

Ms Sue Walker; Deputy Speaker; Mrs Michelle Roberts; Mr Colin Barnett; The Acting Speaker (mr A.P. O'gorman); Mr Clive Brown; Acting Speaker; Acting Speaker (mr A.P. O'gorman); Mrs Cheryl Edwardes; Mr Phillip Pandal; Ms Margaret Quirk; Mr Paul Omodei

VICTIMS OF CRIME

Motion

MS S.E. WALKER (Nedlands) [4.08 pm]: I move -

That this House condemns the Gallop Government's failure to properly protect and respect victims of crime in this State.

As I said earlier during question time, this week is Law Week. I say that because government members may not be aware of that. Every year Law Week starts with a church service, and this year the service was held at St George's Cathedral. Judges from the Supreme and District Courts and other courts and members of the legal profession attended the service. Where was the Attorney General? He was not there. Everybody asked where the government representatives were at the beginning of Law Week. They were not there.

Ms M.M. Quirk: We were not asked.

Ms S.E. WALKER: Where was the member for Girrawheen?

Ms M.M. Quirk: We were not asked.

Ms S.E. WALKER: The member for Girrawheen is not in her seat. She is standing behind her seat. Why was the member not at the service? She is a member of the legal profession.

Ms M.M. Quirk: I was not asked.

The DEPUTY SPEAKER: Order! The member for Girrawheen will need to resume her seat.

Ms S.E. WALKER: The point is that on the other side of the House, the law of the jungle prevails when it comes to respecting and dealing with victims of crime. We have a situation in which those leopards will not be changing their spots. It is their values of the law in this State and of victims of crime that separates members opposite from members on this side. We on this side of the House do not believe in the law of the jungle. We believe in values and in the rights of victims. That was enshrined in the Victims of Crimes Act 1994 by the former Attorney General, the member for Kingsley. We do not believe in being governed by the law of the jungle, because, under the law of the jungle, people cannot get justice. High-profile victims of crime in this State - people with whom ministers should be dealing, and to whom they should be listening - are not getting justice in this State. We believe that we get justice only when we govern by the rule of law.

A classic example of the divide between members on the government side of the House and members on this side of the House can be found in an article in *The West Australian* that was distributed by the Law Society on Monday, 10 May, at the beginning of Law Week. I will hold up the article, because obviously no-one on that side of the House has a clue about what is going on in Perth this week. The theme of Law Week this year is that no-one is above the law. The article commences with the statement -

NO ONE is above the law - not lawyers, nor the media, nor the Government.

It offends our sense of justice if people can flout the law and get away with it, especially the rich and the powerful.

The article then states -

Rule of law or law of the jungle

No justice system is perfect, but a system based on the Rule of Law is better than a system based on the rule of a jungle.

What we mean by the rule of the jungle is that some people, especially the powerful, can do as they like and our rights can be taken without any "due process".

I put on record that the Minister for Community Development, Women's Interests, Seniors and Youth has come into the Chamber. I am pleased about that, because she is one of the ministers I want to target in relation to victims of crime. I also want to target the Minister for Police and Emergency Services for how she has dealt with victims of crime, and the Premier and the Attorney General.

Mrs M.H. Roberts: We are a victim of your voice!

Ms S.E. WALKER: I do not want to listen to the minister's voice all day. I do not want to target just one minister. Ever since I have been elected, I have been visited by victims of crime who feel disappointed and let down by the attitude of this Government, for a variety of reasons. I refer to an article on the front page of *The*

Ms Sue Walker; Deputy Speaker; Mrs Michelle Roberts; Mr Colin Barnett; The Acting Speaker (mr A.P. O’gorman); Mr Clive Brown; Acting Speaker; Acting Speaker (mr A.P. O’gorman); Mrs Cheryl Edwardes; Mr Phillip Pental; Ms Margaret Quirk; Mr Paul Omodei

West Australian not long ago - on Wednesday, 24 March 2004. I will be speaking about four victims of crime. Having dealt with and having taken many victims of crime through the courts, I treat these issues seriously. I ask those backbenchers on my left not to make silly and immature comments just because they are bored and have nothing to do in this House. The headline of that article could not have been any larger. I do not know whether it was also on the news.

Mr A.D. McRae interjected.

Ms S.E. WALKER: The member for Riverton should be quiet and listen to what women in this State are going through. Ms Pamela Logue says in that article that she is just waiting to die. She says she will be murdered on 22 November. I will not be saying a lot about that case, because it is subject to appeal. I want to talk about how the ministers who are in charge of law enforcement agencies, such as the Minister for Community Development, have treated this woman. They have ignored her. Can members believe that? When I read this story, I thought how can we help this woman and her children? She obviously is terrified. We know from what has been happening in and around Perth that women such as Ms Logue, and sometimes also their children, are murdered. I wondered how I could help this woman, so I made inquiries about whether she wanted to come and see me. However, I had a lot of Bills to deal with at the time, so a couple of weeks passed before I rang her and invited her to come to my office. Let us not forget that this woman has been subjected to a long series of threats to kill by her former partner. However, as I have said, that matter is subject to appeal, so I will not make any further comments at this stage.

Before this woman came to my office, I noticed a press release article that stated -

The Department of Justice has moved to crack down on prisoners who send hate mail to people who have taken out violence restraining orders against them.

The move was prompted by a prison mail system review after Perth mother Pamela Logue predicted that she would be killed when her estranged partner was released from jail later this year.

Mrs M.H. Roberts interjected.

Ms S.E. WALKER: It does not get any more serious than that, minister. The first thought that went through my mind was that the police minister must have sat down and had a chat with this woman, but I would like to see her anyway to see what I could do so. When Ms Logue came to my office, I said, “Are you pleased with this, because you have obviously seen the minister?” She said, “No. I have not seen the minister, Sue.” This minister - a woman minister- had not even called her! The Minister for Community Development stood here yesterday and today and talked about the changes that she will be making to the Restraining Orders Act 1997. This minister also had not even contacted this woman! That is a disgrace. I rang this woman about an hour ago, just to make sure that nobody had contacted her since. This woman had to pay \$300 to get her trial transcript from the Magistrates Court. The Attorney General has not bothered to contact her. I will say this about the Attorney General: when he is shamed into contacting a victim of crime, as he was through the *Sunday Times* article a while ago, he soon turns up quick smart. This woman is in fear of her life. The first thing I would have done as Attorney General is ring her and ask her to come to my office. I have phoned a prosecutor from the Office of the Director of Public Prosecutions and have asked that person to look at her file. What can we do? What is the solution here? All this Minister for Police has done for this woman, and for other women in this State who are under threat of death, with their children, is issue a paltry press release. It is disgraceful. This is one of the most serious crimes that is happening to women and children in this State. Pamela Logue said to me today that she has tried to make contact by letter with these ministers, but all she has received is a blanket reply. She said also that she has sent an e-mail - I think it was to the Minister for Community Development - giving some suggestions about how to change the system. Did the Minister for Community Development say, “Please come and see me”? No, she did not. I will stand here and give some solutions to this problem. This woman should not have had to pay \$300 for her transcript from the Magistrates Court. Here is a suggestion for the Attorney General. For a start, women who are the subject of domestic violence restraining orders should be able to get their transcript automatically published and given to them for free. I will offer an invitation also to the Chief Magistrate and the Chief Deputy Magistrate to look at the transcript - in fact, I will send it to them - to see how the magistrate dealt with her victim impact statement in another matter. I was astonished when I read the transcript from the Court of Petty Sessions and saw how that court had dealt with her victim impact statement. It is incumbent on the Chief Stipendiary Magistrate, in cases such as this, to immediately call for the transcript so that he can see what is happening to women, particularly when their partners have been inside and are serving sentences for threats to kill under the Criminal Code. It should be mandatory.

Extract from Hansard

[ASSEMBLY - Wednesday, 12 May 2004]

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Ms Sue Walker; Deputy Speaker; Mrs Michelle Roberts; Mr Colin Barnett; The Acting Speaker (mr A.P. O'gorman); Mr Clive Brown; Acting Speaker; Acting Speaker (mr A.P. O'gorman); Mrs Cheryl Edwardes; Mr Phillip Pandal; Ms Margaret Quirk; Mr Paul Omodei

Ms Logue said that no minister had bothered to contact her, so I will do it for her here. She would like an increase in the maximum penalty for the breach of a violence restraining order. She would like to see the removal of a fine being imposed as a penalty for breaching a violence restraining order. She would like offenders who breach a violence restraining order to be imprisoned immediately. There is much more behind this case than what was published on the front page of *The West Australian*. People in government departments, including in the Office of the Director of Public Prosecutions, are trained to look at that type of thing. Ms Logue said that it should be mandatory for the court to send perpetrators of domestic violence to attend domestic violence programs and that if they do not attend one session, they should automatically have one month added to their sentences. She would like penalties increased for offenders who repeatedly offend against the same victim. She would like to remove concurrent sentencing for repeat offenders and she would like to abolish taking one-third off all sentences that are imposed by a magistrate or judge. Some of those legal points are already in place.

