the public who had some prominence in the Liberal Party. He did not break the law, but a minor adverse finding was made in the royal commission about that matter. Bob Pearce resigned from Parliament on the basis of that finding. He was an incredibly competent parliamentarian, yet he resigned because he did not believe he could uphold his good name and the standards of this place as a result of the atmosphere surrounding the royal commission. He was dealt with very shabbily by the royal commission, but he felt that in no way could he establish in the public mind that the royal commission got it wrong. He did not seek re-election, which was a great loss for this Parliament. He showed that one must uphold standards. As he felt he could not uphold his reputation because of the atmosphere surrounding the royal commission - which made misjudgments in findings about him - he did not continue his parliamentary career. We have prima facie evidence of a clear breach of the law in the City of Perth issue, yet the Government ignores it. It does not wish to take the matter any further, and seeks to cover it up.

I refer now to some answers which the Minister for Police gave in a radio interview with Harvey Deegan to which the member for Midland referred. In part, the minister said -

> I don't think it was anything that could ever have been subject to a criminal charge.

I do not know whether the minister will correct that statement in this debate, or hold to that position -

Mr Prince: That is right.

Mr KOBELKE: The minister is clearly in cover-up mode. As the member for Midland pointed out, the *WA Police News* of August 1999 stated -

> Many members have been charged both criminally and disciplinarily for unlawful access to the police computer, . . .

Mr Prince: You're assuming that it was unlawful.

Mr KOBELKE: Why was the person counselled?

Mr Prince: It was not unlawful.

Mr KOBELKE: The minister might like to use some of his sophistry to get around that point.

Mr Prince: It is not sophistry.

Mr KOBELKE: It is. The member for Midland also pointed out that the Local Government Act contains a clear offence with a penalty of $10 000 or imprisonment for two years for the use of information to attack another person in a local council election. Section 4.85 reads -

> (2) A person who -
>
> . . .
>
> (b) uses, causes, inflicts or procures detriment for or on account of, electoral conduct; . . .
>
> commits an offence.

Another potential offence is involved. One commits an offence in an attempt to carry out, not even actually carrying out, that action. Other Statutes, such as the Criminal Code, also open up possible offences.

Mr Prince: Are you saying that the use of the truth is covered by that?

Mr KOBELKE: If one broke the law to obtain information to use it in that way, one could be caught by that provision.

Mr Prince: Even if the information is true?

Mr KOBELKE: If someone breaks the law to get at someone, the potential exists for an offence to have been committed.

Mr Prince: I'm sorry. That one has no feathers to fly at all.

Mr KOBELKE: Is the minister stating that truth is a defence?

Mr Prince: You completely misinterpret it.

Mr KOBELKE: I now quote another statement by the minister from the radio interview -

> I mean you or I could ask, anybody can ask, the police to give you your copy . . . give you a copy of your record, you pay a fee, you can get it.

That is true if a person wants his or her own record, but not if a person wants somebody else's record.

Mr Prince: That's right.

Mr KOBELKE: The minister was trying to mislead the public by making a correct statement totally out of context. The issue was not whether Mr Maller sought his criminal record - that was not under debate. To suggest so was absolutely stupid. It has nothing to do with Mr Maller seeking to gain his criminal record if he wished to do so. People request and sign clearances all the time to provide employers with a police clearance when seeking employment, but the request is made by the person whose record it is. That has nothing to do with this case. Is the minister telling us that Mr Maller requested a copy of his record?

Mr Prince: I did not say that at all.

Mr KOBELKE: The minister did; he said that anyone can get it. Any person can get his or her record.

Mr Prince: That is what I said.

Mr KOBELKE: That is not the issue of the debate. The issue of debate is that Mr Maller's record was released without his permission and without there being good reason for it being released. That is why the minister is covering up and is not addressing the issue. He is dragging in red herrings and trying to get people to look at a totally different issue. That is not the issue.

Mr Prince: I am sorry, but you are wrong.

Mr KOBELKE: I will go to another point in the same radio interview. The minister said -

> . . . yes, but what happened here was that what arrived on the Lord Mayor's desk was not something that had come off a police computer; it may well have come out of some other old part of the record system that was manual, but it didn't come off the computer.

The minister again had his bag of red herrings out trying to lead people elsewhere. The last part of the quote is interesting. The minister said, "but it didn't come off the computer". How did the minister know it did not come off the computer.

Mr Prince: The computer record was never released.

Mr KOBELKE: Is the minister saying that the record did not come off the computer?

Mr Prince: The computer record was not released.

Mr KOBELKE: I am not sure what the minister means by that. Does he mean that there was no paper copy?

Mr Prince: If there was a paper copy, that was not the one that was released. I will come to that in a minute.

Mr KOBELKE: The record of the investigation went to the lord mayor. Is the minister saying that the record the lord mayor gave him did not match the record that was taken off the computer?

Mr Prince: Nobody has given me anything.

Mr KOBELKE: How does the minister know that it did not come off the computer?

Mr Prince: Keep going.

Mr KOBELKE: This is another example of the minister's not telling the truth. He is making statements that he cannot substantiate. He said that the record did not come off the computer but he cannot substantiate it. He is trying to create a smokescreen around the whole issue. That is all we get from this Government. It is no wonder that people think there is corruption in the Government. They cannot get straight answers to questions and the minister drags in red herrings to try to change the subject and not address a very serious issue. The last quote I will use from the interview is that Mr Deegan asked -

> Well, as Police Minister why don't you find out, or try to find out?

The minister replied -

> Well, I certainly shall endeavour to do so.

Mr Prince: That is right.

Mr KOBELKE: If he has endeavoured to do so, he has not made any public statement that clarifies the matter. He has the opportunity today.

This is a most important matter. The people of Western Australia believe that they have a right to equal protection before the law and that the law should be applied even-handedly. People should not be targeted by the ruling clique in the Government just because that clique believes they opposed it over some issue. That is bad government and it leads to corrupt government. On the surface of it, it looks like that happened here. If the minister is not willing to name the officer,

provide all the details and show why there is a good reason for this officer to be treated differently, the perception will continue. This has gone on for too long with obfuscation and attempts to avoid the issue. That only builds up more and more concern that there is corruption in the Government. The minister should clear the air, put it all on the record, explain exactly what happened and why in this case there is no reason that the law should not be pursued further.

MR PENDAL (South Perth) [5.25 pm]: I support the motion. On a wider front I will touch on the recent lord mayoral elections. I will briefly cover three areas. First, it is generally the case that the two groups of people who are most likely to use leaked documentation and information are, first, journalists, and second, members of Parliament.

Mr Osborne: You are both.

Mr PENDAL: I will touch briefly on some of those experiences from both points of view.

Secondly, the fact is whether we like it or not and no matter how moralistic people are about it, society needs whistleblowers. Thirdly, the real tragedy in all of this is summed up in the old saying that if one ignores history, one is apt to repeat its mistakes. We might not be dealing with this issue today and the matter relating to the Perth City Council candidate may never have arisen had the Government acted on the recommendations of the Commission on Government. The Commission on Government made some quite specific recommendations, and I want to touch on those as well.

The uncovering and unravelling of the events of the years that we now refer to as the WA Inc years largely depended on the two groups of people to whom I referred at the start of my remarks. Information that people want to suppress is generally brought to light by journalists and members of Parliament working together, and by extension that normally means opposition members of Parliament. It does not matter which opposition, but it suggests that the Opposition of the day has a duty to help the media expose the perceived shortcomings and misbehaviour sometimes of the Government of the day. I doubt very much whether there would have been a royal commission from 1990 to 1992 were it not for whistleblowers. Certainly, as the Opposition of that day, we made a meal of it - quite properly so.

The problem is always to know where to draw the line. That is implicit in the motion that has been moved today. There is a strong argument for saying that the line was crossed in this case because there was no public interest at stake but rather some selfish personal motives of people who wanted to ensure that the past misdeeds of one man became public knowledge again. That is what I meant about knowing where to draw the line. In the end, the public decides informally in all of those cases; it makes up its mind based on whether something is "fair" or "unfair". It is probably seen by most people to be unfair and not cricket to trot out the criminal record of a man, when the offences occurred in the reasonably distant past. That is one of the reasons we have a juvenile court system in which the names of the offenders are not used and their names are not allowed to be published, because the system works on the reasonably sound basis that young people in particular are entitled to make a few mistakes without those mistakes revisiting them for the rest of their lives. The Spent Convictions Act is intended to convey the belief that after a certain period society deems that a person, in given circumstances, should have his or her record set aside. Again, that is so the person is not followed and haunted into old age by past acts, whether or not they were carried out when they were juveniles.

Mr Prince: You have that wrong. The Spent Convictions Act provides that convictions can no longer be taken into account, but they are not expunged as though they never existed. They are still recorded.

Mr PENDAL: I accept the minister's point, but the principle is the same. It indicates to magistrates or judges that they cannot take the previous record into account, and the principle is the same when the Parliament and society can direct a court not to persecute an individual beyond a certain point and not to take the previous record into account when sentencing.

Mr Prince: It is not a question of persecution.

Mr PENDAL: Yes, I know that, but the principle is the same. The principle raised was not only of whether the person acted improperly or illegally, but also whether the person acted in a moral sense by using inside information to discredit someone who was a candidate for public office. Much the same thing occurred in the Crichton-Browne case when a young law clerk released information. My recollection is that when the case went to the Full Court, the action originally taken against the young law clerk was overturned on the ground that he had done nothing illegal. That was followed not long after by the case with which we are dealing in this motion today. They all bring together the need for some form of public protocol or regime by which we deal with disclosures of information that are seen to be of public interest.

If we had not visited this before, it would be a reason to see this as new ground that should be properly examined and mapped out to see where we should take the whistleblowing concept. Of course, there is nothing new in this and the Commission on Government spent a huge amount of time and resources dealing with it. That brings me to my final point: Those who do not read their history are bound to repeat its mistakes.

A couple of years ago the Commission on Government expressed a lot of sympathy for the notion that there should be some formal mechanism. If those recommendations had been acted upon, we might not be confronted with the motion now being debated. At page 138 of chapter 5 of the commission's report, under the heading "Whistleblowing as a Means for the Prevention and Exposure of Improper Conduct in Western Australia", the opening sentence in the analysis is -

> We believe that in order to achieve open and accountable government, it is essential for the general secrecy provisions in this State's statutes to be overridden to protect people who in the public interest disclose information concerning improper conduct in or concerning the public sector and public sector funds, which we shall refer to as public interest disclosure.

Members may recall - but if they do not I will remind them - that COG went on to make some very detailed

recommendations, even to the point where it suggested that legislation should be introduced in Western Australia. At page 141 of part 1 of the second report, published in December 1995, is the following recommendation -

> Legislation, to be called the Public Interest Disclosures Act, should be introduced in Western Australia for the protection of a person who makes a public interest disclosure.

It is interesting that had the Government acted on that recommendation, the policeman who is the subject of this motion might have been releasing that information with the full protection of the law. Did he get the chance to do that? No. Why? Because the Government has not acted on that section of COG's recommendations. Other parts of the recommendations have also never been acted upon. Another of the recommendations about suggested legislation was -

> The proposed Public Interest Disclosures Act should provide that any person making such a disclosure will not be liable for any action, claim or any other demand of whatsoever nature including for breach of statute, criminal offence, defamation, breach of confidence, misconduct or other disciplinary offence.

