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REFERRAL OF PETITION FOR RELIEF, TINSLEY BECK

*Motion*

**HON DERRICK TOMLINSON** (East Metropolitan) [4.10 pm]: I move -

That the petition praying for relief presented on behalf of Tinsley Beck and reported on in the report of the Standing Committee on Environment and Public Affairs, "Overview of Petitions and Inquiries August 2001-December 2001", be referred back to the committee for further consideration.

In the time allotted to me I do not intend to repeat the grievance that Mr Beck had and regrettably continues to have with the former Ministry for Planning. I canvassed those issues fairly thoroughly when the committee's report was considered in this House some 10 months ago on 9 May 2002. During that debate I gave notice that I would move that the report be referred back to the committee because, in my opinion, it indicated an unsatisfactory review of the matters that Mr Beck had raised.

Briefly, Mr Beck made three applications to subdivide a property that he owned in Kenwick. The first application was rejected on the grounds that it related to some uncertainty about a flood plain and public open space reservation. The City of Gosnells considered the second application and its planner recommended that Mr Beck change the right of way to a double right of way so that there would be two battleaxe blocks in the subdivision. That amended application was proceeded with and was rejected. The then Ministry for Planning considered a subsequent application and suggested to Mr Beck that it would be approved if he amended his application in a certain way. The department recommended that Mr Beck submit an application for the type of subdivision that the department had previously rejected. That is probably a somewhat inaccurate but nevertheless shorthand summary of the events and Mr Beck's grievance.

As well as time and anguish, this delay has cost Mr Beck about \$125 000. He felt aggrieved that the department had handled his application inconsistently. That matter has been debated. As I said, I talked about it at length on 9 May 2002. Today I will focus on the subsequent events. In particular, I will refer to the action of the Ombudsman. Feeling aggrieved at his treatment by a government department, Mr Beck took his complaint to the Ombudsman, who investigated the matter. The Ombudsman wrote to the Chief Executive of the Ministry for Planning on 5 November 1997. I will not read the entire letter because it is some six pages long. However, the Ombudsman drew this conclusion -

Although the Ministry has stated that the second approval of the application in relation to Lot 106 should not be seen as an admission that the first refusal was flawed, I would suggest that, viewed objectively, a reasonable person would find it difficult to accept this interpretation for two reasons.

Firstly, the plan which in part had prompted the original refusal of the application subsequently formed the *basis of the approval* which was given one year later. Secondly, the approval of the plan in 1993 was given subject to the same conditions of those on which Lot 107 was approved. Even if, in theory, the Ministry was not wrong in the first instance, it has certainly been inconsistent.

The Ombudsman, Mr Murray Allen, found exactly what Mr Beck was aggrieved about; namely, that the ministry was inconsistent in the applications of its rules. Mr Allen, the Ombudsman, continued -

When I provided the Ministry with a copy of my letter of 18 March 1997 to the Becks I had intended to seek its comment on my criticisms of its handling of aspects of the Becks' applications. I apologise for that omission. In the light of my re-examination of the matter, I would now appreciate comments on my views on the flaws in the Ministry's administrative practices and procedures as outlined in this letter.

Although I have re-stated the situation for the purpose of development of my arguments, it will not be necessary for the Ministry to re-state the arguments previously provided to my Office. What I am interested in at this stage is a frank and objective evaluation by the Ministry of its standards of customer service in relation to the Becks.

I am aware that there is no provision for the payment of compensation for damages to the Becks and the Minister has stated as such. However, in my view -

This is the view of the Parliamentary Commissioner for Administrative Investigations -

there is sufficient evidence of flaws in the Ministry's procedures and that those deficiencies contributed to the Becks' financial losses that the Ministry should, in the circumstances, consider making an *ex gratia* payment to compensate for their time, inconvenience and out of pocket expenses.

The unmistakable and clear view of the Ombudsman, the Parliamentary Commissioner for Administrative Investigations, is that the government department's procedures were flawed and it was inconsistent in its

Comment [MG1]: I miss nothing!

application of them, and that this had not merely caused considerable inconvenience to the applicant, or the plaintiff in this case, but caused him and his family significant financial loss. Despite the minister's position that compensation was not payable, the opinion of the Parliamentary Commissioner for Administrative Investigations was that some *ex gratia* payment should be made.