Mrs M.H. Roberts interjected.

Ms S.E. WALKER: I will not listen to the Minister for Police and Emergency Services. The minister should not interject after the way she has dealt with this woman. The minister is a disgrace. Please do not interject. As I said, Ms Logue suggests abolishing taking one-third off all sentences that are imposed by a magistrate or a judge. She is not talking about the old system of the one-third remission; she is talking about the new laws whereby, when a judge calculates a sentence, if the offender were sentenced to X number of months in prison, the judge must reduce the head sentence to accommodate that. That is what she is talking about. She suggests that the defendant should not view the victim impact statement. I think I read in this transcript a suggestion that Ms Logue be cross-examined on her victim impact statement. She told me that the victim impact statement was taken outside the courtroom and was given to the defence counsel. These are things I would like the Chief Stipendiary Magistrate to correct. It is the practice in the superior courts that a victim impact statement does not go outside the courtroom. The reason for that is in New South Wales defendants who were inside prison were getting victim impact statements and salivating over the hurt the victims had suffered. That is humiliating and is a gross invasion of the victims' privacy. Ms Logue would like more funding to be given to children's counselling programs. She would like perpetrators to complete a parenting course during their sentences and to be able to demonstrate the changes they had learnt. She would like the children of domestic violence perpetrators to be ordered by the Family Court to have access visits within the prison system under supervision. I could say a lot more about Ms Logue's case. I would like to see some basic changes made. When I spoke to Ms Logue today, I told her that I would continue to go through the transcript of her case. I hope that the Chief Stipendiary Magistrate can look at this issue. There is no reason that transcripts of cases like this, in which people's lives are in danger, particularly when threats have been made to kill someone, should not go to the Chief Stipendiary Magistrate. This case has a long history, which is one of the problems with it. Every time a police prosecutor gets involved with it, he must look at the file again. Police prosecutors do a good job; I am not decrying police prosecutors. When a threat to kill has been made in an indictable matter, files regarding women and children whose lives are in danger should automatically go to the DPP. The DPP and the Chief Stipendiary Magistrate should look at this system. It is not enough for the Minister for Justice to issue a one-page media statement that somebody else has cobbled together for her. I will leave the subject of Ms Logue for the moment. Ms Logue believes she is living in the law of the jungle. She told me that her partner would be out of prison by January and she had started to buy nice things for the kids. She is scared. Transcripts of the proceedings in the Magistrates Court are not usually available, unlike the proceedings in the District and Supreme Courts, which Spark and Cannon Pty Ltd transcribe each day for everybody who wants a copy. People must order transcripts from the Magistrates Court. Ms Logue is living in the law of the jungle, and this Government is keeping her there. The Government pays lip service to domestic violence and to women and children who live under the threat of death.

The next person's case I will refer to is that of Mrs Margaret Hunter. The Attorney General has shown a complete and callous disregard for Mrs Hunter. The Attorney General is not here for this motion on victims of crime. Last week he did not attend the rally outside Parliament House below the office in which he was sitting. He sent down the Minister for Community Development to attend the rally. When I came up early from the rally, the Attorney General was just coming out of his office. I asked him why he was not at the rally. The rally was made up of mums and dads whose children had died. They were helping Lifeline WA, which helps counsel children who are considering suicide. Lifeline WA wanted an extra \$300 000. The politicians standing there at the time said that the Minister for Community Development would have that amount of money in her handbag. One woman who had lost two sons gave an impassioned plea asking people to help Lifeline WA. Where was the Attorney General? He had been invited. It was his portfolio.

Mr P.B. Watson: Will you take an interjection?

Ms Sue Walker; Deputy Speaker; Mrs Michelle Roberts; Mr Colin Barnett; The Acting Speaker (mr A.P. O'gorman); Mr Clive Brown; Acting Speaker; Acting Speaker (mr A.P. O'gorman); Mrs Cheryl Edwardes; Mr Phillip Pental; Ms Margaret Quirk; Mr Paul Omodei

Ms S.E. WALKER: No, I will not. I will not take an interjection. The Minister for Health is also the Attorney General. As Colleen Egan said in the *Sunday Times* this week, he holds a unique position. However, he did not have the courage or the gumption to speak to the mums and dads.

Mr P.B. Watson interjected.

Ms S.E. WALKER: They wanted him there. He is the one who pulls the strings in this Government most of the time. He is the one who pulls the strings.

Mr F.M. Logan: You never gave them any money.

Ms S.E. WALKER: Was that the member for Albany? I am speaking now. I was not in the last Government but from what I have seen, it did a damned good job for victims. When the member for Kingsley was the Attorney General, she introduced the Victims of Crime Act, which this Government has weakened. I want to talk about an article by -

Mr P.B. Watson: Have you done an anger management course?

Ms S.E. WALKER: Just listen. I want to talk about victims of crime. Colleen Egan wrote in the *Sunday Times* that one of the greatest responsibilities of the State is to protect its citizens from harm and another is to protect the rights of the community's most vulnerable members. She was talking about Narkle's latest victim. She made some very apposite comments in her article. She said that in his unique position as Attorney General and Minister for Health, Mr McGinty met Kylie on Friday and explained his efforts afterwards to the *Sunday Times*. The suggestion was that Mr Narkle be taken off the streets because he was declared mentally unfit and that Mr McGinty would fight in the courts any challenges by Mr Narkle to that decision. Colleen Egan said that to his credit Mr McGinty was not afraid of that challenge. Who can forget the photograph in the paper of the Attorney General's arm on Kylie's back?

At about 10.30 last night I had finished writing what I would say to Mrs Hunter and left a message for her to ring me. I had not spoken to her for a week. I told her that this motion would be debated today and that I would speak about her case. She said, "Sue, I have to tell you that I was so angry when I saw that *Sunday Times* article because it made the Attorney General look compassionate." I said that was funny because it made me angry too and I thought of her case. Mrs Margaret Hunter rang my office a couple of weeks ago. She said in a telephone message to me that her daughter had been murdered and that she would like to discuss the issue with me, and so she came to see me. I did not know who she was; I had absolutely no idea. I sat and listened to her. It emerged that she was the mother of a young 22-year-old lady who had been brutally and violently killed by her former partner, Mr Marks. I was partly familiar with the story because I had seen it dealt with prominently in *The West Australian*. The newspaper had run a series of articles in which concerns were raised that, notwithstanding that Mr Marks had been ordered to be detained at an authorised hospital at the Governor's pleasure - that is, an indefinite sentence - he was out on the streets within 10 months following a recommendation to the Mentally Impaired Defendants Review Board. I assume that the recommendation was from a psychiatrist at Graylands Hospital. It was accepted by the Attorney General and Marks was allowed into the community. Mrs Hunter is very distressed and despairing about that. I will tell the House why. I will explain the human side of what happened to Mrs Hunter. She rang the office of the Attorney General to speak to him because she wanted to see him about this. What did the Attorney General do? He declined to see her. I will not go into morbid or graphic descriptions, like some members of this House do, but I think it is important to tell Mrs Hunter's story and what has happened to her since her daughter died. Mrs Hunter and her mother, Michelle's grandmother, found her daughter in her home. Before being strangled, her daughter had her front teeth knocked loose, her nose broken, her liver split from stomping on her body, as well as various other injuries. She says that she knows and lives everyday that her daughter died in pain. Her daughter was a slightly built young woman. She was popular and managed a cafe in the northern suburbs. She was a responsible woman. Mrs Hunter says she is in unending agony everyday. Whenever I am visited by a victim, I always ask whether I can read everything in his or her possession including victim impact statements, their statements and any trial transcripts. As such, I have read some of her thoughts. I will mention some of those thoughts later. I wanted to read some of her thoughts to the House to give a human side to the face of this lady and because this case raises some legal issues. She feels a sense of injustice as a victim because she feels that she is living in a jungle. As I quoted before -

NO ONE is above the law - not lawyers, nor the media, nor the Government.

It offends our sense of justice if people can flout the law and get away with it, especially the rich and powerful.