Later in the report the commission recommended the establishment of a formal mechanism that might have prevented not only the current situation even arising, but also the Crichton-Browne law clerk situation. For example, at page 185 of the second report, the Commission on Government referred to the need to establish within the commission a public interest disclosures advice unit for the investigation, exposure and prevention of improper conduct. It made many further comments on this subject. What does all this mean? The two notorious cases of whistleblowing in recent years might have been avoided. These cases involved whistleblowing from the inside about people on the outside, which is a little strange because normally people on the outside blow the whistle on people on the inside. The current controversy surrounding the Perth City Council might never have arisen had there been a proper mechanism by which it was seen at the time as being in the public interest to disclose certain information about a candidate. Personally, I do not think it would have been justified on that ground. I cannot see the relevance of the disclosures made against the man involved in the Perth City Council elections, but they were made with impunity, as was the case with the Crichton-Browne law clerk. They were made against a background in which Western Australia has no rules, no protocols and no legislation on this subject.

There is no excuse for our not having the rules, protocols and legislation because less than four years ago the Commission on Government gave us the formula by which whistleblowing would have been formalised and made part of a structure to protect people and their reputations. In the light of that legislation, had it been enacted, the senior police officer to whom reference has been made might never have made those disclosures with the knowledge that he might be brought to book under the legislation suggested in 1995. I will finish on that note. It is a timely reminder that there is a bagful of recommendations from the Commission on Government about which many people in this House and the other place felt passionately over the years. These people sought to have those recommendations introduced but most of them have not been introduced. That is a great pity and for that reason I support the motion.

MR PRINCE (Albany - Minister for Police) [5.40 pm]: I oppose this motion. I will make a number of remarks, first of a general nature and then specifically relating to this matter. Apart from convictions which result from appearances in the Children's Court where there are limits on what may be published and disclosed about identity, there is no limit on the publication of the details of anybody who appears before the criminal court and is convicted whether it be by plea of guilty or through trial. There are some restrictions related to sexual offences where to identify the convicted person would be to identify the child. Apart from those exceptions -

Mrs Roberts: And you might point out that that is not relevant here.

Mr PRINCE: It is not. There is no relevance at all as far as I am aware. I simply make the point that the general proposition is this: The courts of this land are open to anybody; anybody can go in and see what is happening. What happens from the point of view of a person being tried and convicted or pleading guilty is public knowledge and reporters in the past, and more recently journalists, report what happens with greater or lesser degrees of accuracy and sometimes only in a summary way. They name, they give details of charges and punishments and the only areas in which they are not allowed to do that involve either children - people under the age of 18 - in the Children's Court where they can describe the offender as a "youth" and still give details of the conviction, or child sexual abuse offences where to identify the convicted perpetrator would be to identify the child victim. Apart from those exceptions, the courts are open; they are public places in which people and the media come and go. For the past 25 years in this State on pages 1, 3 or 5 of *The West Australian* there has been a crime story. For the past 25 years, the television stations, all of them, will have run a crime story within the first three items. I have never bothered to count but it happens all the time. I see the wry grin of the member for Willagee; he knows because he used to do it. The same thing goes for the radio; those radio stations which report news as opposed to those which broadcast music run crime stories all the time. The point I am making is there are the public courts, there are convictions and they are publicised. It is not beyond the wit of anybody who wants to know whether somebody has been in court to go and find out.

Mrs Roberts: Mr Maller's reported crimes came from other States.

Mr PRINCE: I am dealing with general points first. People can find this out from newspaper clippings and not just *The West Australian*. They can get it from the *Albany Advertiser* in Albany and I am sure the same applies to other regional newspapers like *The Geraldton Guardian* and the *Kalgoorlie Miner*. Those newspapers keep back copies and people can search them. I suspect some of these newspapers are probably better organised than others from the point of view of one being able to conduct an index search of a particular subject. In others one would have to wade through the back copies. Either way, the information is there. I know how journalists who want to write stories operate; they pull up what they have about previous stories on their computer databases whether they be a few days, weeks, months or years old. The whole media industry works on stored information which has been publicly obtained in the sense that it was in the public domain

and is there. Members need to understand that a conviction in a criminal court is public. It is not a secret; it is not a confidential exercise however much the people involved would like it to be confidential and go unreported - many people hate the idea that this information will appear in the newspaper. That is not the fact; the fact of the matter is it is public knowledge and often publicly reported according to its newsworthiness as judged by the journalist concerned. We could all debate whether journalists get that right.

What happens to the record of a conviction? As a matter of law, Courts of Petty Sessions, District and Supreme Courts in this State are and always have been courts of record. That is important. It means that the court records what happens; it records the conviction and the punishment. The records of the District and Supreme Courts are kept in one place. The records of the Courts of Petty Sessions are not kept in one place to my knowledge, particularly not in the provincial cities and towns in this State. However, they are recorded and it is a public record because the law says it shall be. Obviously, one would need to know whether a person had been convicted of an offence in the Court of Petty Sessions at Mt Barker before one could ask whether a record was held there and obtain a certified copy of it. It is a cumbersome process and I will not pretend for one moment that it is easy or that the information is easily accessed because it is not.

The police keep enormous amounts of information about all sorts of people. I suspect they have a fair bit of information about me; I have never asked and do not intend to, I cannot see the point. Yes, I have a record - a couple of traffic offences in 1965 and 1968.

Mr McGowan: You should apply under the Spent Convictions Act.

Mr PRINCE: I cannot be bothered, there is no point. The record is not expunged; it still exists. The police have an enormous amount of information in addition to convictions. They now hold the information representing convictions on a computerised database. Not very long ago, the information was held on card index files.

Mr McGowan: What did you do?

Mr PRINCE: Speeding and failing to give way to the right.

Mr McGowan: You did not, like the member for Mining and Pastoral, Hon Greg Smith, flee from the police?

Mr PRINCE: Oh, get off it! The member for Rockingham was still in nappies if he was even that old.

Mrs Roberts: I doubt that he had been born.

Mr PRINCE: He probably was not. The police keep records of convictions on a computer database. With the advent of computerisation, they hold not only those records but also lots of other information. That data can be held centrally and access can be obtained by officers with access to a computer terminal and the ability to get into the database. The police also keep lots of other information such as firearms and security officer licences - the plethora of licences the police handle. The police also keep vast amounts of other information some of which is confidential because it is particular to police operational work. It is information other than criminal convictions such as information received perhaps in the course of one investigation which may be of interest with regard to one individual who is a suspected criminal with nothing proven against him. I am sure members will be familiar with the fact that the nuts and bolts of police work is information which, when subjected to analysis, becomes intelligence and forms action. That is what the police are doing better and better in this State under the Delta reforms of the past three or four years, hence our increased clearance rates and so on.

The fact that a criminal record is held on a police database does not make it confidential. It is, as I have just said, public information, because it occurs in a public court and is capable of being publicly reported. Access to the police database is restricted, because there is stacks of stuff on the police database that only police officers should be able to access, for obvious reasons, otherwise any person who believed that the police suspected him of being a criminal could plug into that database to find out what the police knew about him and could change that database. This is kindergarten stuff. Therefore, the complaint that a criminal offence has been committed by the release of a police record of convictions is fundamentally misconstrued, because that information is not confidential but is public information. That is something the member for Midland has not appreciated.

Mrs Roberts: A lot of this you have not appreciated.

Mr PRINCE: Of course I appreciate it. People like to think that their criminal record is a confidential secret. Few people display their criminal record. Those people who do display it are mostly people who have regretted their past and had a damascene conversion of some description and now advocate a different way of life. This is often the case with people who have been in the drug scene. Two weeks ago, a number of the very good speakers who spoke at the drug summit disclosed that sort of information. I am not suggesting that Mr Maller is in that category either. I am making the point that a record of conviction, whether it be held in a police computer or somewhere else, is not confidential in nature. However, information about a suspected criminal that may have been obtained by means of telephone interception or surveillance - in other words, as part and parcel of a police operational exercise - is confidential in nature and a closely guarded secret, and it should never be released to the public. Information that accuses a person of committing a crime but that has not been proved or disproved should never be made public, and the release of that sort of information would be covered by section 81 of the Criminal Code. However, because the criminal record of a person is public information, it would be very difficult to persuade a court of law that the release of that information was a breach of section 81 of the Criminal Code.

Section 81 of the Criminal Code refers to the disclosure of official secrets, whether they be confidential financial matters, or, in the case of the police, confidential accusations about a person's criminality. Those matters should be kept secret. The question that arises, as the Acting Director of Public Prosecutions canvasses in his letter to Mr Maller, is whether police

officers are covered by section 81 of the Criminal Code, and the Acting DPP comes to the conclusion that they probably are, although it is a moot point. That letter from the Acting DPP is very interesting. I have not had the opportunity of reading it carefully, because I have been listening to the debate, but I have scanned it. It seems to me quite proper to say that section 81 applies to a police officer with regard to matters that are confidential within the purview of the Police Service, but I doubt whether it would apply to criminal records.

The member for Midland referred to the unlawful operation of a computer system by a person who does not have proper authorisation. If a police officer is authorised to use the computer system, then he has proper authorisation. It is not a question of improper purpose. It is a question of proper authorisation.

Mrs Roberts: That must be looked at in the context of the article that appeared in the *WA Police News*. A category of person can be authorised to access the computer system in certain circumstances.

Mr PRINCE: It would then depend on what was done with the information. If, for example, the member for Midland said, "I want to know whether my next door neighbour has a criminal record", and a police officer said," I can get that information for you" and gave it to her, a disciplinary offence of a relatively serious nature might be committed.

Mrs Roberts: What if I said, "I am compiling a dirt file on the member for Albany and want to know whether he has committed any serious criminal offences"?

Mr PRINCE: Then the proper answer would be, "I will not confirm or deny whether there are any criminal offences". I will come to the detail with regard to Mr Brennan - sorry, Mr Maller and the police officer -

Mr McGowan interjected.

Mr PRINCE: The only reason I mentioned Mr Brennan is that we were sitting next to each other last week at the press conference when this matter was raised again, and we tried our best to explain this to the assembled media, apparently without a great deal of success.

Mrs Roberts: You are going an awful shade of red!

Mr PRINCE: No. The accusation and the debate were put to the deputy commissioner and me when we were making the point about the proclamation of the Weapons Bill and the regulations. With regard to Mr Maller's situation, the member for Midland referred in passing to last year. I have a copy of an article from *The West Australian* of Monday, 5 January, which talks about some unsubstantiated claims that had been made about Mr Maller. It also has a photograph of Mr Maller holding up what appears to be a copy of a computer-generated printout, together with a flyer which states that he is an independent candidate for a Perth City Council by-election. Mr Maller is reported in the newspaper as saying, so I assume he did say this, that he had been jailed for petty offences that he had committed in the 1960s and 1970s.

Mrs Roberts: I note he says petty offences.

Mr PRINCE: Yes. He says also that he refutes the accusations that have been made against him with regard to sexual offences. I accept the truthfulness of this gentleman. I assume this is an accurate report. It is totally offensive to make accusations of an unsubstantiated nature against any person, whether that person is standing as a candidate for an election, or anything else. The gentleman has put into the public arena, for whatever reason, the fact that he has a criminal record. I will table that article if the member wishes.

Mrs Roberts: He did that in response to those unfounded allegations.

