WESTERN AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE ASSEMBLY

Wednesday, 4 September 1996

Legislative Assembly

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THE SPEAKER (Mr Clarko) took the Chair at 11.00 am, and read prayers. tmenu

MOTION - STANDING ORDERS SUSPENSION

Motion to Censure Leader of the Opposition and Member for Peel

MR COURT (Nedlands - Premier) [11.03 am]: I move, without notice -

> That so much of the standing orders be suspended as is necessary to enable consideration forthwith of a motion to censure the Leader of the Opposition and the member for Peel.

Yesterday the interim report of the Royal Commission into the City of Wanneroo was brought down. That report was long awaited by this Parliament because a number of allegations had been made in this Parliament by members opposite that had not been substantiated and that required a royal commission to determine whether there was truth in them. In moving for this suspension of standing orders it is critical that this House have the opportunity to debate -

Mr McGinty: For you to use your numbers in a crass political exercise, which is all this has ever been from the start. What a charlatan you are!

Mr COURT: Members opposite have thought nothing of moving to suspend standing orders to debate matters such as this. It is important that the House have this opportunity to debate what is a critical matter. I will take the opportunity to outline why I believe it is critical that the standards of this Parliament be maintained, because this issue boils down to the fact that certain parliamentary standards are required.

Several members interjected.

Mr COURT: If I could get a few words in.

The SPEAKER: Order! The Premier will resume his seat. The points that are being made by members, and repeated, have been made in a variety of ways. I ask that members take note of my calls for order.

Mr COURT: This issue boils down to the whole question of parliamentary standards, and it is appropriate that we suspend standing orders to debate this motion.

MR RIPPER (Belmont) [11.10 am]: What a performance by the Government! The Premier warbled on in pursuit of his tactical stroke of genius, as he would no doubt describe it, while the Government tried to get the numbers to pass its own motion! This Government has, and has had for a long time, a majority in this House.

Several members interjected.

Mr RIPPER: We will bring on the vote, because the Premier has been debating the matter while his Whips have been trying to get their act together, and at last they have managed to drag back their reluctant members from all over the place, from the various boltholes in which they have hidden themselves, so that the Government can get the numbers. That is an indication of the incompetence of this Government. For the first time in years, government members thought they would have a go at the Opposition, but they could not even get 29 members into the Chamber - the absolute majority that they require to get the suspension motion up - so the Premier had to warble on while the Whips got on the phone and while the Leader of the House said to me, "You had better support this, otherwise the Opposition will never get a suspension motion up again." We had a bit of persuasion, an entreaty from the Whip, and a bit of a threat to the Opposition, because the brilliant tactical ploy of the Premier came unstuck: He could not even get his own members here to support the motion. That speaks volumes about this Government's incompetence.

MR C.J. BARNETT (Cottesloe - Leader of the House) [11.13 am]: That was an interesting little speech by the leader of opposition business. It is interesting to look at the state of the House. The interim report of the Royal Commission into the City of Wanneroo is an important matter, and I think it is deserving of debate. People should glance around this Chamber. Government members are here and prepared to debate the royal commission report. If it is necessary to divide the House to decide whether the report will be debated, now that everyone has had a chance to read it, then so be it, and the Government will have the numbers. It should not be necessary to divide; the Opposition should be prepared to debate the report and to be accountable for the actions of its leader and of the member for Peel. Three members of the Opposition are in this Chamber. That is an absolute disgrace. I assume the Opposition will agree to this debate; if not, we will put it to the vote.

Question put and passed with an absolute majority.

MOTION - ROYAL COMMISSION INTO THE CITY OF WANNEROO INTERIM REPORT

MR COURT (Nedlands - Premier) [11.14 am]: I move -

That this House -

(a) note the findings in the interim report of the Royal Commission into the City of Wanneroo;

(b) note the observation of the commissioner that "much of the sittings to which this report relates has been concerned with the investigation of rumour, innuendo and smear";

(c) condemn the Leader of the Opposition for his demonstrated lack of leadership in failing:

(i) personally to observe the standards of probity required of a member in using the privilege of this House, in that he was one of those who spread such rumour, innuendo and smear without regard to the veracity of his statements - statements which have been found to be without foundation;

(ii) to dissociate himself from similar and persistent allegations by the member for Peel or to attempt to restrain the excesses of the member for Peel but rather sought to obtain advantage from those excesses;