Why is this case important? She feels a sense of injustice because she found her daughter, who died in terrible pain, yet the offender was acquitted because of unsoundness of mind and sent to Graylands Hospital on a

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custody order. That person is now out in the community. She fears that she will bump into him. During the interview, what angered me the most was when she told me the Attorney General had refused to see her. Apart from the callousness of the Attorney General, I would have thought that he wanted to see this woman. This matter raises issues concerning legal and policy decisions. Would not a person want to get to the bottom of this? Would not a person want to improve things and know what the woman was going through and what the system was all about? Would not a person want to work out what to do to help such people? According to what the Attorney General says in the article titled “Deliver us from evil”, he will have Mr Narkle off the streets. He should be off the streets now. I am surprised that the Attorney General has not said so in the House. That article raises questions about the mental health system and the legal system, as does this case. When I talk about such issues I try to not criticise but to think of some solutions. I am not in government; I do not have a handle on all the departments. The Attorney General, the Minister for Police and Emergency Services, the Minister for Community Development and the Premier have all these things at their disposal. Before I talk about that I will raise a disturbing aspect about this matter, which is the inability of Mrs Hunter to obtain a full transcript of the trial from the Office of the Director of Public Prosecutions. There is danger here. She told me today that since the trial she has been chasing the trial transcript. She started asking the police but they said she had to wait until it was passed to the DPP. She started ringing the DPP and leaving messages for the prosecutor to ring her. He never returned her calls. She finally got hold of him and he said she could come in and read it but it was too large for her to have a copy. Why? Under the Victims of Crime Act, Mrs Hunter is a victim. She is entitled to a copy of the transcript. Instead of photocopying it for her, she was told she had to go to the office to read it. She said she needed to read it to try to get some answers. Why is this woman struggling to get answers herself? Why are some of the ministers opposite not helping her? She said that at the trial a person is so traumatised and stressed that a lot goes over a person’s head. She said that even when she went to the DPP to read the transcript she felt she was under pressure so she asked for a copy. The prosecutor said he would ring her next week. That was at the end of November, but he never rang. She has been ringing since then to try to get a copy. Why can she not get one? Everyone in the group she belongs to has got theirs. She belongs to the Homicide Victims Support Group. They did not have the trouble she has had. She asks whether they want her to have a copy. She feels there is a big cover-up with Graylands Hospital. The hospital had Mr Marks for six years on and off before he murdered Michelle. It was said at the trial that he was not responsible for the murder. Mrs Hunter asks: who is? She said she was so bitter with all of them; that is, the people in charge at Graylands, the Attorney General and the Mentally Impaired Defendants Review Board. She asks whether anyone cares whether this person bashed and killed her beautiful daughter. No-one is taking any responsibility and nobody cares.

When I spoke to Mrs Hunter I looked at the Criminal Code as well as the summing up by the trial judge. A person cannot be subject to section 653 of the Criminal Code, acquittal on the unsoundness of mind, unless the jury finds that the accused person killed the victim. Is this something that needs to be looked at? Once the accused sets up a defence of unsoundness of mind, the onus shifts and he has to prove he had an unsound mind. The jury found that he did because it appears drugs were involved; he had cannabis and other drugs in his system. The judge then has to make a custody order. The convicted person goes to Graylands and is detained at the Governor’s pleasure. He can be released at any time. The Criminal Law (Mentally Impaired Defendants) Act empowers the Governor to give such a person a leave of absence. The Governor is able to make a release order at any time. Mrs Hunter found that Marks was released after 10 months. I believe that she found out by reading a newspaper or some other means. It was certainly not through any system set up by the Attorney General. She was contacted by the victim notification register. She read a report in a newspaper dated 1 April 2004 titled “Insane killer out on trips”. The article states that the victim’s family fear meeting the man who ruined their lives. It refers to an insane killer detained at Graylands Hospital after he choked his girlfriend to death in his Westminster home in 2001. The man was taken on community day trips less than one year after being sentenced indefinitely to Graylands Hospital. The day release was sanctioned by the Attorney General, Hon Jim McGinty, and has left the dead woman’s mother, grandmother and sister fearing a face-to-face confrontation with the man who has devastated their lives. That newspaper article was run on 1 April. Mrs Hunter asked to see the Attorney General on 7 April, but he would not see her. Could the Attorney General not have sat down with Mrs Hunter and said to her that the offender had to be let out of hospital because there was no room for him to move around, or whatever the problem was? Do we need a bigger institution? I do not know. I am not in government. However, this is one policy issue to which the Attorney General should address his mind. As Colleen Egan of the *Sunday Times* said, one of the greatest responsibilities of the State is to protect its citizens from harm. Mrs Hunter is fearful of this man. Mrs Hunter’s daughter was killed by him in appalling circumstances and 10 months later she found herself bumping into him in a chemist’s shop. This matter raises all sorts of other issues. The Attorney General does not know who was with Mr Marks when he was let out of Graylands Hospital. Mrs Hunter asked the members of the Mentally Impaired Defendants Review Board, but they did not know. We do not know whether Mr Marks is under any restraint while he is out.

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I would like the Attorney General to find out for Mrs Hunter why she has been given the runaround in her attempts to get a copy of the trial transcript. She rang me after she came to see me and said that she had spoken to the secretary to the Director of Public Prosecutions. She told me that the prosecutor had gone to see the director. She wants a copy of the medical evidence and a copy of the Crown's opening that were presented at the trial. She has received other parts of the transcript, but she cannot get those parts. We do not want to create the perception, as appears to be happening with Mrs Hunter, that somehow the DPP's office is being politicised. We do not want that in this State. Mrs Hunter, as a victim of crime, should be able to get the transcript if she requests it as soon as the DPP's office can provide it. As the trial ended in March last year, she should not still be waiting for it. Mrs Hunter has a deep sense of injustice. We know how the system is treating Mr Marks, but how is the system treating Mrs Hunter? I would say abysmally. I ask the Attorney General why no-one told Mrs Hunter what was happening with Mr Marks; why the board's decisions are taken in secret; and why a distressed woman has to beg and plead - she says she has to beg and plead - to the DPP for the transcript of the trial of her daughter's killer?

I have considered some of the solutions that are open to the Attorney General and the facilities that are available for killers who have a mental illness. Do the facilities need upgrading so that those people can be kept inside and victims can be safe from them? Mrs Hunter should not have to say that Mr Marks can go to Fremantle and she will go elsewhere. This is another classic example of the lack of respect this Government has for victims and its lack of protection for them, as referred to in my motion. The way Mrs Hunter is being treated by another minister of this Government is shabby, disgraceful and shameful. I sincerely hope that I, on behalf of Mrs Hunter, have covered as much as I could. It is important to me that I have covered everything, but if I have not, Mrs Hunter will tell me and I will be back. I hope that the Attorney General will get in contact with Mrs Hunter and that he will deal with these issues.

I refer now to the way in which another victim of crime has been dealt with. I raise again the case of Leo McVeigh. Mr McVeigh feels that he is in the jungle too. I asked a question on this issue in the House on 3 March, which reads -

I refer to my letter to the Premier dated 25 August 2003 in which I sought his help to have the Minister for Police respond properly to Mr Leo McVeigh's request for a formal written explanation from the police or the Director of Public Prosecutions about why his allegations of child sexual abuse committed against him by a former Catholic priest were not pursued.

(1) Is the Premier aware that after eight months the police minister still has not provided a response?

I did receive a response from the police minister - a letter I had already received - but I did not get a response to Mr McVeigh's request, which was for a formal written explanation of why this matter was not pursued. When victims come to see me about an issue, I do not stand in this place just to criticise the minister; I try to find a solution to the issue. It appears to me that when issues are raised in the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers - such as the Barry Cable issue about people in high places not pursuing a prosecution - and when a victim feels that an alleged perpetrator has connections with politicians and police, the only way around that is to make a policy decision that the DPP or the police give a formal written explanation. I have not got that explanation. I went on to ask -

(2) Does the Premier support, as a matter of policy, that a victim of child sexual abuse should be able to receive a formal written explanation from law enforcement agencies of why the victim's complaint has not been pursued?

There was no response to that question. It appears to me to be the most simple matter to put down in writing the reason a complaint has not been pursued. There is the case of Longman on that issue that could be thrown into an explanation. I further asked the Premier -

(3) Given the circumstances of this case, has the Premier inquired or will he inquire into whether there has been any improper intervention from any person to prevent this complaint proceeding?

The Premier did not respond to that either. Mr McVeigh came with his mother and father to see me. He had been to see a few politicians. He asked me whether I would consider where he was coming from. He said he was coming from a position in which he felt it offended our sense of justice if people could flout the law and get away with it, especially the rich and powerful. Mr McVeigh's allegation is that as a young boy he was raped by a former Catholic priest. He came with his parents to see me - all devout Catholics - because he believed that his case was being brushed under the carpet and the offender had escaped justice and could be a danger to other

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children. His case is different from the other victims of crime that I have spoken about, because there has been no trial. After I asked this question in the House, there was an article in "Inside Cover" in *The West Australian* that suggested I had not mentioned the political connections. I am not going to do that because I do not want to cloud the issue. I would like to see a policy decision implemented.

I want to talk also about how the Premier and the minister have dealt with this issue when they know it is a little sensitive. Mr McVeigh said that he first complained to the church in January 1998 and that he received counselling from the church between January and September 1998. On 14 October 1998 he made a formal complaint to the professional standards resource group of the church outlining what had happened to him. I have a copy of that complaint and I have read it. He told me the person he was dealing with was, I think, Father Des O'Sullivan, the director of professional standards. Mr McVeigh said that in his presence Mr O'Sullivan telephoned Jackie Ellis of the child abuse unit on 23 October 1998. The police said, by and large, that they would take a statement in four to six weeks. After six weeks Mr McVeigh started ringing the child abuse unit and was just fobbed off. About three and a half months later, Father O'Sullivan recorded a meeting with then Assistant Commissioner Tim Atherton in the presence of David Caporn and John Wibberley. On 19 March 1999 Mr O'Sullivan had a further meeting with John Wibberley. The McVeighs were aware that there was a connection with a politician and they went to see the politician. He is now a minister and he has done nothing about this matter.