Mr PRINCE: I accept the reason that he did it, but he has put into the public arena, with a photograph of a printout of a criminal record, the fact that he has committed criminal offences, and full marks to him. Section 2.22 of the Local Government Act states that a person is disqualified for membership of a council if the person has been convicted of a crime and is in prison serving a sentence for that crime, or has been convicted in the preceding five years of a serious local government offence. Those are the disqualifying criteria with regard to being able to sit as a local councillor. That is not the case with Mr Maller. He was not disqualified from standing for election to the Perth City Council either last year or this year because of the fact that he has a prior criminal record. A person with that sort of background may or may not be a good person to have on a council. However, that is for the electors to determine, not me, and they decided that he was not a good person to have on the council. Last year, if my reading of this newspaper article is correct, Mr Maller withdrew from election to the Perth City Council.

Mrs Roberts: That is right.

Mr PRINCE: This year, he stood for election to the Perth City Council and was unsuccessful.

Mrs Roberts: Yes.

Mr PRINCE: This year a complaint was made that a police officer gave the lord mayor details of Mr Maller's criminal record, and that of itself is offensive. It is a criminal offence, according to the opposition manager of business and he is totally wrong, or it is something that should be visited by criminal law. That is a complete and utter fabrication. It is nonsense. It is absurd to make that suggestion about information that is essentially of a public nature. Members may or may not find the use of a person's prior criminal record in a political context deplorable, and I do. However, it is public information. It is the same situation as that of a person who has been bankrupt. That is on public record and can be used. Whether one should use that information is a matter of judgment. It is the rules by which one chooses to play the game, whatever the game may be. In this instance, accusations have been made that a copy of Mr Maller's record was obtained

from the police computer and supplied to the lord mayor. That is an offence. The lord mayor's response to that is reported in the 6 September edition of *The West Australian* as follows-

> Mr Prince said the officer involved was counselled formally but not charged after an investigation by the Anti-Corruption Commission revealed that he had discussed Mr Maller's criminal past with Dr Nattrass on the telephone.
>
> But the officer did not release specific details of Mr Maller's record to Dr Nattrass and he was not responsible for sending details of Mr Maller's record to Dr Nattrass . . .
>
> Dr Nattrass originally said he knew about Mr Maller's record because "it appeared on my desk". He later denied seeing Mr Maller's official record, claiming instead that he had been referring to a newspaper clipping sent to him anonymously.

Mrs Roberts: What clipping was that?

Mr PRINCE: It may have been the clipping from January 1998, I do not know.

Mrs Roberts: The clipping does not detail the record. It only makes the admission that Mr Maller committed some petty offences.

Mr PRINCE: It does not detail a record; it gives a photograph of it. I do not think anybody will ever be able to read that. However, it says he has a criminal record. Mr Maller is reported - I assume this is accurate - as saying that he has a record from some time ago.

The members for Midland and Nollamara assumed that a police officer obtained a copy of the record from the police computer, printed it off and sent it to Dr Nattrass.

Mr Kobelke: I did not say that at all.

Mr PRINCE: That is not what Dr Nattrass said. That is not what happened. There was a telephone conversation. The police officer neither confirmed nor denied that there was a criminal record. Some inappropriate language was used to the effect that the person had a criminal past, but nothing more than that was said. That is what is being investigated by the Anti-Corruption Commission. As a result of the investigation taking place, the officer concerned was formally counselled by former Commissioner of Police, Bob Falconer. It is a very minor indiscretion that has been -

Mr Carpenter: How did the record of the telephone conversation appear on the lord mayor's desk?

Mr PRINCE: The record did not appear on anybody's desk.

Mr Carpenter: The criminal record did.

Mr PRINCE: I again quote from *The West Australian* -

> Dr Nattrass originally said he knew about Mr Maller's record because "it appeared on my desk". He later denied seeing Mr Maller's official record, claiming instead that he had been referring to a newspaper clipping sent to him anonymously.

Mrs Roberts: The lord mayor changed his story.

Mr PRINCE: Dr Nattrass says that he was referring to a newspaper clipping.

Mr Carpenter: You said that he became aware of it through a telephone conversation in which inappropriate language was used.

Mr PRINCE: I did not say that at all. Will the member for Willagee listen? The newspaper article reports Dr Nattrass as saying that he had been referring to a newspaper clipping sent to him anonymously. Subsequent to this he spoke to a police officer who neither confirmed nor denied the record.

Mr Carpenter: Does it say that in the newspaper?

Mr PRINCE: This is what I am telling the House. It does not state that in the article. I am being very careful because of the provisions of the Anti-Corruption Commission Act 1988. I hope members appreciate that. As a result of the information Dr Nattrass received, a telephone conversation took place and an inappropriate phrase was used. It was not a confirmation or a denial and the officer certainly did not supply the record. The slightly inappropriate use of words was the subject of formal counselling. That is the end of it. It is quite different from an officer, of any rank, taking confidential information from the database and using it for illicit purposes. It is quite different from an officer supplying details. In his letter to Mr Maller, the Director of Public Prosecutions refers to the 1990 case of R v Hyman and French. That case was about "corruptly selling information concerning persons taken from police records". They were actually selling criminal histories. Hyman and French were acquitted by the direction of a District Court judge.

Mrs Roberts: It is clear that Mr Maller's record was accessed by a police officer.

Mr PRINCE: There was nothing wrong with that at all.

Mrs Roberts: What was the motivation for that?

Mr PRINCE: Presumably the motivation was to find out if there was a criminal history. If somebody asks if a person has a record, one cannot answer the question unless one looks.

Mrs Roberts: Surely you would ask why the person wanted to know?

Several members interjected.

Mr PRINCE: The question was asked.

Mr Carpenter interjected.

Mr PRINCE: I said some of the language used in the telephone conversation was inappropriate. The member for Willagee should listen and stop trying to make it up as he so often does.

Mr Carpenter: Why are you always so personal? Stick to the facts.

Mr PRINCE: I stick to the facts; the member for Willagee is the one who does not. I will educate the member before he leaves this place.

Mr Carpenter: If I telephone police headquarters and ask if someone has a criminal record and if I can see it, of course they won't tell me. It is ridiculous. Nobody else in the State can do that.

Mr PRINCE: I am telling the House what happened within the constraints of the law. A telephone call took place.

Mr Carpenter: You can just ring up and ask if a person has a police record.

Mr PRINCE: I am sure that if the member for Willagee knows police officers, he can ring up and ask them. I hope they would say that they did not know the information and I hope they would not confirm or deny it anyway.

Mr Carpenter: You know what happened was wrong.

Mr PRINCE: There was a very minor indiscretion that has been appropriately dealt with in the disciplinary process by the senior officer. That is what should have happened and it did.

Mr Kobelke: Was it a minister of the Crown who rang up?

Mr PRINCE: No.

Mrs Roberts: Was it the lord mayor?

Mr PRINCE: I cannot answer the member for Midland.

Mrs Roberts: You said the conversation took place between the lord mayor and the police officer.

Mr PRINCE: Yes, that is what happened.

Mrs Roberts: You are also saying that somebody asked the same police officer whether Mr Maller had a criminal record. Did this person have two conversations, one with the lord mayor and one with someone else?

Mr PRINCE: No.

Mrs Roberts: You have said that it was the lord mayor.

Mr PRINCE: Yes, and he did not get confirmation or denial.

Mrs Roberts: But the police officer looked up the record anyway.

Mr PRINCE: Of course. How else was he going to be able to say anything?

Mr McGowan: The lord mayor asked.

Mrs Roberts: How else is he going to say that he cannot confirm or deny it?

Mr McGowan: When you said all that stuff about it just arriving on his desk, that was not true?

Mr PRINCE: No, that is true. The lord mayor said that a press clipping arrived on his desk. That is what he said as is reported in the newspaper on 6 September.

Mr Carpenter: You have done yourself over here. Anybody in the State can pick up the phone and ring a senior policeman and ask whether person A, B or C has a police record.

Mr PRINCE: That is not what happened. The results of the Anti-Corruption Commission's investigation went back to the Commissioner of Police, who then duly counselled the officer concerned.

Mr Carpenter: What were the words used?

Mr PRINCE: I cannot tell you.

Mr McGowan: Be open with the Parliament.

Mr PRINCE: The Anti-Corruption Commission Act does not allow me to do that.

Mrs Roberts: The investigation and the matters involved in the investigation are two separate things.

Mr PRINCE: It is a difficult area. As I said to Harvey Deegan late last Thursday afternoon, one gets frustrated because one

is constrained by the law. There was no supply by the officer concerned, who was counselled, of any form of information to anybody with regard to the police record concerned. The lord mayor referred to a press cutting from January 1998 in which Mr Maller disclosed that he has a criminal record and in which he gave brief details. It is in the public arena anyway.

Mrs Roberts: One also has to look at the lord mayor's statement at the public meeting at the Perth City Council in which he referred to it as a significant record. That is not what that article said.

Mr PRINCE: "Significant" is a descriptive word. What Mr Maller said is -

> I have been in jail for petty offences committed in the 60's and 70's such as vagrancy and stealing.

What he held up and what is photographed in the newspaper is a piece of paper which obviously has a number of entries on it. "Significant" can relate to number and not necessarily seriousness. It is a descriptive word, nothing more than that.

Mr Carpenter: Has the senior policeman involved done anything wrong?

Mr PRINCE: The policeman involved has been inappropriate in the language that he used and has been counselled.

Mr Carpenter: What does that mean?

Mr Kobelke: He said something he should not have said.

Mr PRINCE: It was the words he used. He neither confirmed nor denied that there was a record.

Mr Carpenter: What do you mean "the words he used"? Did he swear?

Mr PRINCE: No, he did not. We are not talking about information that was confidential or secret or accusatory or able to be used to blacken someone.

Mr McGowan: I will get Barry Matthews on the phone and ask about everyone's record. You said we should be able to do that.

Mr PRINCE: I did not say that at all. What we are talking about is information concerned with criminal conviction that is publicly available. That is frequently publicly disseminated by the media on a daily, nightly and weekly basis. You are miscast in believing that there has been leaking of confidential information. There has not been. We are not talking about some appalling accusation which was then misused. We are talking about fact.

Mr Kobelke: It was the incorrect use of police records.

Mr PRINCE: Not necessarily, because, as the lord mayor said, it was, in fact, a press clipping.

Mr Kobelke: It was the incorrect use of police records - accessing something that had nothing to do with police duties and then enabling that information to be confirmed by someone else.

Mr PRINCE: That is your conclusion, not mine.

Mrs Roberts: Given the involvement of this very senior officer, how can we be sure that a proper investigation of the matter that I raised in regard to Dr Nattrass' potential breach of the Local Government Act be properly investigated?

Mr PRINCE: I think you are wrong there. You referred to section 4.85 of the Local Government Act which refers to threatening officers or suggesting detriment. You cannot suggest detriment about someone who has a criminal record. It is a matter of public record. An example of threatening detriment would be the following example: If the member tried to run for this seat I would see that he is bankrupted or I would ensure that his business is run into the ground. Accusations of that nature would be to threaten detriment.

Mrs Roberts: The definition of detriment means violence, punishment, damage, loss or disadvantage. I think you should look at the term "disadvantage".

Mr PRINCE: No disadvantage is suffered by making public a criminal conviction. It is public.

Mrs Roberts: To publicise it is the threat.