Subsequently, the ministry replied. The Ombudsman reviewed the case and the matters raised by the former Ministry for Planning. On 19 December 1997, the Ombudsman again wrote to Mr Gary Prattley, the then Chief Executive Officer of the Ministry for Planning, in the following terms -

Having reconsidered the relevant documentation, including a number of papers not previously in my possession obtained from your files and from the City of Gosnells Planning Services Section, I remain of the view that Mr Beck is not unreasonable in his belief that the Ministry's approval of the subdivision of Lot 106 (your file reference 89631) appears to have been based on the same premises as its earlier *refusal* of the same subdivision (87506). I will reiterate my reasons . . .

The Ombudsman again rehearses the matters of the case and comes to this conclusion -

Having reviewed and analysed the relevant documents, it seems to me that the crux of the matter is that issues (the subdivision design, the zoning and the opposition of the Health Department) which were cited as impediments to the approval of the original application and to the success of the appeal to the Minister were clearly considered to be neither relevant nor an impediment when the application was finally approved only a few months later. In fact, it would appear that the zoning issue was not relevant at any stage because the land in question was not zoned "Rural" at the operative time. My conclusion on this is based on a lack of documented evidence indicating that the Commission's later decision to approve the subdivision was due to a change in policy or planning principles and the advice from the City of Gosnells that there appear to have been no changes to the scheme after 1984.

He continues -

In my view, the Commission should in the interests of fairness and of good administrative decision-making act consistently. This is closely allied to the principle that a person adversely affected by a decision should be made fully aware of the reasons for the decision which went against him or her.

Finally, he states -

Having carefully examined the files and, to my knowledge, all of the relevant papers, I can see no evidence to make me change my conclusions on the Ministry's administrative handling of these matters. In my view, there appear to have been deficiencies in the process which arose for the most part from a failure to properly take account of the circumstances of this particular case with a view to resolving it in a timely manner.

I also remain of the view stated in my letter of 5 November 1997 that more comprehensive information could and should have been provided to the Becks in relation to the effect of the reservation on their subdivision proposals.

I would, therefore, appreciate your objective evaluation of the standard of customer service and information provided to the Becks as evidenced by the available files.

Having invited the ministry to respond and having reviewed the additional documents provided by the ministry, the Ombudsman was of the same view. Mr Gary Prattley, the then Chief Executive of the Ministry for Planning, wrote to Mr Allen, the Parliamentary Commissioner for Administrative Investigations, on 22 January. The three-page letter was received by the Ombudsman's office on 27 January. Mr Prattley, the chief executive of a government department that was found to have been inconsistent in its dealings with a subdivision application and unfair in its dealings with the applicant and to have failed to give the applicant a full explanation of the matters about which he sought information, wrote to the Ombudsman and concluded with these words -

What appears to evolve from this whole story is that some members of the community prefer to rely on the public sector to provide answers, guide them, and correct their mistakes. Others are prepared to familiarise themselves with the law and/or employ consultants to act for them. Officers from the Ministry for Planning do their best to assist the people that they come in contact with, but cannot possibly provide the level of advice to each member of the public that a private consultant might in suggesting how they could improve their chances of gaining approval by amending their proposals. Perhaps if the Becks had been advised to formally amend their subdivision plan in 1992 so that there were two separate lots, each with a battleaxe leg and a road frontage it would have received approval at that time. In the final analysis it was their choice not to engage professional advice on the matter and it could be reasonably argued that the outcome is a consequence of that decision.

I remind the House of this simple fact: when the application for subdivision went before the City of Gosnells, the planner at the City of Gosnells advised Mr Beck to create two battleaxe blocks by separating the entrance. We now have Mr Gary Prattley saying that Mr Beck should have sought professional advice from a planner. I have a great deal of respect for the planners at the City of Gosnells; in fact, for all of the planners of all the local governments in the East Metropolitan Region. Mr Beck acted on the advice of the planners, but it was rejected. What is so silly is that the very advice that was given by the planning section of the City of Gosnells was the same advice that the Ministry for Planning gave in the subsequent application and that formed the basis of the approval. However, Mr Prattley says, "It is not up to us to advise. We are simply public servants. It is not up to the public sector to make sure that people understand the law and procedures. You should go and get some professional advice before you submit your claim".

Mr Prattley's letter continues -

In relation to the Becks initial proposal, the Commission could not have given that approval as it was submitted. When the amended plan was submitted, it was approved. I am convinced that there is no inconsistency in that process.

The Ombudsman was not convinced.