The fact that there was a political connection to this case was considered important to the church, because in the 1990s or thereabouts Leo went to inspect the church file. He was told by Father O'Sullivan that he could not take a copy of it, so he recorded it all verbally on a tape, and wrote out the notes afterwards. I have all the notes with me, and I have read them. He said that there was a large heading about the political connection. I should mention that I have with me a letter written to Leo by Father O'Sullivan, the director of professional standards, which confirms all his meetings with Assistant Commissioner Atherton and with, I think, Detective John Wibberley. Leo took a copy of those notes. He sent a letter to the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers. It states -

In November, . . .

That is in 1999. It continues -

I rang the sexual abuse unit to speak with Officer Cresswell to enquire what progress had been made. I was informed she was on sick leave and that there was no-one available to speak with. I rang the following day and was informed that Michaela Cresswell had been transferred to the Fremantle Police Station. The same month I rang the sexual abuse unit to ask who had taken over my case from Officer Cresswell. The receptionist informed me straight away that Officer Cresswell was on holiday leave. I asked to speak to someone in charge and Detective Sergeant Wibberley came to the phone -

He was at the meeting -

and he informed me that he was very busy and asked what I wanted.

He mentioned that he had heard that Officer Cresswell was on holiday leave. It continues -

I asked him what was going on about my case and who was investigating it. His response was, "There is no-one here to investigate this." "What; was it just these two times? This will go nowhere."

He states -

In the year 2000, I persistently tried to find out who had taken on my case, since I had not had any contact from the sexual abuse unit. Every time I rang, the receptionist informed me that there was no-one to take my calls, and she could give me no information. Promises of returned phone calls were never kept.

Only after ringing the victims support unit, who on my behalf rang the sexual abuse unit, did Detective Fergus McKinnon ring me, as to what I wanted. After much frustration and discouragement on my part, Fergus McKinnon organised a meeting with me at the sexual abuse unit in Perth. Detective McKinnon seemed to be more interested with who I'd told about these allegations than asking me for specific details. He said it did not look as though he could go any further with this case but also admitted that nothing had been done to that date.

He further states -

After a phone conversation with the D.P.P. Office, it was confirmed to me -

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[ASSEMBLY - Wednesday, 12 May 2004]

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Ms Sue Walker; Deputy Speaker; Mrs Michelle Roberts; Mr Colin Barnett; The Acting Speaker (mr A.P. O'gorman); Mr Clive Brown; Acting Speaker; Acting Speaker (mr A.P. O'gorman); Mrs Cheryl Edwardes; Mr Phillip Pandal; Ms Margaret Quirk; Mr Paul Omodei

He had been told that his file had been transferred to the DPP -

that no such file had been received by their department. After several phone calls regarding my file, Officer John Adam of the Sexual Abuse Unit enquired of Detective McKinnon why the file was still with the sexual abuse unit. Officer John Adam forwarded my file to Mr Geoff Lawrence at the D.P.P. Office.

A request was made by myself to meet with Mr Lawrence to discuss the file which he had recently received. I let him know during that meeting that I wanted charges to be laid After that meeting Mr Lawrence said he would contact me at a later date. During the contact of that later date, he informed me by phone that no charges would be laid and that this case was finished.

I am not casting any aspersions on Mr Lawrence or any of the police officers. I go back to Law Week. It offends our sense of justice if people can flout the law and get away with it, especially the rich and powerful with friends in high places. I am not saying that this is an allegation; I am saying that there is a perception in this case. Other perceptions arose during the police royal commission. I ask myself how we can get around this. We can get around it by asking the law enforcement agencies to give us a formal written response.

When Mr McVeigh came to see me with his parents about this issue, he said that he felt fobbed off. This is reflected in the letter to the royal commission that I have read. He does not want the law of the jungle to apply in this State. As I said, it offends his sense of justice to think that this man's political and police connections have led to this matter being swept under the carpet. Everyone sees this case as being too hot to handle. Why? It is because of connections and because the accused, as was stated in the "Inside Cover" article, is no longer a priest and a professional person. I accept that. That is why I am not naming names. There is a simple solution, as I said: a formal written explanation.

When I first wrote to the Minister for Police, who buried her head on this issue, I am sure that if she had got the police or the Director of Public Prosecutions to give a proper formal response, Mr McVeigh would have been happy. I am quite sure about that. What happened? Let us look at the attitude of Minister Roberts, the Attorney General and the Premier on this issue. I originally wrote to the Commissioner of Police on 22 April about this matter. I said that I had been approached by Mr McVeigh, who had asked me for assistance in determining why the police and the DPP did not pursue his allegations of sexual abuse. He went on to say that he reported the allegations to the child abuse unit. I asked for a copy of the police brief, and whether he could obtain copies of that.

Mr Matthews, the Commissioner of Police, was away at the time. I will not go through the correspondence. However, his office could not recall ever receiving that letter. However, funnily enough, in May, my electoral office received a response regarding Leo McVeigh from Alison Karmelich, the parliamentary liaison officer to the Minister for Police - on an important matter like this. That seemed strange to me, because when I tried to ring or speak to the Commissioner of Police, he said that he had been told that the protocol was to go through the minister; yet this issue concerning Mr McVeigh was given to a minion in the minister's office to try to deal with it. I wrote to the minister on 10 June. I gave her all the letters and asked for a proper explanation of why the matter was not pursued by the DPP, whether a police complaint had been made out and whether there had been an investigation into whether there had been a fobbing off. My office rang the minister's office and there was no response.

I had a discussion with the member for Kingsley about how I should handle this matter, because I did not want to raise any political connections. However, I wanted to get to the bottom of it, for Mr McVeigh's sake. Therefore, I wrote to the Premier, Geoff Gallop, on 25 August and stated -

Please find attached copies of letters between myself and Minister for Police . . . which are self-explanatory. Mr McVeigh has come to see me because he wishes a formal written explanation from the Police Commissioner and the Director of Public Prosecutions as to why . . .

It goes on. I told him why I was writing to him and nobody else. I stated -

I do not wish to politicise this matter but am very disappointed that the Police Minister appears to be 'burying her head in the sand' and hoping that it will go away. . . .

I am requesting from you on behalf of Mr McVeigh, a formal letter of response from the Police Minister as the office has only received an email from a "parliamentary liaison officer" which I think is entirely inappropriate.

Ms Sue Walker; Deputy Speaker; Mrs Michelle Roberts; Mr Colin Barnett; The Acting Speaker (mr A.P. O'gorman); Mr Clive Brown; Acting Speaker; Acting Speaker (mr A.P. O'gorman); Mrs Cheryl Edwardes; Mr Phillip Pandal; Ms Margaret Quirk; Mr Paul Omodei

As a matter of public policy any child who alleges sexual abuse and has the courage to come forward when they are older ought to be able to obtain a formal written response as to why the matter is not proceeding.

I asked for certain other things regarding that matter.

The Premier, to his credit, did write to me. It must be borne in mind that the Premier waxed lyrical about the Hollingworth crisis. I will refer to that. I have a document dated Wednesday, 20 February 2003, which states -

Premier Geoff Gallop said yesterday the approach by the churches to sex abuse over the years, in general, had been appalling.

Dr Gallop made particular reference to the way the churches had failed to take into account the interests and emotions of the victims.

I was relying on the Premier's view of child abuse and his comments that other people had failed to take into account the interests and emotions of the victims. He was reported in *The West Australian* of Saturday, 3 May as saying -

Child abuse is a very significant issue and because of its significance I think the Governor General would help himself and everyone else if he moved aside from the position.

He was a strong and strident campaigner for Dr Hollingworth to stand aside. He stated -

The removal of Governor-General Peter Hollingworth would send a strong signal against child abuse,

Therefore, I wrote to the Premier, hoping that he could get for me the formal written response about why this matter was not pursued. The minister wrote back to me. She thanked me and wrote that with regard to why the matter was not pursued by the Director of Public Prosecutions, it should be noted that the DPP was not in the best place to respond, since it was after consideration of all the available facts that the had DPP determined that there was insufficient evidence to proceed. She wrote that, accordingly, she had taken the liberty of referring my correspondence to the DPP for his consideration and direct response.

I wrote back and asked for a copy of that letter. I have never received it. I have not heard a word from the Office of the Director of Public Prosecutions. I do not even know whether he received a letter from the minister. This letter was sent to me on 1 September after I had written to her in April. I am now reluctant to send anything to the minister when victims come into my office. She wrote that the DPP's determination was also the conclusion of Detective McKinnon, who considered after extensive investigation that there was insufficient evidence to proffer charges with regard to the allegations.

She went on to detail that they had confirmed the content of a Channel Seven television program; that they had approached the complainant's sister; that they had contacted church members, who had no knowledge of the alleged incidents; that they had assessed the actions of Mr McVeigh on the day of an alleged incident at Perth Zoo; and that they had interviewed the alleged offender. She also referred to the sensitive nature of this case, but why was it sensitive? She wrote that Detective McKinnon took the further step of seeking the opinion of the DPP regarding this matter and provided a comprehensive report of the available evidence.