Mr PRINCE: It is public in the first place.

Mrs Roberts: It is not in the public domain.

Mr PRINCE: Yes, it is. It is a public court. The public is often informed about these things.

Mrs Roberts: The relevant people here are the electors of the Perth City Council, none of whom will run around to courts and find interstate sources to compile Mr Maller's record.

Mr PRINCE: Probably not.

Mrs Roberts: The only way they will become aware of the information is if someone collects it and publicises it. The Police Service has been used for this purpose.

Mr PRINCE: Mr Maller did it himself on 5 January 1998.

Mrs Roberts: Petty offences from a long time ago.

Mr PRINCE: All that was said in 1999 was what appeared in 1998. That is public record. The member is using the words very loosely and not in the correct manner used in the Local Government Act. If she wants to make a political point, fine. As a matter of law she is wrong.

Mrs Roberts: I do not think that you can say that.

Mr PRINCE: The Anti-Corruption Commission has looked into the matter and has said that it is now finished.

Mrs Roberts: Have they looked into the whole matter or just that part of the matter?

Mr PRINCE: The Commissioner of Police has dealt with the officer concerned and that is it.

Mrs Roberts: You are obfuscating again. What matter did the ACC consider?

Mr PRINCE: I cannot tell the member. That is part of the frustration.

Mrs Roberts: You cannot inspire any confidence or be accountable in any way.

Mr PRINCE: I tabled in this place on 17 August, with a great deal of pride, the reported offences and clearance rates, the results of a Roy Morgan research poll and the quarterly performance and operations results. The Roy Morgan research poll is conducted Australia-wide and is a survey of professional ethics and honesty of police services in the minds of the public. The survey found 62 per cent of participants viewed the police as having high or very high ethics and standards. Honesty and ethical ratings increased in Western Australia to 73 per cent.

Mr McGowan: This is completely irrelevant.

Mr PRINCE: It has gone up 11 percentage points since the last survey.

Mr McGowan: You are thinking about another debate. You are discombobulating.

Mr PRINCE: It is 11 percentage points above the national average for police organisations. The honesty and ethical ratings in Western Australia increased to 73 per cent, up 3 per cent on 1998. Our Police Service has the highest honesty and ethical rating among the people in the State of any State in Australia. If the Opposition wants to talk about honesty and integrity of the Police Service, it exists here.

Mr Kobelke: You were talking about the political leadership.

Mr PRINCE: No, the members of the Opposition were talking about the police. One of the reasons it exists here is that the political leadership on this side of the House backed the Delta reform, Mr Falconer, the changes that were made, the discipline that has been used in the service and the Anti-Corruption Commission. In many respects, it created it through legislation through this place from the Official Corruption Commission. That has been so successful, notwithstanding what other people might think, that the people of this State now have a higher trust in the Police Service than any -

Mr Kobelke: Is that your only measure of success?

Mr PRINCE: No, of course not.

Mr Kobelke: What other measures of success do you have?

Mr PRINCE: They have a higher view of the honesty and integrity of our Police Service than people elsewhere in Australia.

Mr Kobelke: What other measures of success do you have?

Mr Graham: It is also the Police Force in Australia which spends more time telling the public that they are happier with it than any other Police Force in this nation.

Mr PRINCE: That is wrong. In addition to that, in my statement on 17 August I said that there was a 30 per cent fall in reported robberies, a 14 per cent drop in burglaries and a 24 per cent reduction in motor vehicle thefts. Those are the three big issues in terms of volume. Clearance rates have gone up across all reported instances, including assault.

Mrs Roberts: You have tried to pretend in this House that Dr Nattrass did not have Mr Maller's full record.

Mr PRINCE: I am not pretending; I am quoting from *The West Australian*.

Mrs Roberts: Dr Nattrass rang Liz Tickner at *The West Australian* and pointed out that Mr Maller had not been jailed five times; he had been in jail seven times. Dr Nattrass was correct in that. How would Dr Nattrass have come by that information without having Mr Maller's record?

Mr PRINCE: I have no idea.

Mrs Roberts: He actually rang the journalist from *The West Australian* and corrected what had been reported in the newspaper.

Mr Carpenter: You do not know, but you have a very good idea.

Mrs Roberts: It was reported in the newspaper that he had been in jail five times. Dr Nattrass then telephoned the newspaper and said, "That is wrong; he has been in jail seven times." Now you are holding up some picture and saying that maybe he could have read it in the newspaper. You should take this matter seriously.

Mr PRINCE: The member's motion refers to the leaking of the criminal record of a candidate. A criminal record cannot be leaked; it is public anyway.

Mr Kobelke: Even the journalist could not get it. Nattrass had it, but not the journalist. So much for a public record!

Mr PRINCE: Something that is not confidential in the first place cannot be leaked.

Mrs Roberts: Where did he get the information from? That is what needs investigating. He said in the first place that he had a copy of the record on his desk and that it appeared from nowhere. Then he pretended that he did not have it, and that it may have been some press clippings or something else. On the basis of some vague press clippings, he can then correct the journalist.

Mr PRINCE: The member's personal problems with the lord mayor are her problems, not the problems of this Parliament.

Mr Carpenter: Stop personalising it all the time. That is all you can do. Stick to the argument.

Mrs Roberts: You will not answer the question. I am saying that this man had some detailed information about Mr Maller. He got that information from somewhere, and he has used it quite improperly.

Mr PRINCE: He did not get it from the officer concerned, as we have been discussing for the past two hours.

Mrs Roberts: You said that he may have got it from another officer in the Police Service. What investigation have you conducted into that?

Mr PRINCE: It has come from some other source within the Police Service and I will raise that with the commissioner, who will be back on deck on 17 September. At the moment he is touring the Kimberley and the Pilbara. He has visited the goldfields. At my request and suggestion he is looking at the remote parts of this State. As I said to Harvey Deegan last Thursday, I will take it up with him when he comes back. It is a matter for him, as it was a matter for the former commissioner. It is not a matter for me; it is a matter of discipline and management of the Police Service. That is a matter of concern to me, but it is his function and his job to do that. The former commissioner did it with exemplary skill. It was a first-class achievement over a number of years, the result of which can be seen in what the people think of our Police Service. This incident is really very minor because the person's record was already in the public arena. He had made it public. The first time he sought election he withdrew his candidacy and the second time he was defeated. He may not like the tactics we used against him - neither might I nor anyone else - but they are not illegal or unlawful. What the police officer who has been counselled did was not unlawful or illegal either. He has been counselled, and that is the end of it.

Mr Carpenter: No, it is not the end of it. There is more than legality; there is propriety.

Mr PRINCE: The member for Willagee would not know a thing about it.

Mr Carpenter: Yes, I would. I sat through two royal commissions. I know a lot about propriety and I know that you know nothing about it because one of the first things you did was grossly breach propriety as a member of Parliament.

Mr PRINCE: No, I did not.

Mr Carpenter: Yes, you did, and you should never be allowed to forget it. You grossly breached propriety when you were first elected to Parliament, so you should not stand there and say that we know nothing about propriety. We do; you do not. There is more than legality involved in this type of case; there is propriety. If you do not understand that, you are in the wrong business.

Mr PRINCE: The member for Willagee is certainly in the wrong business from where he comes from. The member is the quintessential sublimation of inspired hypocrisy.

The motion has no substance; it never had and never will have. The members of the Opposition are fundamentally miscast in most of the arguments they have put up, and the motion should therefore be defeated.

MR McGOWAN (Rockingham) [6.26 pm]: I support the motion moved by the member for Midland. At the outset, the minister's explanation shows two things: Firstly, he will use this Parliament in any way and through any means to avoid answering the question at hand; that is, what happened in relation to this issue? The public of Western Australia should know. We need some propriety in government. We need to know why these sorts of documents, which anyone would expect to be confidential, are being released following a telephone call, and why this minister says that that is OK. For him to stand in this place for 50 minutes and justify the fact that he will not release any information on this matter - the matter is closed as far as he is concerned - and to also abuse the member for Willagee in a most improper fashion is a terrible indictment of this minister and his handling of this portfolio.

We must look briefly at what happened. An individual considered running for the Perth City Council; he was a community activist; he had won awards for his activism; and he had represented the rights of those who were at the bottom of the heap. He has done a lot of decent things. As he admits quite freely, he has also done some things of which he is not proud and which were inappropriate and criminal. I have met him only once, and that was about half an hour ago, but he freely admits that he has made mistakes in his life. For that record to have been leaked by a member of the Police Service is improper and inappropriate. It should not have happened. For the minister to say that it was not a secret document and that it is okay is not acceptable for this Government.

I raise this issue in the context of the Local Government Act. The minister has dismissed the fact that an offence may have been committed and said that no offence has been committed. This is a matter that should be examined by the Director of

Public Prosecutions to determine whether an offence has been committed. In 1994, before I was elected to this place as a member of Parliament, I was involved in local government and ran for a seat on the City of Rockingham Council. I had to canvass votes, distribute leaflets and all that type of thing that one must do to get into a local authority. At the time I nominated for that seat there were some conservative forces on the Rockingham council. Those conservative forces joined together, approached my boss in the Navy and suggested to him that he might have me posted to the eastern States or away from this State as it was totally inappropriate that I run for the council, and therefore I should be gotten rid of. That was highly improper, in my view, and should never have happened. Two individuals were involved, both of whom served on the council in Rockingham. My boss at that time called me into his office to tell me what had happened; that the two individuals had suggested to him that I be removed from the area or that he take steps to ensure that I did not run for the council. That is not only inappropriate and improper behaviour but is also something that, had I wanted it pursued - I did not want to pursue it then and I do not want to pursue it now - should have been investigated by the Director of Public Prosecutions under the relevant section of the Local Government Act. Section 4.85(2)(b) states that it is an offence for a person to use, cause, inflict or procure detriment in relation to electoral conduct. I expect that that inappropriate act would meet those requirements.

An Act of Parliament governs the case in issue. A criminal record was somehow procured by the Lord Mayor of the City of Perth. The advice from the police union is that one can be charged for releasing that information. The Minister for Police in his interview with Harvey Deegan said these records can be released only with the consent of the individual. The officer involved in this matter is being counselled, which begs the question why the officer involved was counselled if he has done nothing wrong. Why was he reprimanded? Why was a note put on his file? Some people would say he was given a slap on the wrist. However, action was taken against him. The reason for that is that he did something wrong which resulted in a detriment to a candidate in the Perth City Council election. One would expect that as a result, something should happen, the matter should be referred to someone for prosecution and the people of the State and of the city of Perth should be given an explanation about what occurred. However, instead, the minister gives us 50 minutes of obfuscation, 50 minutes of riddles and 50 minutes of abuse. He does not answer any of the questions asked of him and says the matter is closed. He is obviously going through the John Howard school of parliamentary debate where he stonewalls his way through, hopes the issue will die and next week another issue will arise. That is the tactic of the minister in this matter.

This is a matter in which there should be openness. The individual who has suffered in this matter should at least know the truth. The people involved in the democratic process in the Perth City Council should know what occurred. It is not good enough that they do not. One can only try to think of the reason for the minister not telling us. He says he cannot tell us because of the Anti-Corruption Commission and so forth. If there is a restriction on him under the Anti-Corruption Commission Act, the Act should be changed. If there is a restriction on him because of the disciplinary procedures in relation to the Police Force, those procedures should be changed. People have a right to know when things like this occur and when they impact so significantly on the democratic process.