Mr Prattley concludes -

I do not believe that any purpose is being served in further evaluating and investigating the matters relating to the Becks. The Ministry for Planning is very much aware of its need to properly serve its clients, the public. It assesses and surveys this relationship annually, and does everything it can to improve on past performances and while I regret the circumstances of this case I do not believe the Ministry has in any way treated the Becks unfairly or unreasonably.

Can members imagine that after a magistrate has found a defendant guilty as charged - I will not hypothesise a charge - and has directed that the defendant recompense or reimburse the plaintiff for his or her loss, the defendant would turn around and say, "Well, Your Honour, I do not think there is any point in us discussing this any further. I disagree with you. I do not believe I am guilty, and I am not going to do what you have said"? That analogy is not too unrealistic.

We are talking about the Office of the Ombudsman. I remind members that the Parliamentary Commissioner Act states that -

For the purpose of conducting investigations in accordance with this Act there shall be appointed a Commissioner, to be known as the Parliamentary Commissioner for Administrative Investigations . . .

It states also -

Subject to this Act, the Commissioner shall investigate any decision or recommendation made, or any Act done or omitted, that relates to a matter of administration and affects any person or body of persons in his or its personal capacity in or by any department or authority to which this Act applies in the exercise of any power or function.

The Office of the Ombudsman is the equivalent of a court of review of administrative procedures. It is a body answerable not to a minister but to this Parliament. It is the Parliamentary Commissioner. It is a body of some considerable authority that protects the interests of citizens in their dealings with government agencies, whether government officers or government offices. The Parliamentary Commissioner has the authority to report a government department or a public officer to this Parliament, as he has done on occasions, and the Parliament has acted as it saw fit. I am talking about a considerable authority with an honourable intention and purpose.

However, in this case, a government department, having been found to be inconsistent in the application of its rules in such a manner as to cause considerable inconvenience and financial loss to a citizen, thumbled its nose and said, "We don't see any point in discussing this any further. We believe that we were not inconsistent. We disagree with you, Mr Ombudsman. Not only do we disagree with you, but also we will not do anything about it." Members can understand that Mr Beck was aggrieved.

The final straw was when Mr Beck came to Parliament and I presented on his behalf a petition seeking relief. On the advice of the Clerk, he presented with his petition a statement in support of the petition to the Legislative Council which included, among other things, the three letters from which I have just quoted. It was not new information; it was information available to the committee. When I read the committee's report and its conclusions, I wondered whether the committee had been thorough. One important factor in this matter is that the Ombudsman reached a conclusion that a citizen had been unjustly dealt with by a government department and the government department had ignored his instruction. Did the committee call the Ombudsman as a witness? I do not know. Paragraph 3.4 on page 5 of the report of the Standing Committee on Environment and Public Affairs: Overview of Petitions and Inquiries: August 2001-December 2001, states -

On the basis of the evidence supplied to the Constitutional Affairs Committee, the Committee resolved to conduct a public hearing into the petition. The hearing was held on August 29 2001 at the Legislative Council Committee Office. The witnesses before the Committee were:

- Mr Tinsley Beck, the principal petitioner;
- Mr Gordon Smith, retired town planner; and
- Mr Michael Allen, Acting Executive Director, Strategic Planning Division, Department for Planning and Infrastructure.

The committee called the defendants but not the prosecution. How could the committee judge an offence against the Ombudsman if it did not call the Ombudsman? I am of the opinion that the Ombudsman may have been derelict also because, having been snubbed by the department, three options were available to him: ignore the department, report to the minister or report to Parliament. Regrettably, the Ombudsman chose the first option. He replied to Gary Prattley's letter from which I have just quoted in these terms -

I am disappointed that you remain of the view that the Ministry's actions in relation to the application were appropriate and reasonable. Having considered the matter in some detail I do not share your view. It is my opinion that the matter could have been better handled and that the Becks' dissatisfaction is understandable.

In my view the Ministry could, at very least, have offered the Becks an apology. I trust that the Ministry's stated commitment to the principles of best practice in terms of customer-focussed service will ensure that a situation such as this does not reoccur.

Tut-tut!

Mr President, I suggest that this exposes a flaw not only in the way in which the ministry has dealt with Mr Beck but also in the proceedings of the Ombudsman. I suggest that it also exposes a flaw in the committee's examination of this case, because the committee does not appear to have taken account of the very important principle that the Ombudsman's office exists to protect the interests of citizens in their dealings with government departments. It is a powerful office that can give advice to departments and expects departments to act on that advice; failing that, the Ombudsman makes a full disclosure to the Parliament and allows the Parliament to decide. That important principle of protecting the interests of citizens has been abrogated in this instance.