The DPP's view was that it should not proceed. I wrote and asked whether the minister could forward me a copy of the covering letter to the DPP, and whether she could tell me which church leaders were contacted and on what date. We know that there is a church file. I have all the notes that Mr McVeigh said that he made. I asked where and on what date the offender was interviewed; what actions of Mr McVeigh on the day of the alleged incident at the zoo were assessed; and why Detective McKinnon thought the matter sensitive. I received a response to that. The response was tabled by the Premier on the day that I asked the questions. That response was final.

Mrs M.H. Roberts: You said twice that you did not receive a response and now you are saying that you have a response. Your argument is hard to follow.

Ms S.E. WALKER: I am trying to find the response that I received on that day, because the Premier referred to it when he tabled it. It is not good enough simply to write to a victim and say that there is insufficient evidence. It is not good enough to say that all the questions that have been asked will not be answered because of confidentiality and operational matters.

When the "Inside Cover" article was written the reporter did not know what I had listed. I believe it was perfectly reasonable to ask which church members were contacted. If church members were contacted, what is happening in the church, because there is a church file? I am disappointed with the way in which the Minister

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for Police tried to palm this matter off because she thought it was too hot to handle. I am disappointed in her incompetence in not going to the DPP and asking him to give her a proper answer on this issue. It is important, as it is Law Week, and the Law Society also considers it important, that when people have connections with people in high places, there is not the perception that they are pulling strings. That is why I am choosing not to talk about the connections but the issue of policy. That is why I am choosing to talk about the Premier knowing full well the perception of this matter. It was he who during the Hollingworth crisis got on the front foot and started talking about the victims of abuse by priests. It was he who talked about victims’ emotions and how we should be considering them. The sheer hypocrisy of the attitude of the Premier and ministers to victims of crime in this State is appalling. It is the law of the jungle on the other side of the House, not the values of the Liberal Party, which have been expressed time and again through the Victims of Crime Act.

Ms M.M. Quirk interjected.

Ms S.E. WALKER: The member for Girrawheen sits there like a troglodyte in the corner, continually carping on. She never gets up to speak. We are talking about women, domestic violence and death.

Withdrawal of Remark

Mrs M.H. ROBERTS: I think you will find, Mr Acting Speaker, that the member for Nedlands has used an unparliamentary term when referring to the member for Girrawheen, which is disappointing considering the subject matter she is talking about. I would have thought that when referring to women members of Parliament, her gratuitously directing comments like that to another woman member of Parliament was completely out of order. Of course, her comments are hypocritical.

Mr C.J. BARNETT: There is absolutely no point of order. The member for Nedlands -

Mr P.B. Watson: Where are your standards?

The ACTING SPEAKER (Mr A.P. O’Gorman): Order, member for Albany!

Several members interjected.

The ACTING SPEAKER: Order, members! I am trying to hear a point of order. It does not help when members interject. I want to hear the point of order so that I can make a ruling.

Mr C.J. BARNETT: I would not have thought that the term “troglodyte” was particularly offensive. The member for Nedlands commented that the member for Girrawheen was effectively behaving like a troglodyte.

Ms M.M. Quirk: She did not say that. She said that I never got up and never spoke in this place.

Mr C.J. BARNETT: That would be a very accurate observation. The member rarely speaks. Whether or not she speaks in this Parliament is a matter for her and not a matter for the Chair. The member for Nedlands can make whatever reference she wants about the parliamentary performance of any member in this place. There is absolutely no point of order at all. The member for Girrawheen can get up and speak on this debate, and I hope she does.

Mr C.M. BROWN: A point of order was moved to resolve parliamentary standards. It is a point of order that has been raised on many occasions. The fact of the matter is that the point of order needs to be upheld. The member for Nedlands needs to withdraw if the member for Nedlands and Liberal Party members are interested in standards.

Mr C.J. Barnett: What needs to be withdrawn?

Mr C.M. BROWN: The problem with the Leader of the Opposition is that he can never be quiet. I do not know how he ever gets on. He is right about everything. He must have had a difficult upbringing, because he is right about every conceivable thing that happens in the world. I wish that I could be right so many times like the Leader of the Opposition. He is just unbelievable.

Mr R.F. Johnson: Tell us what the point of order is.

The ACTING SPEAKER: Order!

Mr C.M. BROWN: The way he can -

Mr R.F. Johnson: He is disgraceful.

Mr C.M. BROWN: He interjected -

Several members interjected.

Ms Sue Walker; Deputy Speaker; Mrs Michelle Roberts; Mr Colin Barnett; The Acting Speaker (mr A.P. O’gorman); Mr Clive Brown; Acting Speaker; Acting Speaker (mr A.P. O’gorman); Mrs Cheryl Edwardes; Mr Phillip Pandal; Ms Margaret Quirk; Mr Paul Omodei

The ACTING SPEAKER: Order, members on both sides! It does not help when members are interjecting. The Minister for State Development has the floor and is talking to the point of order. Members on my left and right are interjecting. I am still trying to resolve the point of order that the minister raised. I would like to hear both sides, but with everybody interjecting I cannot. I ask all other members to be quiet.

Mr C.M. BROWN: I was making the obvious point that this point of order is about standards in the House. My submission is that the point of order should be upheld if we are interested in improving the standards of this House.

Mr C.J. Barnett: What is this point of order?

The DEPUTY SPEAKER: Order, members!

Mr C.M. Brown: That is the point of order. Don’t you understand it? Jesus, you’re bloody hopeless! No wonder your party’s in disarray.

The ACTING SPEAKER: Order, Minister for State Development!

I remind the member for Nedlands that we have standards in this place. I ask her to withdraw the reference. I have just looked up exactly what it means, because I was unsure. I believe it is not in keeping with our standards in the House.

Ms S.E. WALKER: I withdraw the reference to the member for Girrawheen as a cave dweller; that is, a troglodyte.

Debate Resumed

Ms S.E. WALKER: I made that remark because, frankly, the member for Girrawheen sits there and carps at me all the time while I am talking about serious issues. I looked at the definition of the term “troglodyte”. It is a cave dweller.

The point is that when the Premier tabled that document, he attached to it a briefing note by Assistant Commissioner Tim Atherton, who is now the acting deputy commissioner. He was at the original meeting with Father Des O’Sullivan when they discussed this issue. We need to get rid of the perception that people in the police department, the DPP or any law enforcement agency or in politics, or people who have friends in high places, are pulling strings. There should be a policy whereby a child abuse victim of any age is allowed to have a written formal explanation for why the charges will not proceed.

Mr R.F. Johnson: When was the complaint laid?

Ms S.E. WALKER: The complaint was laid in 1999. Mr McVeigh has been trying to get his statement signed ever since. He feels strongly about the matter. He is a devout Catholic. He is still in the church, as are his parents. He does not mind my raising his name in Parliament. I spoke to him late last night and told him that I would raise this issue again in Parliament. I want to know why the police thought the matter was sensitive. I want to know why a person who says that he has been sexually assaulted by a priest has to continually ring to get a statement signed. Why is this happening? How can we stop it happening? Those questions need to be asked. The Premier should be asking those questions, because he is the one who takes every political opportunity to talk about child abuse. He hollered from the highest tree about the Hollingworth issue and why we should consider the emotions and concerns of victims. He has done nothing. When he tabled that letter, he did not answer my question about whether he believed it was a matter of policy, instead of just calling people in, sitting them down and telling them that it would not be done because of this or that. They go away feeling totally confused when they come up against a blank wall. The Premier is in a position to do something about it. Frankly, I am in this place to speak on behalf of victims of crime. I take seriously what they have to say. Members on this side of the House value the rights of victims of crime. We do not value the law of the jungle. We value the rule of the law. We think that only by exercising the rule of the law properly and with integrity will people in this State get justice. Those people about whom I have spoken think they are living in a jungle. I hope that the four ministers I have mentioned today have the integrity to contact some of these victims and try to work something out for them.

MRS M.H. ROBERTS (Midland - Minister for Police and Emergency Services) [5.12 pm]: I am very pleased to have the opportunity to respond to this motion for a variety of reasons, but principally to clearly demonstrate that our Government has done a significantly better job of supporting victims of crime in three years than the previous Government did in its full eight years in government. I remind the House up front of the Governments that have supported victims of crime in this State. I note that the Victim Support Service was launched in July 1992 by a Labor Government. Further, the Victim Notification Register started in October 2001, again under a

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Ms Sue Walker; Deputy Speaker; Mrs Michelle Roberts; Mr Colin Barnett; The Acting Speaker (mr A.P. O'gorman); Mr Clive Brown; Acting Speaker; Acting Speaker (mr A.P. O'gorman); Mrs Cheryl Edwardes; Mr Phillip Pental; Ms Margaret Quirk; Mr Paul Omodei

Labor Government. Both services are designed to notify victims of crime and provide support. Of course, it is rather shallow for the member for Nedlands to say that the Liberal Party now supports victims of crime. It is not on record as ever having done that in government. Labor Governments are on record as supporting victims of crime.