There may be another reason. The Lord Mayor of the City of Perth is so obviously a political ally of the Liberal Party. That may be the reason for the minister covering up for him. If the Lord Mayor of the City of Perth was a member of the Labor Party, I am sure that this minister would be out in the community releasing all the information he possibly could on the issue.

Mr Prince: Absolutely no way.

Mr McGOWAN: Perhaps the reason is that the minister and his party are so closely aligned with the Lord Mayor of the City of Perth; he is so obviously a supporter of the Liberal Party and all it stands for. Anyone can read the lord mayor's comments in the newspaper on this issue. He thinks that the world is a feudal society, run by those at the top and everyone else should do as they are told. That is the view of the lord mayor and the view held by the Liberal Party, in particular the Minister for Police.

Mr Prince: No, it is not. You are the ones who think it should be the rule of the elite, not us.

Mr Carpenter: What were your earlier comments to me about?

Mr McGOWAN: Yes, what were the minister's comments that were directed to the member for Willagee at the end of his speech?

Mr Prince: The quintessential sublimation of inspired hypocrisy!

Mr McGOWAN: What was the minister referring to? The reason may be that the lord mayor is so closely aligned with the Liberal Party that it is sticking up for him and the minister is using every possible technique he can to defend that ally -

Mr Prince: No.

Mr McGOWAN: - even though that ally thinks that we live in a feudal society and even though he carries on in such an undignified, irresponsible and ungentlemanly fashion.

Mr Prince: No, I said that I do not believe this is the sort of thing that should be used publicly. Didn't you hear I said it should not be used publicly? I said I don't like seeing this sort of thing and the use of these sorts of tactics. I was saying that what occurs in the police disciplinary service stays there. That is what you don't understand.

Mr McGOWAN: Does the minister not believe that some of that information should be made available to the public, at least to the victim? There is a movement in favour of victims these days and I support that.

Mr Prince: Yes, likewise.

Mr McGOWAN: Surely a victim should know who was the perpetrator of a wrong against him.

Mr Prince: The individual who has been the subject of accusation, which accusation has been investigated, has been counselled. He is not the person who released anything. You just don't want to hear that.

Mr McGOWAN: I was involved in a matter when I was practising which involved someone being assaulted by a police officer. He was put in the boot of a police car which did burnouts on the wharf in Albany. The victim was never informed about what happened or who were the individuals. Does the minister think that is okay?

Mr Prince: No, I don't.

Mr McGOWAN: Why does the minister not change it? He is the Minister for Police.

Mr Prince: How long ago was that?

Mr McGOWAN: About 1994 or 1995.

Mr Prince: Good heavens! Was an accusation made of the assault?

Mr McGOWAN: An accusation was made to the police internal affairs unit. I know that because it was made by my employer and I wrote it. The victim was admittedly drunk and had passed out on the ground. He was picked up by the police, put in the boot and they did burnouts on the wharf. Does the minister think that is okay?

Mr Prince: No, I don't.

Mr McGOWAN: That individual never discovered the identity of the police officers or what happened to them. He received a one-line letter saying the matter had been dealt with and the matter is now closed. Does the minister think that system under which victims do not even find out that information is okay in this State? That is what the minister has justified for 50 minutes.

Mr Prince: Matters concerning the discipline and management of the Police Service are in the hands of the commissioner.

Mr McGOWAN: Hold on a minute. The minister said he did not think it was okay. Is he going to change it?

Mr Prince: The police administration Bill is in draft form at the moment. It is something I will look at.

Mr McGOWAN: No, the minister should answer the question. Will he change it? A minute ago he said it was wrong. Will he allow something that is wrong to continue or will he change it?

Mr Prince: I do not condone that type of behaviour, if it happened, and you are presumably relying on the story of an intoxicated sailor.

Mr McGOWAN: No, we received a reply saying it was true and it had been dealt with.

Mr Prince: The letter is now six lines not one?

Mr Carpenter: We know it happened in this case though.

Mr McGOWAN: In any event, minister, we know it happened in this case, as the member for Willagee said.

Mr Prince: What do you know happened?

Mr McGOWAN: We know that information was given away by an officer of the Police Force which even the Minister for Police said was inappropriate.

Mr Prince: Not by the officer who has been counselled. He made an inappropriate remark on the telephone, that is all. He did not supply any record.

Mr McGOWAN: What was the remark he made?

Mr Prince: I can't tell you.

Mr McGOWAN: Mr Speaker, the lack of openness and lack of accountability on the part of this minister on this issue must stop. It is incredible that he can continue to justify it in this way. As I said, the lord mayor has behaved irresponsibly on this issue and in an undignified and unbecoming manner for someone so senior with what is, I suppose, a ceremonial position in this State. He has behaved in a way that one would attribute to only the most lowly guttersnipe politician one could imagine. His behaviour in this whole affair has brought him into disrepute. Some of the remarks I heard him make on the radio about Mr Maller also brought him into disrepute. His failure to even contemplate apologising for that is unacceptable from someone holding such high office. The minister can obtain the transcript and read it himself if he wants to. However, what the lord mayor did was inappropriate and needs censure. The motion moved by the Opposition involves at least bringing the matter out into the open so that the public can find out what was occurring. If the minister had any interest in openness or accountability in his portfolio -

Mr Prince: Your target is the lord mayor, isn't it? You just said so. That is what this is all about.

Mr McGOWAN: I am the third opposition speaker. I am not the only one who has referred to the matter. However, if the minister did not listen to the first two speakers, that is his problem. The matter requires some openness and the minister is the one responsible for that and should provide it.

Question put and a division taken with the following result -

Ayes (17)

Mr Brown	Mr Grill	Mr McGinty	Mr Ripper
Mr Carpenter	Mr Kobelke	Mr McGowan	Mrs Roberts
Dr Constable	Ms MacTiernan	Ms McHale	Ms Warnock
Dr Gallop	Mr Marlborough	Mr Pendal	Mr Cunningham *(Teller)*
Mr Graham			

Noes (23)

Mr Ainsworth	Mr Bradshaw	Mr Johnson	Mr Tubby
Mr Baker	Mr Cowan	Mr MacLean	Dr Turnbull
Mr Barnett	Mr Day	Mr McNee	Mrs van de Klashorst
Mr Barron-Sullivan	Mrs Edwardes	Mr Minson	Mr Wiese
Mr Bloffwitch	Dr Hames	Mr Nicholls	Mr Osborne *(Teller)*
Mr Board	Mrs Holmes	Mr Prince	

Pairs

Mr Riebeling	Mr Court
Mr Thomas	Mr House
Ms Anwyl	Mrs Parker
Dr Edwards	Mr Shave

Question thus negatived.

House adjourned at 6.47 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

BUILDING INDUSTRY, PROTECTION OF SUBCONTRACTORS

236. Mr BROWN to the Minister for Works:

(1) Was an investigation carried out into the introduction of a system to protect sub-contractors against builders who refuse to pay?

(2) If yes, when and what action has been taken?

(3) If no, why has this election commitment not been met?

Mr BOARD replied:

I am advised that:

(1) The State Government participated in an investigation of possible methods to protect sub-contractors conducted by Australian Procurement and Construction Council on a national basis. This resulted in the adoption of the National Action on Security of Payment.

(2) On March 18 1997, Cabinet endorsed the National Action on Security of Payment in the Construction Industry and has agreed to the National Actions by all government agencies and departments in their dealings with the building and construction industry. These include:

- Assessment of participants in the industry through pre-qualification;
- Introduction of the Code of Practice for the W.A. Building Industry;
- Prompt payment in accordance with Treasurer's Instruction 308;
- Statutory declarations from head contractors that sub-contractors have been paid.

(3) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, REGIONAL ACCESS PLANS

245. Mr BROWN to the Minister for Planning; Employment and Training; Heritage:

In relation to the Government's election commitment that all Government agencies will develop and publish an affirmative action program (the Regional Access Equity Plan) to improve delivery of services to regional Western Australia will the Minister table the Regional Access Plans that have been published by agencies for which they are responsible?

Mr KIERATH replied:

On July 7 1999 a draft Regional Development Policy for Western Australia was released for public comment. The draft policy includes strategies to ensure equitable access to an appropriate range and mix of services across the regions. The draft policy will require government agencies to include as part of their reporting requirements details of their achievements in delivering services to regional customers. This reporting would be consolidated under the Government's Customer Focus Policy. In addition, the draft policy suggests the development of a State of the Regions report that would include information on all aspects of regional living including levels of service delivery, economic performance, demographic details and quality of life measures. The draft policy is open for public comment until 3 September 1999. Implementation of these initiatives will meet the Government's commitment to monitoring the level of service delivery to regional Western Australia.

FRIARS PANEL, MR DON MIGUEL

453. Mr McGINTY to the Minister representing the Minister for Transport:

Does the Minister intend to retain Mr Don Miguel on the panel set up to hear submissions on the Fremantle-Rockingham Industrial Area Regional Strategy (FRIARS) in the light of his clear conflict of interest both as an affected land owner and a person with strongly expressed views on the matter?

Mr KIERATH replied:

Yes.

SUICIDES, STATISTICS

455. Ms ANWYL to the Minister for Youth:

(1) I refer to your letter to me dated 3 February 1999 (Reference 9911928) and ask whether the data requested is now available?

(2) Given that the Australian Bureau of Statistics has now released data relating to suicides occurring in 1997 are you now able to provide statewide statistics?

(3) Will the Minister reconsider the decision not to fund the Kalgoorlie Boulder Suicide Prevention Group?

(4) Will the Minister provide details by postcode area of how many attempted and completed suicides have occurred involving young people aged 25 and under for the years -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997;
(f) 1998; and
(g) 1999,

in the Goldfields-Esperance region?

(5) Has the pilot and community support program tender been awarded?

(6) If so, to whom and when?

(7) What is the tenderer intended to provide and to precisely which geographical area?

(8) How many applications were made for the tender?

(9) What other regional centres will benefit?

Mr BOARD replied:

(1) The data is being compiled in a monograph by the Youth Suicide Advisory Committee (YSAC), which reports to the Minister for Health. I have been advised that the monograph should be completed in approximately six weeks and then forwarded to the Minister for Health. It is assumed the Minister for Health will make the report available.

(2) Yes, within the timelines described in (1).

(3) The Kalgoorlie-Boulder Suicide Prevention Group has never formally applied for funding under the Youth Grants WA program. However, I understand that they were seeking funding to establish a Project Officer and, under the Youth Grants WA criteria, applications are not encouraged for the funding of salaries and recurrent expenditure.

(4) Most of the information requested on completed suicides can be provided by Health Zone for the years 1993 to 1997 from the draft YSAC monograph report. The YSAC report does not provide information on suicide attempts. Data is not available for the years 1998 and 1999 since Coronial inquiries often take many months to complete. Completed suicides for young people aged 10 to 24 years in the Goldfields Health Zone (Local Government Areas – Kalgoorlie/Boulder, Laverton, Leonora, Menzies, Wiluna, Coolgardie, Ngaanyatjarraku, Esperance, Ravensthorpe and Dundas – [See paper No 126.] - are:

Completed suicides 1993 to 1997 for Goldfields Health Zone for 10 to 24 year olds

	10-14 Years		15-19 Years		20-24 Years		Total
Year	Males	Females	Males	Females	Males	Females	
1993	0	0	0	0	1	0	1
1994	0	0	1	0	4	0	5
1995	0	0	0	0	0	0	0
1996	0	0	0	0	0	0	0
1997	0	0	0	1	2	1	4
Total	0	0	1	1	7	1	10

(5) Yes.