I believe it is a duty of the committee to reconsider this whole case, to examine all the evidence and, if necessary, refer it back to the Ombudsman and get the Ombudsman - it is no longer Mr Murray Allen - to review it. It is within the power of the committee to refer a matter to the Ombudsman and to direct the Ombudsman to report to Parliament. I believe it is a matter of that gravity. I do not lightly request that the petition be reconsidered by the committee. I do so because I believe it is a grave matter in which an individual has been dealt an injustice by a government agency, has been aggrieved by that, has appealed ultimately to the highest authority - this Parliament - and has not had a fair hearing of his case. I want the case to be heard fairly. I commend the motion to the House.

**HON GRAHAM GIFFARD** (North Metropolitan - Parliamentary Secretary) [4.36 pm]: I have listened carefully today to the speech made by Hon Derrick Tomlinson. I note the points he made and indicate that the Government is inclined to support the motion he has moved. I will take a few minutes to explain the way I view the situation. I will not go into the details of the applications that Mr Beck submitted between 1990 and 1992. On 18 April and 9 May last year, Hon Derrick Tomlinson spoke in some detail on those aspects. I do not take any issue with what he said on those occasions, so there is no need for me to go over that information. He was, of course, referring to the first report of the committee entitled "Report of the Standing Committee on Environment and Public Affairs: Overview of Petitions and Inquiries: August 2001-December 2001". That report identified a number of issues that were dealt with by the committee in relation to the petition that had been tabled on 3 May.

I note that the committee stated in its report that it wrote to the Minister for Planning and Infrastructure requesting her comments, and it noted the complexity of the subdivision application process. The committee noted that the process was unnecessarily complex and suggested that these matters could end up being costly, with applicants needing to seek legal assistance in endeavouring to make applications.

That was responded to by Mr Paul Frewer, who was at the time the Acting Deputy General (Planning). That is outlined in paragraph 3.7 of the committee's report. He advised that the Western Australian Planning Commission had recently reviewed its subdivision forms and published an information sheet to accompany each form to clarify the Planning Commission's requirements in that regard. Those processes and forms were said to be of greater assistance to applicants and to be more informative and helpful than the processes had been previously. That is spelt out in paragraph 3.8 of the report. I make the observation that the committee also noted

that there was no statutory obligation on the Department for Planning and Infrastructure to provide compensation.

Hon Derrick Tomlinson acknowledged that point in his previous contributions, as well as outlining that the committee did not have the opportunity to make a recommendation about ex gratia payments in that matter. The committee resolved that it could not inquire further into the petition.

We have heard reasoned argument from Hon Derrick Tomlinson indicating why he is not satisfied with allowing this matter to rest. I draw attention to one comment. He acknowledged that the committee could not rule in favour of compensation. On a previous occasion, on 9 May 2002, at page 10 115 of *Hansard* of that year, he stated -

However, the committee should have addressed the grievance. Rather, the report of the committee accepted the undertaking of the Department for Planning and Infrastructure that it had changed its ways. Mr Beck is aggrieved at that decision.

I suppose there are two elements to the comment: firstly, he formed an opinion about the DPI processes when he referred to the fact that the DPI had changed its ways; and, secondly, he indicated the whole notion of Mr Beck's being aggrieved at that decision. I am not a member of that committee so I am not sure what the purpose was of dealing with this petition. The way I read the report and understood what the committee was saying was that, to the extent that the petition was seeking compensation, the committee could not assist him because it was not open to the committee to recommend compensation. In fairness to the committee, maybe that was its brief; maybe it considered whether it could deal with the vexed issue of compensation for this person, but found it could not. It then stated, "We cannot help him and we cannot go any further with the matter." Perhaps the committee's role was restricted in that way.

Hon Derrick Tomlinson has made a valid point that the role of the Ombudsman and the role of the department in dealing with that matter should have been open for consideration by the committee, and for that reason it will be referred back to the committee with a focus on that aspect. The question of whether the committee can make a direct judgment or recommendation about compensation should not be part of its focus, and for that reason we support the motion. As Hon Derrick Tomlinson has outlined today, the inquiry should focus on the role of the Ombudsman and the role of the department and whether they have both fulfilled their responsibilities.