Our Government has done a lot over the past three years to support victims of crime, but I do not expect the member for Nedlands to acknowledge that. I will run through some of our initiatives, and their impact on some of the cases that the member has read out of the newspaper today. The justice mediation initiative in court 37 is a court-based program that commenced in May 2003. It offers victims the opportunity to mediate settlements with offenders prior to court hearings. Since it commenced, that program has had referrals from 255 victims. Of these victims, 52 per cent have agreed to be involved. The court is provided with a report on the outcome of every referral. Approximately \$1.5 million has been allocated over a three-year period to establish and expand that program, both in metropolitan and regional Magistrates Courts. This includes funding for a pilot program to enhance the referral process for victims via the Victim Support Service. A review of that mediation service will be done this year. However, feedback from stakeholder groups indicates very strong support by everyone for this initiative. In October 2001 we put in place the Victim Notification Register, which provides an information service for victims of crime at a cost of \$60 000. It allows registered victims to receive information, such as sentence information and changes to offender circumstances, as long as that person is under the supervision of the Department of Justice. I am advised that the number of offenders being monitored has increased from 228 about a year ago to some 450 currently.

The court conferencing pilot program commenced in October 2001 in the Perth Children's Court. That was later established in all metropolitan Children's Courts. This expanded the concept of juvenile justice teams by providing courts with an option for victims of more serious offences to become involved in the outcome. Twelve to 18 months after being referred to court conferencing, 75 per cent of referrals had not returned to court, and the current victim attendance rate is 55 per cent. Ninety-two per cent of victims surveyed stated that they were satisfied with the outcome, while all believed that they had benefited from the process.

The introduction of the Criminal Property Confiscation Act 2000 has provided some good results. The first round of grants was disbursed in June 2003 and totalled \$1.2 million for some 25 projects. Many of these community grants provide assistance to victims of crime. The second round of grants, totalling \$800 000, was recently advertised for applications and they are currently being assessed. Members will also recall that we established the Gordon Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities. A significant amount of money has been allocated in response to the recommendations to combat child abuse and family violence in Aboriginal communities. A senior Aboriginal liaison officer has been appointed to the Child Victim Witness Service to work with service providers across the State to address the needs of Aboriginal children. New services in outlying areas across the Kimberley, Pilbara and goldfields are being provided, and we are extending the use of Victim Support Service contractors instead of providing a fly in, fly out service to regions.

In January this year Cabinet agreed to the establishment of a child sex offender register, and will include anti-loitering offences and a range of other offences. We have taken action resulting from the recommendations of the Skinner report. As has already been mentioned, for the first time we have put in place a comprehensive tracking system to identify all prisoners who have a violence restraining order lodged against them. This will prevent their making contact with their victims. We are also putting in place a notification system on the prison database system to ensure that all mail from prisoners who are in custody and who are subject to violence restraining orders is screened.

We have put in place a range of new legislation. More legislation is currently in the drafting process and will soon be introduced into Parliament. Services for victims include the Child Victim Witness Service, the Coronial Counselling Service and the Family Violence Court, which began as a pilot court in Joondalup. Those best practice features are being rolled out to other courts. The Criminal Injuries Compensation Tribunal has significantly improved its collection rate. The amount of compensation payable to victims has increased from \$50 000 to \$75 000. Interim payments are available to meet urgent medical, dental, counselling and funeral costs, among other items. The Department of Justice policy on victims of crime was launched by the Attorney General in January 2003, and all parts of the department have reported their achievements in response to that policy. The Department of Justice is the first government agency to have a specific policy on victims of crime, and this will form a model for other agencies. There is cross-government coordination of victims issues. Protocols for secondary victims of homicide have been established between the Director of Public Prosecutions, the Police Service, the Coroner's Court and the Victim Support Service to ensure prompt and effective delivery of services to secondary victims of homicide. Nowhere else in Australia is there a set of protocols as

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comprehensive as the ones we have put in place in Western Australia. A victims services directory has been published and made available to victims of crime and service providers. A video has been produced to assist Aboriginal victims of crime prepare for court processes. I understand that is titled "Taking the Stand".

Sadly, in the notice that we were given of this motion, we were presented just with the generic statement that this House condemns the Gallop Government for not supporting victims of crime. I have demonstrated briefly a range of things that the Gallop Government is doing to support victims of crime, and how it has enhanced its efforts to support victims of crime both in resourcing and in legislation. More legislation is to come to further support victims of crime.

I turn now to a couple of cases, neither of which the member for Nedlands gave me notice that she would be raising today. I want to put a few things on record with regard to those cases. The first case is that of Ms Pamela Logue. The member for Nedlands all but suggested that the Government had done nothing. She then went on to say how we had changed the prison mail process as a result of that case. She suggested also that there had been requests for meetings with ministers, particularly the Minister for Community Development, Women's Interests, Seniors and Youth, and that those requests had been denied. My understanding is that there was no request to the Minister for Community Development for a meeting. Yes, there was an e-mail dated 1 April this year that made a number of points and asked for a range of matters to be taken into consideration. My understanding is that those matters have been given consideration and will continue to be given consideration, and that the Minister for Community Development has responded by way of a letter to that e-mail.

Subsequently, I have been advised that the Department for Community Development in Armadale has been in touch with Ms Logue. I understand also that Ms Logue has been speaking with the domestic violence police officers at Cannington Police Station. Again, I do not want to go into the details, because it is possible that the offender will read *Hansard* or pick up on the public information. All I want to do is place on record that the advice from the DCD officers in Armadale is that they have been in contact with Ms Logue, and that they spoke to her only last week and she reaffirmed that she had been having good dealings with the domestic violence police officers at Cannington and had been assured that she would be contacted prior to the release of the offender from prison and that things would be put in place. It is not as though, as the member for Nedlands suggested, she has not been contacted.

Ms S.E. Walker: It is Ms Logue who has suggested that. Listen to what she is saying.

Mrs M.H. ROBERTS: I am advised that Ms Logue has spoken to officers from both DCD and the Police Service, and they have given her assurances.

I turn now to the McVeigh case, which the member for Nedlands also raised. I sought some further information on this matter from the Police Service in March of this year, and I received some advice from the then Acting Deputy Commissioner, Tim Atherton. He made a number of points to me, and it would be useful to put those points on the record. He says -

In response to your request for information concerning the matters raised in Parliament yesterday by Ms Sue Walker, member for Nedlands, concerning the above named person, I provide the following information -

1. Child Abuse Investigation Unit have dealt with the complaint from McVeigh having initially received a complaint on 21 October 1998
2. McVeigh signed his typed statement on 13 April 1999
3. The Person of Interest was interviewed on video on 13 October 1999 and denied any offences

I note at this point that this all happened during the term of the previous coalition Government. A lot of allegations have been made that, somehow, I received a complaint, or that the current Premier, this Government or its ministers have somehow covered this up or are trying to protect someone, or that there is some issue there. The fact is that the complaint was made in 1998. The signed, typed statement was made on 13 April 1999. That is two years before the change of Government. Now, of course, all the expectations are on the current Government, not on the previous Government, even though this relates to its time in office. The acting deputy commissioner's letter continues -

4. McVeigh's brother signed a statement on 30 March 2000
5. On 31 July 2000 the Investigation file was submitted to Director of Public Prosecution for opinion whether there was sufficient evidence to proceed

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6. Proecutor from the DPP, Mr Geoff Lawrence, provided a written reply advising that on 21 February 2001 he had -

Ms S.E. Walker: A written reply to whom, minister?

Mrs M.H. ROBERTS: Does the member for Nedlands know how many times during her speech she said that she would not take interjections? I am giving a direct quote from the acting deputy commissioner of police and -

Ms S.E. Walker interjected.

The ACTING SPEAKER (Mr A.P. O'Gorman): Order! Members, the minister was clearly not accepting the interjections. We are trying to get through this process in which the minister is providing her response. I ask that the member for Nedlands listen to the response, as she has raised this very important issue.

Mrs M.H. ROBERTS: I will continue on from the point at which I was so rudely interrupted -

6. Proecutor from the DPP, Mr Geoff Lawrence, provided a written reply advising that on 21 February 2001 he had spoken personally to Mr McVeigh and advised him that there was insufficient evidence to instigate criminal proceedings against the Person of Interest and the reasons for the decision.

I seems to me that if that is the advice from the Director of Public Prosecutions on 23 February 2001, it is a little difficult now to try to lay this at the feet of the current Government. It is really a nonsense; it is a beat-up. It is another attempt by the member for Nedlands to come up with some dreadful, misleading and terrible conspiracy that has no basis in the facts. The advice continues -

7. On 11 December 2003 you responded to the Member for Nedlands concerning matters she has raised in regard to the investigation. (Copy attached)

Of course, I responded to the member for Nedlands. My understanding is that this matter has been addressed. The member for Nedlands is trying to rake over some old coals, to come up with a bit of smear and innuendo as she often seeks to do in this House, and to cast a few aspersions in a few directions. The fact of the matter is that I do not interfere in police investigations. How the deputy commissioner and the Director of Public Prosecutions go about an investigation, and the conclusions they come to, are not for me to question. It is not for me to tell them to prosecute or not to prosecute someone. I have to be assured that the appropriate processes have been gone through, and the acting deputy commissioner of police has given me that assurance. The Director of Public Prosecutions has come to the same conclusion but, sadly, the member for Nedlands will not accept it. I am hardly likely to demand that the Police Service, for example - never mind the Director of Public Prosecutions, for whom I am not responsible -

Ms S.E. Walker interjected.