(6) Anglicare, on 25 June 1999.

(7) The overall aim of the pilot program is to promote the mental health, resilience and hope for the future of high risk young people in the targeted area and to reduce their risks for self harm and other psychosocial problems. Three particular outcome objectives are being sought in the program:

- Life skills acquisition;
- Positive attitude and behaviour change; and
- Acquisition of advanced skills that lead to leadership, employment and community service opportunities for those young people who may wish to access further training.

The pilot program will occur in the Kalgoorlie/Boulder area.

(8) 2.

(9) This is a pilot program in a specific regional location. Another pilot Community and Peer Support program is planned to occur in the Broome/Derby area, however the tender has not yet been awarded as tenders closed on 2 September 1999.

KWINANA SPEEDWAY

458. Mr McGOWAN to the Minister for Planning:

I refer to the proposed Kwinana Speedway complex and ask -

(a) what is the estimated cost of this project;

(b) what is the Government's contribution;

(c) will the Government be contributing any extra funds to this project;

(d) will the Government be contributing any land to this project;

(e) if so, what is the additional cost of the land;

(f) did the Government call for any tenders from the private sector to construct this facility, and own and operate it;

(g) if not, why not;

(h) if so, what was the outcome of the efforts to get the private sector to build, own and operate this facility;

(i) did the Government make an effort to have the speedway continue to operate at Claremont;

(j) if so, what efforts did the Government make to do so;

(k) did the Government make an effort to have the drag racing continue at Ravenswood;

(l) if so, what efforts did the Government make to do so; and

(m) why did the Government reject the option of Barbagallo Raceway in Wanneroo?

Mr KIERATH replied:

(a) The estimated cost for the project is $16 - $21 million.

(b) $16 million.

(c) Yet to be determined.

(d) It is proposed that Government held land will be vested in the WA Sports Centre Trust for the use of motor sports. The subject land is currently used by Alcoa for disposal of material from bauxite processing.

(e) None.

(f),(h) Government will own the facility with the WA Sports Centre Trust being the venue manager. The Trust will seek expressions of interest for the use of the facility. All construction will be let through the normal contracting process managed by the Department of Contract ad Management Services.

(g) Not applicable.

(i) Yes.

(j) An extension of two years to the speedway contract with the Royal Agricultural Society was negotiated in 1998.

(k) Yes.

(l) In 1994 a commitment was provided by Government that a noise exemption under the Environmental Protection Act would be provided for five seasons.

(m) A site adjacent to the existing Barbagallo Raceway in Wanneroo was rejected in the site selection process because of road access problems, poor public transport access and concerns about the long term commercial viability of the site.

POLICE, AEROPLANE IN KALGOORLIE-BOULDER

484. Ms ANWYL to the Minister for Police:

I refer to the aeroplane until recently kept at Kalgoorlie Boulder for the use of the Goldfields region police service and ask -

(a) what type of plane was it and what is its value;

(b) why has the plane been removed;

(c) when was the plane removed;

(d) which police officer made the decision to remove the plane;

(e) what was the cost of the plane and what will it now be used for;

(f) how many people could fly in the plane;

(g) will the Minister reverse this decision;

(h) which other regional areas have permanent planes; and

(i) what method of travel is now to be used by Goldfields police?

Mr PRINCE replied:

The Police Service aircraft referred to is still based at Kalgoorlie and will continue to service the Central Region until sold. However:

(a) 1973 Beechcraft Baron - model B58, recently appraised at $145,000.

(b) A review of the Air Support Unit was conducted and a decision was made by Police Service Command to advertise the aircraft for sale.

(c) The aircraft has not yet been removed. It is presently under repair and will be returned to Kalgoorlie for use until sold.

(d) The decision to sell the aircraft was a corporate decision made at Police Service Command level.

(e) The Western Australia Police Service did not purchase this aircraft. The aircraft was forfeited to the Crown under Proceeds of Crime legislation and ownership was vested in the Western Australia Police Service. Consideration may be given to using any funds from sale of the aircraft for the purchase of an additional helicopter for the Air Support Unit.

(f) 6 persons (Pilot and 5 passengers).

(g) The Minister does not have the power to intervene in operational matters.

(h) Karratha.

(i) Existing air support services are still coordinated and provided by the Air Support Unit at Jandakot Airport. Commercial and charter services will be utilised as required.

SUBIACO REDEVELOPMENT AUTHORITY, CONTRACT WITH MULTIPLEX CONSTRUCTIONS PTY LTD

499. Ms MacTIERNAN to the Minister for Planning:

(1) What was the original contract cost of the Subiaco Redevelopment Authority's contract with Multiplex Constructions Pty Ltd for railway tunnel and station works?

(2) What was the actual final cost of this contract?

(3) On what date was the contract completed?

Mr KIERATH replied:

(1) $34 445 605.

(2) $34 120 494.

(3) Practical completion on 10 March 1999.

SIMPLOT AUSTRALIA PTY LTD, POTATO PROCESSING PLANT

510. Dr EDWARDS to the Minister for Employment and Training:

What are the details of the rescue package for workers at the Simplot potato processing plant announced by the Minister in July 1999?

Mr KIERATH replied:

The Department of Training and Employment responded immediately when Simplot Management phoned for assistance in mid July. The plant closure is expected to occur on 31 August 1999. Twelve salaried staff, 42 permanent staff and 58 seasonal and casual staff will be retrenched. Simplot management, workers and union representatives have formed a steering committee to oversee worker assistance services.

The package of support provided through the Department of Training and Employment included access to a Career Redirection Coordinator (service funded for three months to October). This service is funded through the local Job Link and provides employment and training support and counselling. The Department of Training and Employment also funded immediate Worker Support Workshops to assist with crisis management.

The Department of Training and Employment has also recently introduced a Mature Age Employment Program which is available to retrenched workers from Simplot. Through this program funds are available to provide for re-training, enhancement of existing skills and recognition of current competencies for retrenched workers throughout the South-West. South West Regional College of TAFE provided access to a number of retraining programs and offered workers a 50% reduction in course fees. Simplot has provided $100,000 to fund a feasibility study to explore alternative markets for local potato producers.

SWANBOURNE HOTEL, HERITAGE CONSULTATIONS

512. Ms McHALE to the Minister for Heritage:

(1) Who did the Heritage Council consult in its assessment of the heritage significance of the Swanbourne Hotel?

(2) Was the Art Deco Society consulted?

(3) If so, on what occasions?

Mr KIERATH replied:

(1) The assessment was undertaken by heritage professionals. Consultation with the owners and the local government took place.

(2)-(3) A copy of the assessment documentation was supplied to the Art Deco Society on 24 April 1998. The Heritage Council did not receive any correspondence/ comment from the Art Deco Society on this place.

HERITAGE COUNCIL, TOODYAY-CLACKLINE RAILWAY LINE

517. Ms McHALE to the Minister for Heritage:

I refer to the Management Plan for the Toodyay Clackline Railway line and ask -

(a) will the Minister explain why the assessment of the heritage value of the railway line was not undertaken by the Heritage Council;

(b) has the Heritage Property Disposal process been undertaken by the Department of Land Administration and/or Contract and Management Services;

(c) if so, what were the findings of the assessment;

(d) will the Minister consider having an assessment undertaken by the Heritage Council;

(e) if not, why not?

Mr KIERATH replied:

(a) The assessment was commissioned by the Department of Contract and Management Services (CAMS) as part of the Property Disposal Process approved by Cabinet. Agencies can utilise the services of CAMS, or consultants employed by CAMS, to undertake these assessments.

(b) Yes.

(c) The assessment concluded that the place has cultural heritage significance and should be referred to the Heritage Council for registration.

(d)-(e) Not applicable.

HERITAGE COUNCIL, REQUESTS FOR ASSESSMENT

518. Ms McHALE to the Minister for Heritage:

How many requests for assessment by the Heritage Council are currently waiting to be undertaken?

Mr KIERATH replied:

Approximately 850.

CENTRAL POLICE LOCKUP, ACCESS BY LEGAL PRACTITIONERS

551. Mrs ROBERTS to the Minister for Police:

What are the policies or procedures for a legal practitioner to personally see a client at the Central Police lockup?

Mr PRINCE replied:

Please refer to answer to Question 2190 dated 23 March 1999 and 2643 dated 5 May 1999.

QUESTIONS WITHOUT NOTICE

FLETCHER, MR IAN, CREDIBILITY

123. Dr GALLOP to the Premier:

Does the Premier stand by the claim he made in *The West Australian* on 4 July 1998 that he certainly does not have any reservations about the credibility of his former Chief of Staff, Mr Ian Fletcher?

Mr COURT replied:

Is the Leader of the Opposition asking whether I have any reservations?

Dr Gallop: No, you said you did not have any.

Mr COURT: No, I do not have any reservations.

PRESIDENT OF CHINA, MEETING WITH THE PREMIER

124. Mr OSBORNE to the Premier:

Many members would be aware that the President of China is making a historic visit to Australia this week. Can the Premier please inform the House whether he will be meeting the President?

Mr COURT replied:

Yes. It is interesting that the President of China is in this country for a week. That is very significant, and at a meeting tomorrow we will have the opportunity to discuss the developments in the proposition for this country and this State to be a supplier of gas into that market. That country has now made a decision to initially take 3 million tonnes of liquefied natural gas a year to go into a receival terminal to be built in Shenzhen, basically opposite Hong Kong. There is a lot of competition for that contract as it is very significant. It is a long process. We have been working on this for two years, but it still has a long way to go. Once the project gets official listing, which I hope will occur in the next month or so, China will then determine a consortium for the construction of the receival terminal. After that, it will make a decision about who will supply the gas. There is a lot of competition, but Australia's status with China is very high. We have proved ourselves to be a reliable supplier on a number of fronts. Throughout the Asian difficulties, our reputation of having political, legal and financial stability became one of our great selling points.

Tomorrow, in some small way, I hope to further progress those negotiations which are being aggressively driven by the private sector. To its credit, the private sector is working in a more united way and is promoting itself as Australian LNG and not just from Western Australia. It is really a combined Western Australian-Northern Territory push to try to secure those contracts.

FLETCHER, MR IAN, ASSOCIATION WITH PANGEA RESOURCES AUSTRALIA PTY LTD

125. Dr GALLOP to the Premier:

Is the Premier aware that his former Chief of Staff, Mr Ian Fletcher, is assisting Pangea Resources Australia Pty Ltd in its plans to establish an international nuclear waste dump in Western Australia? Is the Premier also aware that Mr Fletcher has told Pangea that the Premier is onside and that he wants to get the next election out of the way before endorsing Pangea? Who is telling the truth about this matter: The Premier or Mr Fletcher?

Mr COURT replied:

What Mr Fletcher does is his business.

Dr Gallop: No, it is not.

Mr COURT: I understand he is doing some work for that organisation. He could not have said that this Government is onside, because we have made our position very clear.

Dr Gallop: Is he telling the truth?