I wish to make a few comments about the history of Mr Beck's seeking compensation so that I can put the petition in some sort of context. As Hon Derrick Tomlinson said when he first rose to speak on this matter some months ago as a petition of last resort, Mr Beck originally submitted a request for compensation to the Premier on 1 October 1993, and at that time he claimed \$44 700. That claim was dismissed by the Minister for Planning on 15 February 1994. According to a document that I believe accompanied the petition submitted by Mr Beck, he made about 16 attempts to have "Minister Kierath or Premier Court properly consider the matter and they have been unsuccessful". He also said that the Premier and the minister supported the department and refused to enter into dialogue regarding the details. Mr Beck has made many attempts to seek compensation.

Notwithstanding that he made an application in October to which he did not receive a formal response until February the following year, in January 1994 he also forwarded his concerns and a request for compensation to the Ombudsman. Much of the correspondence that arose from that request was referred to today by Hon Derrick Tomlinson. In correspondence of March 1994, which I suppose is the first round in which the Ombudsman was involved, the Ombudsman said that in the light of the minister's decision he could not take it any further and that further inquiries would be of no practical benefit. We now know that he was asked to reconsider that, which he did. He probably used stronger language than he used in his 1994 dealings with this matter.

That is how the matter progressed through the early stages of the 1990s. That was not the end of the matter; a short volume of correspondence passed between the Ombudsman and the ministry. I have copies of the letters that were referred to earlier in this debate. I think all the sections I have identified have already been referred to so I will not bore the House by repeating them. Suffice to say, from the department's view the letter of 22 January 1998 to the Ombudsman deals with an issue that has been ongoing for more than four years. I am not trying to defend or excuse the language in the letter because I think it was, at least, a bit harsh. When I first read it, it appeared to be fairly rigidly written.

Hon Derrick Tomlinson: Is that the Ombudsman's letter?

Hon GRAHAM GIFFARD: No, I am referring to Mr Prattley's letter to the Ombudsman. I was not directly involved and I have been trying to understand the documentation. It is clear to me that this dispute spanning 10 years has become at times quite acrimonious. It is fair to say that Mr Beck has made accusations about the Department for Planning and Infrastructure and the Western Australian Planning Commission, and perhaps even individuals, which have been disputed and to which offence has been taken. I think the letter from Mr Prattley to

which Hon Derrick Tomlinson referred was possibly written “in the heat of the battle”. It was the product of an ongoing dispute that had become acrimonious

Hon Derrick Tomlinson: I am sure you will agree that when a senior public servant is “in the heat of the battle” he should cool down before he writes a letter of that sort.

Hon GRAHAM GIFFARD: That is fair comment. I do not necessarily excuse the language; I thought it was a bit harsh. However, I am trying to understand the parties’ points of view. The question for the minister and me is, what will be served by referring this matter back to the committee now that the committee has already dealt with this petition once? My initial reaction was that I could see no point in referring the matter back to the committee for the simple reason that the direct question of compensation to Mr Beck has been dealt with over and over. The position of the State Government is now consistent with the position of its predecessor; that is, the formal request for compensation is not acceded to. If we are to agree, it is important to know why this matter is being sent back to the committee, which is why I listened carefully to what Hon Derrick Tomlinson said today. I accept that there is merit in having the committee examine the role of the Ombudsman and the department and, on that basis, there is a public interest in having the committee deal with this petition again. This case has been going on since either 1990 or 1994, or somewhere in between, depending on one’s definition of the conception of the case.

Hon Derrick Tomlinson: We all agree that it has been going on for far too long.

Hon GRAHAM GIFFARD: Yes, it has. It has already been examined by a number of agencies, the ministry and the Parliament. However, on balance I am persuaded that there is merit in having this petition referred back to the committee. The Government supports the motion.

**HON PETER FOSS** (East Metropolitan) [4.53 pm]: Part of the difficulty in dealing with this matter has arisen from the committee’s view that it was unable to recommend compensation. Although I might agree, as a purist, that that is a legally correct view, I am not certain. However, let us put that to one side and assume that it is a legally correct view; it was obviously the view that was expressed to the committee and the view it believed to be legally correct. However, there is more than one way to skin a cat. All that some of our committees need to do sometimes is rephrase their recommendations to achieve the correct result.

In the first instance we had a recommendation by the Ombudsman for an ex gratia payment; and he is entitled to say that. I will read to the House what I think is a possible recommendation from that committee were it of the mind to press the matter of compensation, even if it does still believe it is bound by that legal view, which I do not necessarily agree it is. As I say, it is a possible finding by the committee, which I offer not because I am suggesting that is the finding it should make, but because were it of the mind to recommend compensation, this may present another way of achieving the same result.