The ACTING SPEAKER: Order, member for Nedlands!

Mrs M.H. ROBERTS: I am hardly likely to demand that the Police Service provide to the member for Nedlands, or anyone else for that matter, information that it tells me that for operational, personal security, identification or whatever reasons, it does not believe should be handed over. It is not my role to instruct the police who to investigate and who not to investigate, or who to prosecute and who not to prosecute. The Government has received a point-by-point response from the Acting Deputy Commissioner of Police. He has advised the Government that the Director of Public Prosecutions was directly in touch with Mr McVeigh and that the DPP had explained those circumstances. I can understand the situation. Mr McVeigh is simply not happy with the answer he was given. Indeed, many victims of crime might not be happy with an answer from the DPP that their cases will not be prosecuted. However, there is little point in prosecuting a case if there is little chance of its being successful. That would be a waste of public resources and also it would cause a lot of trauma for those involved if the action was not likely to be successful in court. Those decisions are best made - appropriately - by the DPP. Frankly, the DPP is someone of standing and integrity in the community. It is up to him or his office to determine what level of information should be disclosed. If people are not happy with that, they can go to other agencies. Part of the advice that was given to Mr McVeigh was that if he was not happy about the way in which the police had conducted matters, appropriate procedures were in place to make a complaint and have the matters investigated. I am not aware whether he has taken up that option, and it is not necessary for me to be aware of that. On the basis of what I have seen, I am satisfied that the police have dealt with this matter objectively.

The member for Nedlands has sadly engaged in a lot more muckraking that has no substance. As I said at the beginning of my speech, if members looked at the substance of the support services the Government put in place

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for victims of crime since it formed Government, they would see that those further support services will be ongoing and that legislation on this matter will be introduced into this House in coming months. This Government has a vastly superior record on victim support than do members opposite.

MRS C.L. EDWARDES (Kingsley) [5.33 pm]: I support the motion. It does not matter what the minister has done in government, whether something was done in the late 1980s or the early 1990s, what we did in government in the 1990s or what this Government has done. The member for Nedlands raised three serious cases. She raised the matter of a victim of domestic violence who is having some difficulty getting support even though a man could be released - I am conscious of the fact that the case will be appealed -

Mrs M.H. Roberts: Were you out of the Chamber when I responded? It is a tad unfair for you to suggest that I have not responded to that, because I have pointed out the government agencies that have been in touch with the victim and what they have done.

Mrs C.L. EDWARDES: I am not talking about that issue. A number of people who have killed their partners had been violent towards women and had breached their violence restraining orders. Some women have had the police place alarms in their properties. The question that the member for Nedlands raised is: what else can possibly be done to help those women? We are talking about not only the cases that the member for Nedlands raised, but also the protection of women whose partners could breach their violence restraining orders. The number of examples this year alone means we do not have to refer to other years. An amazing number of women have been killed by violent partners. I do not have the answer to this. If an alarm put in a house by the police to give some comfort and security to a woman and her children is not enough and has proved to be insufficient to allow enough time for the police to arrive before a person is killed, what do we do next? That is the question being asked. In a policy sense, there has to be something more. We have heard about the suspect in the Claremont killings being tagged by the police. Is that the next step in cases in which the police have serious concerns that more violence may be perpetrated against a victim of domestic violence? That is the question raised by the member for Nedlands. What else do we do to protect those women? The support services put in place and the people who have been in touch are all well and good, but we are talking about a policy decision. The fact that victims also have to pay to obtain a copy of the transcript of their trial needs to be addressed. They are already victims of the system. It is already costing them. The Government should make a policy decision that, in those circumstances, victims can have access to transcripts.

The member for Nedlands raised another case about the mother who found the dead body of her daughter. The mother is going through trauma just dealing with the process. Again, it is not the support services and the like that people are looking for; they are looking for a change of direction and policy. They are looking for a decision maker such as the Government or the minister to change the process. Why has the woman not been given access to the transcript? It does not make sense to me. If there is a problem with her getting access to her transcript, the Government should find out what is holding up the process. How can we help? Is there a change in process or system that needs to be put in place to enable her to get a copy of her transcript? That is what we are talking about. We are not talking about all the things we have done, including enacting legislation, establishing support services and the like. They are in place. We know we have done all that. However, the three cases cited tonight have been brought to the attention of the Parliament because the system and the processes have not worked for those three people.

The other issue raised was the use of victim impact statements. That was a major initiative. If, somewhere along the line, after a decade of use, they are dealt with inappropriately in the lower courts, the Government should look at it. This is not for the counselling or support services to look at; it is for the Government to ask the Chief Stipendiary Magistrate whether there is a problem and whether he can investigate and report. He should advise whether the Government can do something about that. We are looking at transcripts, the process and the use of victim impact statements. We are also looking at what else we can do for breaches of violence restraining orders.

What happens when offenders are let out again? The system needs to acknowledge that some people never learn; and, if they never learn, what else can we do to protect women and their kids and prevent them from being continually victimised? They are already vulnerable and powerless, and they feel further powerless in their attempts to deal with the system. How do we deal with that? Was the case of the killer being released from a mental institution without the mother and grandmother being notified a case of a breakdown in the system? Do we need to put in place a proper process? There is a process of parole; therefore, does the system automatically place conditions on someone who goes back into the community on release from a mental institution? That is what we need to know. We want to hear from the Government whether further changes need to be put in place to protect those victims, not what the Government did in the late 1980s and in 1991.

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This afternoon the Opposition has identified a failure in the system in three important cases. Unfortunately, in these cases there was no room for errors of judgment. Errors of judgment have already occurred this year with some violence restraining orders. Serious consequences can result from errors of judgment and mistakes in the system. We need to ensure that a process is in place that can be constantly scrutinised and built on. The Government cannot just put in place a process and hope it will work for all. It must examine the system when it breaks down and results in victims being further victimised. There is nothing wrong with ensuring that the system in place requires the Director of Public Prosecutions, who is independent of the Police Service, to explain to victims the reason their case is not proceeding. The DPP can ask the police why the case was not pursued. If there is a need to reconsider the Leo McVeigh case, let us reconsider it.

Mrs M.H. Roberts: I think you might have been out of the Chamber when I said that the advice from the DPP to the Police Service was that the officer, whom the DPP named, had personally contacted Mr McVeigh and explained the reasons to him. The DPP is not my department, but I say in the DPP's defence that a senior officer from the DPP contacted Mr McVeigh and explained the reasons that the police were not going ahead with the matter. That occurred at the time of the change of government in February 2001. If Mr McVeigh was not satisfied with that explanation, there would certainly be an avenue for further communication directly -

Mrs C.L. EDWARDES: That is exactly what was in the letter last year to the minister. Mr McVeigh obviously is not satisfied with that.

Mrs M.H. Roberts: Maybe he will never be satisfied.

Mr R.C. Kucera: Member for Kingsley, it is part of the grieving process for people to challenge these things and to work their way through them. Some people will never be satisfied.

Mrs C.L. EDWARDES: Okay, he is not satisfied with that, and that was the reason for his letter last year. He and his family would appreciate it if the matter could be taken up and considered more seriously. He has alleged that he was a victim of child abuse. All of a sudden he was told that there was insufficient evidence to support that allegation and he has said, "Excuse me, I am evidence. I was abused as a child."

Mrs M.H. Roberts: It is not helpful then to encourage conspiracy theories about why he has not been dealt with. The fact is that he was given that advice by the DPP on or about February 2001. The decision on whether to proceed does not even relate to our term in office.

Mrs C.L. EDWARDES: The minister can understand why some people might think that way if they feel they are not being properly listened to. That is even more reason to ensure a proper explanation is provided that Mr McVeigh can feel comfortable with. He might never be happy about it, but at least it would provide some level of comfort about why the decision was made. Otherwise, conspiracy theories will always abound.

Mrs M.H. Roberts: Especially if they are promoted.

Mrs C.L. EDWARDES: They are not being promoted. The member for Nedlands has never identified; it has been deliberately the case. We want assistance for Leo McVeigh.

A number of things need to be looked at. I refer to access to transcripts. Mrs Hunter needs her transcript, for her own sake as part of the grieving process, and she should have a right to that transcript. If there is a problem in the process of victims getting access to their transcripts, it should be solved. Victims should receive their transcripts, and receive them free of charge. The use and breaches of violence restraining orders is a serious issue that all Governments must consider. How can we deal with the increasing levels of violence perpetrated against women? Police alarms are not sufficient in that regard. Consideration must be given to whether greater improvements are needed in the mental health institution release process to ensure strong conditions are put in place, such as those applying through the Parole Board, to protect victims if perpetrators are released back into the community.