Mr COURT: Yesterday, the Leader of the Opposition made a big deal about this. He made the assertion that Mr Griffiths, the Agent General in London, had given support to the Pangea concept. Did they meet? Yes, he met with representatives from British Nuclear Fuels Ltd about five months ago, and Mr Fletcher was at that meeting. The Agent General told them it was mission impossible to get that project up in Australia and said that he had serious doubts about the Western Australian or Australian public wanting -

Dr Gallop: When will you answer the question I asked?

Mr COURT: Yesterday, the Leader of the Opposition said that Mr Griffiths had given support to this project.

Dr Gallop: Why did Mr Fletcher invite him to the meeting?

Mr COURT: The Leader of the Opposition should -

Mr Omodei: Apologise.

Mr COURT: No, not apologise; he should write to Mr Griffiths and say that this Parliament has made the position very clear

and ask him to get that message back to British Nuclear Fuels Ltd. Let me summarise this debate: The first thing we know is that a Labor Government established a nuclear waste dump in Western Australia. The second thing is that this State Government and the Federal Government will not support in this country the establishment of a dump for imported foreign nuclear waste. The third aspect we have determined is that the foreign player in this exercise is British Nuclear Fuels. The British Labour Government is headed by the friend of the Leader of the Opposition, Tony Blair. The closest link that has been determined in this whole exercise is that between the Leader of the Opposition and the British Prime Minister, so I ask this question -

Several members interjected.

The SPEAKER: Order! There is far too much interjection, particularly from some members on my right.

Mr COURT: Why would the Leader of the Opposition not telephone or contact the British Prime Minister and say that we do not want his British nuclear waste? I will be in London in a couple of weeks.

Dr Gallop: I am not interested in the British Government; I am interested in what the people of Western Australia want.

Mr COURT: I ask the Leader of the Opposition to wait a minute. Does he think I should meet with the British Nuclear Fuels people and tell them that we do not want a dump in this State?

Dr Gallop: You certainly should, but you should also tell me -

Mr COURT: Ah, now it is okay to talk to them!

Dr Gallop: What about Mr Fletcher? Get back to the question I asked. Is he a liar, or not?

Mr COURT: This is the question. The Leader of the Opposition got up in this Parliament yesterday and said that the Agent General had given support to this project. Well if mission impossible is support, it is beyond me. I am glad that we have got a tick and can talk to people to find out something. We now know a fourth thing in this matter: The Labor Party in this State supports uranium mining.

Dr Gallop: You have gone mad!

Mr Ripper: Have you read our platform?

Mr COURT: I will say it again: The Labor Party in this State supports uranium mining - but not in Western Australia. It is okay in any other State - in South Australia or in the Northern Territory. It gets better because the policy of those opposite -

Dr Gallop: When are you going to answer the question about your former chief of staff? Is he telling the truth?

Mr COURT: I ask the Leader of the Opposition to hang on a minute. This is an interesting matter for him. The policy of those opposite is that they do not support uranium mining in Western Australia. Is that right? Is that the policy?

Mr Ripper: Answer the question about Fletcher.

Mr COURT: This is interesting. They do not support uranium mining.

Dr Gallop: You are evading the question. Answer the question.

Mr COURT: This is an interesting matter.

Dr Gallop: Your evasiveness is interesting.

The SPEAKER: Order! I have allowed a lot of flexibility with interjections and it is about time we heard the answer.

Mr COURT: It is coming to an end.

Mr Kobelke: An end but not an answer.

Mr COURT: Yesterday the Leader of the Opposition said the Australian Labor Party did not support uranium mining in Western Australia.

Dr Gallop: We don't.

Mr COURT: However, the shadow Minister for Resources Development does. Therefore, whom do we believe?

FLETCHER, MR IAN, CREDIBILITY

126. Dr GALLOP to the Premier:

Is the Premier prepared to have Mr Fletcher's credibility tested before a parliamentary inquiry?

Mr COURT replied:

How cheap can one get, coming into this Parliament and making things up.

Dr Gallop: Making things up? Test it before a parliamentary inquiry.

Mr COURT: How cheap!

Dr Gallop interjected.

The SPEAKER: Order! I indicate to the Leader of the Opposition that I have given him enough flexibility.

Several members interjected.

The SPEAKER: Order! I should think that opposition members would want a full question time. We finished off question time fairly well yesterday but seem to have regressed a little today. I know the issue is exciting and members want the chance to ask a question. The next member who interjects will be called on to ask a question.

WOKALUP RESEARCH STATION

127. Mr BRADSHAW to the Minister for Education:

I wish to congratulate the minister for his announcement that the Harvey Agricultural Senior High School's future is secure as a result of the Education Department's purchase of the Wokalup research station. I ask -

(1) When will the college start using the research station?

(2) The minister has publicly commented that the new campus will cater for 65 students. What is the time frame for this increase in enrolments?

Mr BARNETT replied:

(1)-(2) I thank the member for Murray-Wellington for some notice of the question and I also thank him for his support and encouragement for what is occurring in Harvey. I also acknowledge the assistance of the Minister for Primary Industry in bringing together a very good outcome; that is, the existing Harvey Agricultural Senior High School will be relocated to the new Wokalup site, which is essentially the unused agricultural research station. It is a far larger area and will allow the students to have use of better facilities on that Wokalup site. The site is in use now, with a progressive moving of programs to that site. The Education Department will also construct a new dairy and a new abattoir on the site at a cost of around $500 000, and that work is expected to be completed during term one next year. The process of relocating onto the new site will be progressive. The existing residential accommodation at the current Harvey school will continue to be used. However, some additional temporary accommodation will be constructed and the new school will be designed to cater for 65 students. I also hope that Harvey high school will integrate some of its programs, particularly its vocational horticultural program, and use some of the facilities at Wokalup. Many students in agricultural schools come from metropolitan locations. Harvey, being relatively close to Perth, has a great opportunity to attract students out of Perth. The new facility will be very good and will give great confidence to education in Harvey.

FLETCHER, MR IAN, ENDORSEMENT OF PANGEA RESOURCES AUSTRALIA PTY LTD

128. Dr GALLOP to the Premier:

Is the Premier aware that Mr Fletcher has told Pangea Resources Australia Pty Ltd that the Premier was on side and that he wanted to get the next election out of the way before endorsing Pangea - endorsement of the fact that Mr Fletcher is in fact saying this to Pangea?

Mr COURT replied:

Mr Speaker, that is absolute nonsense. I have never said to anyone that I would support this project. To the contrary, if anyone has ever asked me about that -

Dr Gallop: Have you checked with Fletcher?

Mr COURT: Mr Speaker, the Opposition has no credibility in making assertions.

Mr Kobelke: We were absolutely right yesterday.

Mr COURT: Yesterday the Opposition said, "Check with the Agent General". I did that.

Dr Gallop: And we were right.

Mr COURT: No. The Opposition told me that the Agent General had given Pangea support for the project.

Mr Kobelke: Did he meet with Pangea to further the interests of this State or to get a free lunch? Why did he meet with him if it was not to further the interests of this State, as he saw it?

Mr COURT: Let us be hypothetical. If I were to meet with British Nuclear Fuels Ltd in a couple of weeks' time, should it be over lunch, morning tea or a glass of water? What does the member suggest?

Dr Gallop: What role is Fletcher playing?

Mr COURT: The Leader of the Opposition is becoming a joke. I suggest he talk to his mate in the British Government.

Dr Gallop: I want to talk to you about your attitudes, because you and I live in Australia and it is our responsibility to determine this for the people of Western Australia.

Mr COURT: I have done that.

Dr Gallop: No, you have not. The resolution is worth nothing. We have a gold royalty, and we saw the closure of the Midland Workshops; you have no credibility.

Mr COURT: After question time I will be interested to hear the opposition policy on uranium mining.

SHIRE OF YALGOO, LOCAL GOVERNMENT DEVELOPMENT FUND SUBMISSION

129. Mr SWEETMAN to the Minister for Local Government:

The minister will be aware of the submission by the Shire of Yalgoo on behalf of the shires of Wiluna, Meekatharra, Cue, Mt Magnet, Sandstone and Yalgoo to undertake a study of the economic, social, demographic and legislative factors impacting on local governments in the region. Will the minister advise the outcome of the submission?

Mr OMODEI replied:

I thank the member for some notice of this question. I was pleased to approve the application for $90 000 by those councils under the local government development fund. It is an important project because several of the councils are highly dependent on the grants and therefore vulnerable to any reductions. Of the six councils in the project, four rely on grants for 50 per cent or more of their revenue, including Meekatharra at 50 per cent; Cue, 51 per cent; Sandstone, 55 per cent; and Mt Magnet, 60 per cent. The project will focus on existing and alternative service delivery structures and also the development of a pilot for similar studies. The councils are to be commended on their approach and I look forward to the outcomes of the study.

KALGOORLIE-KWINANA AND LEONORA-ESPERANCE RAIL LINES

130. Ms MacTIERNAN to the Premier:

(1) Can the Premier confirm that the State Government has received an offer from the Federal Government to take over the control and management, either by purchase or lease, of the Kalgoorlie-Kwinana and the Leonora-Esperance rail lines rather than have those lines handed over to a private operator?

(2) Will the Government accept this offer and what impact will this have on the proposed freight sale package?

Mr COURT replied:

(1)-(2) I am advised, no.

KALGOORLIE-KWINANA AND LEONORA-ESPERANCE RAIL LINES

131. Ms MacTIERNAN to the Premier:

Is the Premier unaware that the Deputy Prime Minister met with the Western Australian Minister for Transport last week and made that offer?

Mr COURT replied: I am not aware of a meeting, or of what took place at that meeting.

Ms MacTiernan: Did you ask the Minister for Transport when you got notice of this question?

Mr COURT: The member for Armadale asked whether I had received an offer from the Federal Government, and the answer was no. I should have given the member a fuller answer: No such offer has been received.

YOUTH SERVICES, COORDINATION

132. Mr MASTERS to the Minister for Youth:

Earlier this year, the minister indicated to the House the need for additional coordination in youth services and the possible establishment of youth development offices in regional areas. Can the minister indicate the status of that program?

Mr BOARD replied:

I indicated to the House earlier this year that one of the major roles for the Office of Youth Affairs was the coordination of youth services. Not only this State Government but also the Federal Government, local authorities and many other organisations are involved in the delivery of youth services, particularly in regional areas of this State. Over the past 12 months there has been a lack of coordination of those services, so that role has been taken on by the Office of Youth Affairs. We have now filled a number of positions in regional areas: Full-time positions have been established in Margaret River, Manjimup and Kalgoorlie and a part-time position will be filled in Esperance. Major youth forums were conducted in the west Kimberley and east Kimberley regions and we are seeking a permanent officer for Derby to coordinate services into the Kimberley. The role of these officers will be not only to help coordinate services across the spectrum of youth services, but also to liaise with youth advisory councils and young people in general in those areas. Through the adoption of these youth development officers, we will see more effective services, particularly in regional areas.

CABINET RESHUFFLE

133. Dr GALLOP to the Premier:

As the Premier has announced a Cabinet reshuffle by the end of the year -

(1) Does he agree that his announcement is causing uncertainty and instability in government?

(2) Which ministers are targeted by the Premier to be removed from their portfolios?

(3) On what date can the people of Western Australia expect to have a stable Government?

(4) What are the reasons for the delay in this matter?

Mr COURT replied:

(1)-(4) I cannot believe that the Leader of the Opposition would ask that sort of question.