First, the committee can say that it is of the view that the Ombudsman was correct in recommending that the department provide an ex gratia payment. That is obviously something that the committee can do; it can say whether it thought the committee’s recommendation was right. The committee can say also that the department has provided no justification for its refusal to make that payment. That is also something that the committee can do. The committee can say also that the view of the Ombudsman should be considered by the minister. It can say that it may not be able to recommend compensation, but there is a recommendation, and the minister should consider it. All those things are well within any possible construction of the right of that committee.

Secondly, the committee can recommend that the Government give consideration to the Ombudsman’s recommendation and report its views to the House. Standing orders state that if a committee makes a recommendation, the Government must come back with its answer within a set time; and having come back with its answer, the committee is then seized again with the need to deal with that answer. I am not absolutely convinced that the committee cannot come out and say that it believes there should be compensation. I know that committees have done that before. I remember the historic shipwrecks committee, which I think was a joint committee. It came out with all sorts of recommendations on what money should be given to the finders of historic wrecks. Nobody got terribly upset about that. Nobody considered that the recommendation was binding on the Government. The Government cannot be compelled to spend money.

Hon Derrick Tomlinson: The Government did.

Hon PETER FOSS: The Government did. As the minister who actually spent the money, I happen to know that it did. I did not find that to be in any way offensive; I found it very helpful, because a bipartisan, independent body said what the Government should do. If everything one did in government had such a recommendation, life would be considerably easier. Provided that the recommendations are not over the top, it is actually a lovely solution to many of the problems of government because a Government cannot be criticised if both parties say that it should do something. I do not think that any Government would get terribly uptight unless a figure was

chosen that was so beyond the pale that it would be an embarrassment to the budget. That is a possible way of doing it.

We should not be looking for legal technicalities to prevent us from making the system work, especially when, as Hon Derrick Tomlinson has said time and time again, it involves the Parliamentary Commissioner for Administrative Investigations. He is ours; that position was set up to report to Parliament on these matters. If a person cannot get satisfaction from the Parliamentary Commissioner, where else can he go but to the Parliament? If Parliament says that it does not have the power to deal with that matter, it is a pretty sorry state of affairs. Leaving the legalities aside on what Parliament can recommend by way of expenditure, I am quite convinced that a committee can make its intentions and views as clear as day. Who would do anything about it? Who would stop a committee from doing that? If a committee made that recommendation, who would stop it? I do not think that there would be a single person in this Parliament who would object to it. I support the motion.

In the area of petitions, I do not recommend that the committee take on the role of being too much like a court of justice. We should keep in mind that the recommendation we are looking at has been made by a properly constituted authority that was set up by an Act of Parliament and is responsible to this Parliament. I do not think that a parliamentary committee that has general supervision of the capacity of our system to work should lack the legal capacity to say that it thinks that the Ombudsman was right, that the people who ignored the Ombudsman were wrong, and that the Government should have another look at this issue and come up with a figure. If the committee does not want to do that, it should tell us why, because we would then have a better understanding of the workings of this process.

What plainly came out of that document was that it was not within the capacity of the department, or some people within the department, to look at this matter in a dispassionate manner. When that happens, the Government has an obligation to lance the boil. We must lance that particular boil. I would prefer there to be some solution rather than to say that we cannot help. It would be unfortunate if that were to happen.

**HON CHRISTINE SHARP** (South West) [4.58 pm]: I clarify at the beginning that these remarks are made exclusively as a member of this Parliament and do not represent my position as chair of the standing committee in question. The Standing Committee on Environment and Public Affairs does not have a position on this motion. Speaking personally, first I believe that the standing committee gave Mr Tinsley Beck a fair hearing in dealing with his petition praying for relief. Furthermore, the findings of the standing committee into Mr Beck's petition were unanimous. Members can discover exactly what was the committee's opinion by consulting the report titled "Overview of Petitions and Inquiries - August 2001-December 2001". That is our sessional report on petitions. Given that the committee has given this matter what I consider to be a fair hearing, that the committee was unanimous in its findings, that it could do nothing more on this matter, and that no significant new evidence has been brought to light in this debate, it is not a good use of the time of this Parliament and of the standing committee to have a second go at something that has already has one decent hearing.

Debate interrupted, pursuant to standing orders.