MR P.G. PENDAL (South Perth) [5.47 pm]: Ordinarily, I would be inclined to support a motion of this kind. I will not support this motion, largely on the grounds that it is too broad. I think the minister has made out a case to say that in the broad most people would argue that the system properly protects people and, in the main, respects victims of crime in this State. The motion might have had more capacity for support if it had specified those areas, or those cases, with common agreement, in which victims have failed to be adequately protected or supported. In the course of this debate, and in debates similar to this here and in the wider community, we run a risk of doing some other injustices on our way to preserving equity for most people. There is no guarantee that our system is infallible. The larger our system, and the bigger our community, the more chance there is that

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some cases are intractable - that is, they have no solution. That is not a political or governmental thing; it is a reality.

I point to two issues of late in which I think injustices have occurred on the part of people trying to correct injustices of another kind. One is the Claremont killer suspect. It was an appalling act on the part of whomever it was in the Police Service who leaked the name of that individual so that he could be confronted by the media periodically, as it continues. The only occasion on which that person's name should properly have been disclosed was once charges had been laid and the person was brought before the courts. However, in the case of that man, we have allowed a judgment to be made that even if the evidence to charge him does not exist, there is sufficient evidence, in the eyes of some police, to leak his name to the media; thus he begins a punishment -

Mrs M.H. Roberts: Member for South Perth, I am not sure that you are correct in that. I think that the person may have himself gone to the media in the first instance.

Mr P.G. PENDAL: My understanding is that that is not the case. However, I stand corrected. My understanding is that the media was led there by a police leak. I would be delighted to learn that the individual nominated himself. I cannot imagine a circumstance in which a person would nominate himself. However, in the end, it is a very serious matter that we were confronted with.

Secondly, we are all familiar with the other recent case relating to Narkle, in which there was indisputably a victim of a horrific crime. Narkle did not fail to be convicted in the court because of a failure on the part of the police; Narkle failed to be convicted in the court because the victim said that she could not go through with giving evidence in the court again, if I remember correctly. That is not the fault of the police or the Director of Public Prosecutions. I dare say it is not even the fault of the alleged victim. However, the fact remains that she is not the victim in that case because the law has not made out a case that she is. The reason for the incapacity of the law to make out a case to demonstrate that she was the victim of a serial rapist was that she chose to not proceed with giving evidence in the court. There may have been compelling reasons for that. The psychological impact on that woman must have been enormous.

I objected when I read in the newspapers, for example, that the Minister for Health, or the Attorney General - I am not sure in which capacity he was acting - said that he would therefore see whether Narkle could be detained, treated or dealt with under the mental health laws of Western Australia.

Mr R.C. Kucera: Why would you object to that?

Mr P.G. PENDAL: I objected to it because it seemed to me that it was a way in which the law, having failed to get a person one way, could see whether there was another way to achieve what to that woman would have been justice. In both cases, the point that I am trying to make is that injustices do get left in our wake. This is not a perfect society. Our system is not perfect. I believe that the arguments of the member for Nedlands would have been more compelling had she been able to demonstrate to the Parliament that, let us say, 30 per cent of people who were charged were somehow getting off criminal charges because they could contact people in high places and use improper contacts to do so. However, I do not imagine we are talking about massive numbers of cases.

I can understand why, in the end, people go to members of Parliament, whether it be the member for Nedlands, the member for Widgiemooltha or the member for South Perth. As we know, mostly when people come to us, they have exhausted every other avenue. We are the point of last hope for some of those people. However, that does not ordinarily mean that a member of Parliament, or the Parliament, will be able to achieve for that person what the system has been unable to achieve. I believe that there is every good reason for us to bring cases of a personal nature into the House.

I heard what the Minister for Police said by way of interjection about one of the individuals who had complained to the member for Nedlands. It may be true that these matters were referred to the police and investigated, and that resulted in at least a partial statement from Assistant Commissioner Atherton being read into the record today. That was all to demonstrate that, in the final analysis, there is not enough evidence to take to a court of law. I remember becoming a bit crabby several years ago when watching a television program about the suspect in the Claremont killings. A concerned, earnest, decent, hard-working and probably very frustrated police officer told the television cameraman, "We have everything to get this person except the evidence." I could not believe that I was watching something of that nature on television. Whether we like it or not, that is the one element that is needed to sustain a case in a court of law in Western Australia, especially a case in which those sorts of charges are being levelled or alleged against a person. In the end, I do not think the motion should get up for that reason alone. There may be other specific cases that ought to be brought to the House in which we can deal in specifics and can point out that the system has failed. Even then, I doubt very much whether as a House of Parliament we would be able to sheet home the blame for the failure to the Gallop Labor Government

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any more than we could to the Court Government or any other Government of Western Australia. For those reasons, I do not intend to support the motion.

MS M.M. QUIRK (Girrawheen - Parliamentary Secretary) [5.57 pm]: I rise from my primordial slime to respond to some of the comments made about what this Government has done for victims of crime. I do not support the motion. It is inappropriate to label this Government as callous and disregarding of the interests of victims of crime. As the minister has already outlined, our record has been very good in this regard and we have been very sensitive to the issues. Late last year I had carriage of some legislation that related to ensuring a seamless treatment of victims of crime by all interested agencies. It enabled the Director of Public Prosecutions and the Western Australia Police Service to communicate with the Victim Support Service and ensure that the victim's interests were paramount.

I find it interesting that the member for Nedlands is suddenly a champion of victims of crime. I was cited an example by a woman from a homicide victims group who had lost a loved one through homicide. I understand that the member for Nedlands said to a homicide victims support group that its members were not truly victims and that the victims of homicide were in fact the deceased. I am very pleased that the member for Nedlands has now embraced the interests -

Ms S.E. Walker: What a load of twaddle. I would never have said that. If you are going to speak in here, you should tell the truth.

Ms M.M. QUIRK: The member has cited conversations she has had with people, and they were not challenged. I deserve the same courtesy and respect that I afforded her with regard to those conversations. I am very pleased that the member for Nedlands has now -

The ACTING SPEAKER (Mr A.P. O'Gorman): I will not have shouting across the Chamber. This place should be treated more respectfully. Shouting across the Chamber in this manner will not be tolerated while I am in the Chair.

Point of Order

Mr P.D. OMODEI: The member has intimated that the member for Nedlands made some comments that were an imputation of improper motive. I ask that you, Mr Acting Speaker, rule under standing order No 92.

The ACTING SPEAKER: There is no point of order. The member for Nedlands may disagree with what the member for Girrawheen said, but the member for Girrawheen is trying to make a point. I will not have shouting across this Chamber. There is no point of order.

Mr P.D. Omodei: How does the member for Nedlands handle untruths?

The ACTING SPEAKER: Order! Member for Warren-Blackwood, I have ruled on the point of order. I will not take further questions.

Debate Resumed

Ms M.M. QUIRK: I have concluded my comments.

Question put and a division taken with the following result -

Extract from *Hansard*
[ASSEMBLY - Wednesday, 12 May 2004]
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Ms Sue Walker; Deputy Speaker; Mrs Michelle Roberts; Mr Colin Barnett; The Acting Speaker (mr A.P. O'gorman); Mr Clive Brown; Acting Speaker; Acting Speaker (mr A.P. O'gorman); Mrs Cheryl Edwardes; Mr Phillip Pental; Ms Margaret Quirk; Mr Paul Omodei

Ayes (16)

Mr C.J. Barnett	Mr J.H.D. Day	Mr R.F. Johnson	Mr M.W. Trenorden
Mr D.F. Barron-Sullivan	Mrs C.L. Edwardes	Mr A.D. Marshall	Mr T.K. Waldron
Mr M.J. Birney	Ms K. Hodson-Thomas	Mr P.D. Omodei	Ms S.E. Walker
Mr M.F. Board	Mr M.G. House	Mr R.N. Sweetman	Mr J.L. Bradshaw (<i>Teller</i>)

Noes (29)

Mr P.W. Andrews	Mrs D.J. Guise	Mr M. McGowan	Mrs M.H. Roberts
Mr J.J.M. Bowler	Mr S.R. Hill	Ms S.M. McHale	Mr D.A. Templeman
Mr C.M. Brown	Mr J.N. Hyde	Mr A.D. McRae	Mr P.B. Watson
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr M.P. Murray	Mr M.P. Whitely
Dr E. Constable	Mr R.C. Kucera	Mr P.G. Pental	Ms M.M. Quirk (<i>Teller</i>)
Mr A.J. Dean	Mr F.M. Logan	Mr J.R. Quigley	
Dr J.M. Edwards	Ms A.J. MacTiernan	Ms J.A. Radisich	
Dr G.I. Gallop	Mr J.A. McGinty	Mr E.S. Ripper	

Pair

Mr R.A. Ainsworth

Mrs C.A. Martin

Independent Pair

Dr J.M. Woollard

Question thus negatived.

Sitting suspended from 6.00 to 7.00 pm