Dr Gallop: Everyone out there is interested.

Mr COURT: I certainly hope they are. I saw that the reshuffle of the shadow ministry produced three pages showing all the different jobs. The job that I was interested in relates to resources development. The Leader of the Opposition has come up with a policy on uranium mining but the shadow minister has a different view. I cannot believe that the Leader of the Opposition would allow that sort of thing to occur. Prior to the next election, our party, like the Labor Party, will go through preselection processes. I have no doubt that on both sides of Parliament a number of changes will take place. We will take those changes into account in any cabinet change.

REPUBLIC REFERENDUM

134. Mr BAKER to the Premier:

On 6 November the electorate will be asked to vote at a referendum on the republic. What is the State Government doing to ensure that Western Australians are properly informed of the issues associated with this historic referendum?

Mr COURT replied:

I will outline some of the work that is being undertaken. I am sure the Leader of the Opposition supports it. In October 1997 we opened the Constitutional Centre in this State. All members are aware of the principal aims of the centre. I believe the centre is doing a good job. In recognition of the need for the voting public to be better informed on the issues to be determined at the referendum, the centre has established a program of 12 public forums to be held in metropolitan and regional centres between 13 September and 28 October. The format for each forum will involve a Constitutional Centre representative explaining the proposal on which we are to vote, an Australian Electoral Commission officer explaining the referendum process, and spokespersons for the yes and no campaigns putting their respective views on the issue. Members of the public will be invited to ask questions and have their say. A representative from the Constitutional Centre will be located at each forum venue the following day to answer further queries. The Constitutional Centre is also an information centre on the republic referendum and is available to the public. The Leader of the Opposition would be aware that a number of events are being held there. There will be one held in the next week or so at which Hon Daryl Williams will present a yes case, but the meeting will be chaired by Bill Hassell. We are being pretty even-handed in how the centre is being run. It is part of civic education. We are one of the few States that have been proactive in trying to promote an open debate on these constitutional issues.

WAUCHOPE, MR MAL, INQUIRIES

135. Mr RIPPER to the Premier:

Notice of this question was given at 10.40 am.

(1) Has Mal Wauchope completed his investigation into the secret business dealings of the Premier's former adviser Jack Gilleece?

(2) If so, what further action has been or is being taken in relation to Mr Gilleece's business dealings and will the Premier table a copy of Mr Wauchope's report?

(3) Has Mr Wauchope completed his investigation into Margaret Thomas, the assistant to the Liberal Party Whip and senior Liberal Party office bearer, who was caught out last month using parliamentary facilities to help run a building firm?

(4) If so, what further action has been taken in relation to this matter and will the Premier table a copy of Mr Wauchope's report?

(5) If these investigations are still ongoing, when does Mr Wauchope expect to complete them?

Mr COURT replied:

I thank the member for some notice of this question.

(1)-(5) I am informed by Mr Wauchope that both inquiries are still being undertaken as a matter of priority. The investigating team has been given access to all the information required, including all computer communications and so on. It will be a very thorough inquiry. It is important, particularly in my office, that that be the case.

The member made some comments about Margaret Thomas and it is important that that matter be properly investigated. The member must understand that, if members of Parliament have been using their parliamentary offices, facilities and the like for their business dealings, that is equally serious. Does the member agree?

Mr Ripper: No-one should use public facilities for private business.

Mr COURT: If Labor members of Parliament have been doing that -

Mr Ripper: Or Liberal members.

Mr COURT: The member does not mind having the same level of inquiry into any such situation.

Mr Ripper: No-one should run a private business out of parliamentary or public facilities.

Mr COURT: Will an investigator get full access? The Government has provided full access to all the computer records -

Mr Ripper: What is the accusation?

Mr COURT: I am just saying -

Mr Ripper: I have stated my position on the matter.

HOSPITALS, MORATORIUM ON STAFF APPOINTMENTS

136. Ms McHALE to the Minister for Health:

Some notice of this question has been given.

(1) When did the Metropolitan Health Service Board impose the moratorium on staff appointments?

(2) For each of the teaching hospitals, what positions have not been filled because of the moratorium?

(3) How much money was saved in each hospital by not filling those positions?

(4) Have agency staff been engaged in lieu of permanent staff?

(5) If so -

(a) how many;

(b) in what positions; and

(c) what was the cost of employing agency staff?

Mr DAY replied:

(1)-(5) The moratorium was imposed on 1 July this year, and some nursing positions were not filled as a result. The moratorium on the appointment of nurses at levels one and two was lifted on 11 August and all other clinical positions have been filled. However, some clerical, catering and corporate support positions have not been filled. The objective of the moratorium was not to make savings but to ensure there was no increase in the Metropolitan Health Service Board commitment to permanent staff while the budget was being finalised. Some marginal savings have nevertheless been made. The board routinely uses agency staff, and that practice has continued during the moratorium. Because of winter-related illnesses and absences, additional staff are usually required during this period and there has been some increase in the use of casual and agency nursing staff.

TECHNICAL AND FURTHER EDUCATION CENTRE, MOORA

137. Mr McNEE to the Minister for Employment and Training:

The C.Y. O'Connor College of Technical and Further Education in Moora has been an excellent facility. However, the area now needs an enhanced centre for training. Will the minister inform the House of the plans for a new training facility in Moora?

Mr KIERATH replied:

I am pleased to inform the House, and particularly the member for Moore, that Moora will have a purpose-built technical and further education centre to cater for not only its current but also its future education and training needs. It will be built next to the Central Midlands High School. Construction is planned to start in December this year and it will be completed by September 2000. The college currently leases three premises for vocational education and training, but these no longer meet the needs of the growing town. It is estimated that as Moora prepares for the emerging opportunities in the new millennium, new places and programs will be required.

The new centre will address the training needs and encourage the participation of the Aboriginal community. It will provide an opportunity to study a range of subjects and VET courses, which will enhance the employment prospects of those re-entering the work force and those seeking to further their career paths with new skills. The development will include purpose-built trade and art and design workshops and the classes will meet the minimum standard size of 14 people, which is in keeping with cost-effective training. Additional site works and engineering will be undertaken to guard against flooding, and given the recent circumstances, that is vitally important. I also have with me a couple of copies of the plans which I table.

[See paper No 125.]

Mr KIERATH: I thank all the community group representatives, especially the local Aboriginal communities, and my colleagues, particularly the member for Moore and Hon Murray Nixon from the upper House, for assisting in the

consultation process. I thank sincerely the member for Moore who convened a number of meetings I attended which helped resolve the difficulties in locating the college site. This is another example of the coalition Government's commitment to regional Western Australia.

GERALDTON RAILWAY STATION BUILDING, SALE

138. Mr MINSON to the minister representing the Minister for Transport:

Some notice of this question has been given.

(1) Will the minister please confirm whether the old Geraldton railway station has been sold?

(2) If so, has the purchaser paid for the building and what was the date of settlement?

(3) If settlement has not taken place, what is the proposed date of settlement?

Mr OMODEI replied:

The Minister for Transport has provided the following response -

(1) The contract for the sale of the former Geraldton railway station building has been entered into by Westrail.

(2) No.

(3) The title for the property has not been issued by the Department of Land Administration. As an issue date for the title is not known, I am unable to advise the member of the proposed date of settlement. I assume that the next answer would have been "watch this space".

HOSPITALS, STAFFING MORATORIUM

139. Ms McHALE to the Minister for Health:

(1) Will the minister confirm that the staffing moratorium imposed on metropolitan hospitals has produced a crisis in nursing staff levels?

(2) Will the minister confirm that the failure to continuously recruit nurses in Western Australia will force our hospitals to recruit nurses offshore when the moratorium is lifted?

(3) Why will the minister not lift the staffing moratorium for all staff?

Mr DAY replied:

(1)-(3) The Opposition needs to understand that as Minister for Health I am not involved in the day-to-day management of our hospitals. The member for Thornlie might think that I should be in the Metropolitan Health Service directing whom it should employ, when and for how long. We have highly-paid executives in the Metropolitan Health Service and all our major hospitals to do that job. The Opposition cannot understand that concept.

If the member had listened to my answer to her previous question, she would have heard me say that the moratorium on levels 1 and 2 nurses has been lifted. Therefore, there is not a crisis in nursing in our public hospitals. More nurses are certainly needed in our health system overall. As a result, the Health Department has put in place a constructive and important advertising campaign to encourage young people to take up nursing. This has been a successful exercise, and some high quality advertisements have been produced for the print and electronic media to encourage young people to take up nursing as a career. The Opposition's assertions are not correct.

SCIENCE AND TECHNOLOGY CENTRE, BUNBURY

140. Mr BARRON-SULLIVAN to the Minister for Employment and Training:

(1) Can the minister advise the House of the progress of the new science and technology centre at the South West College of TAFE in Bunbury?

(2) What was the final cost of the building and fit-out of the new facility?

(3) What are the expected benefits to the region, especially for young people?

Mr KIERATH replied:

(1)-(3) I thank the member for some notice of this question. I am pleased to inform the House that the practical completion of the building occurred on 30 June this year. The final cost was $10.4m, and this also involved the upgrade of the 20-year-old facility. Also, the centre provides growth for 500 new student places in the future. This is a high quality, industry standard training facility which is critical if training is to keep pace with industry developments, and to target industries which will create jobs in the future for young Western Australians. Knowledge-based industries, value-adding processes and technology industries are areas of jobs growth in the future. For the more traditional trades, such as mechanics, as well as some of the emerging trades, the use of computers plays an increasingly integral part. We recently saw a concept car at the Careers Expo which was an Australian design, showing off our automotive technology to the world. That illustrates the important part computers play in cars, and we have seen only the start of that application.

Computers have taken hold in another traditional area with scientific and biological advances which are very important to farming and horticulture. To remain competitive, we need young people trained in these new technologies and in new ways of working. Therefore, we need state-of-the-art facilities, such as the science and technology centre at the South West College of TAFE. I thank the member for Mitchell for bringing this matter to the attention of the House. It further indicates the coalition Government's commitment to employment and training in regional Western Australia.

POLICE OFFICERS, ATTRITION RATES

141. Mrs ROBERTS to the Minister for Police:

(1) What is the attrition rate for sworn police officers from 1996-99 inclusive?

(2) How many of those who resigned retired due to age and how many retired medically unfit?

(3) Are exit surveys conducted to ascertain why officers are leaving?

Mr PRINCE replied:

I have been able to obtain the following information -

(1) The attrition rate in 1996 was 246 officers or 5.2 per cent of sworn police officers; in 1997 it was 160 officers at 3.4 per cent; in 1998 it was 170 officers at 3.6 per cent; and in 1999 to date - that is, as of yesterday - it was 137 officers at 2.9 per cent. That is an average attrition rate of 195 per annum, or 4.2 per cent of sworn police officers.

(2) The number of employees who retired due to age or retired unfit by calendar year were as follows: In 1996, 96 officers retired as a result of age, and 24 retired medically unfit; in 1997, 18 retired by age, and 29 medically unfit; in 1998, 19 retired by age and 34 medically unfit; and in 1999 to date, 17 retired by age, and 16 medically unfit.

(3) Yes, exit surveys are done to ascertain why officers are leaving. I bring to the attention of the member for Midland that all that information and more relating to resignations, retirements, promotions, and transfers is published at the back of the *WA Police News* every month. If the member's research officer wants more information, it can be found there.