(d) note the observation of the commission that "For none of these matters investigated has this been more the case than the allegations concerned with the death of Mr Robert Baddock. The allegations were widely and indiscriminately disseminated. Those responsible exercised no care or consideration for the truth. The motivation appears in a number of cases to have been a desire to score political points at both State parliamentary and local council levels. . . . In all a great deal of the Commission's time has been spent investigating matters that should never have been seriously in doubt";

(e) note that the member for Peel in the course of supposed investigation of Mr Baddock's death actually was the initiator of two rumours and that the Opposition has actively supported the rumour, innuendo and smear despite their disgraceful origins, without concern for the truth and in complete disregard of the evidence offered in and out of the House to the contrary; and

(f) find each of the Leader of the Opposition and the member for Peel guilty of abuse of the privileges of the House and does hereby censure each of them.

All members have in front of them a copy of the standing orders of this Parliament, which contains a code of conduct covering members' behaviour in the House.

Mr Catania: What a hypocrite to bring up those rules and regulations!

The SPEAKER:Order! Member for Balcatta.

Mr COURT: That code of conduct states that in speaking in the House or in a committee, members should take certain matters into account, and it then lists a number of matters, one of which is 10(e): The desirability of ensuring that statements reflecting adversely on persons are soundly based. This is the code of conduct under which we are meant to operate in this Parliament. Members who come into this Parliament and make allegations against a person, whether inside or outside this House, should ensure that those allegations are soundly based. Time and time again, members opposite have come into this Parliament and have not given a damn about sticking to that code of conduct and about maintaining the standards of this Parliament.

We have gone through a number of Labor Premiers in recent years. In 1988, just prior to an election, Mr Dowding had some difficulties with WA Inc coming to a head, and he wanted to demonstrate that the Labor Party was learning something about standards, so he instituted the Burt Commission on Accountability. At the same time, he commissioned a Parliamentary Standards Committee to prepare a report. What happened to that report? It was eventually debated in this Parliament. It was introduced not by Mr Dowding but by the Premier who followed him, Carmen Lawrence. The then Leader of the Opposition, Mr MacKinnon, said at the time -

> I must express my disappointment that it has taken some little time for the report to come here. I understand it was to have been tabled prior to the session concluding last year but for one reason or another that did not occur. Whatever the reason - whether it was the previous Premier's dislike of the report's recommendation, as was reported to me, or something else - at least we now have it. I welcome the report and, like the Premier, would welcome the opportunity of a good debate, not just inside the Parliament but also between the parties themselves . . .

Carmen Lawrence introduced that report in 1990, but interestingly it was not debated until 1992, which was again just prior to an election. Obviously the Government of the day did not have a strong desire to discuss the report of the Parliamentary Standards Committee. It was eventually brought on for debate. I quote from *Hansard* of 5 May 1992, where paragraph (f) of the motion on the Parliamentary Standards Committee states that this House -

> adopts for educational purposes -
>
> (i) the code of conduct referred to in recommendation 22 and in particular adopts item 10 of that code as a statement of intent by members of the House; . . .

Members voted for and supported that code of conduct. However, we have seen that members opposite are not the slightest bit interested in operating under that code of conduct.

When the member for Fremantle became the Leader of the Opposition he said a number of things about standards, that there would be a change in the way in which the Labor Party in this State operated. He said -

> Perhaps the most distressing legacy of the WA Inc years has been the undermining of the public's trust in their elected officials and in the institutions of Government. It is important that this confidence be restored. It is for that reason that the Labor Party under my leadership has strongly pursued honesty, integrity and accountability in government . . . It is my view that the status of Parliament in our community needs to be improved, as does the accountability of Parliament to the community.

Mr Catania: You are a hypocrite.

Mr COURT: This is the leader of those opposite. He went on to say -

> Labor learned all about accountability in the 1980s and learned about it in a way no other party can understand. Our commitment is deep and genuine. It is not a policy; it is a way of thinking. It is a cultural change. It is a philosophy. Under my leadership, openness and accountability will not be cliches, they will be guiding principles by which we govern.

How empty all those words are. The Leader of the Opposition has made it clear that he has no intention of setting a standard for his members that complies with anything that has been set out in this report or what he said he would achieve after becoming the leader.

When he became the Leader of the Opposition, he offered a new beginning for the state Labor Party. All the bad behaviour of the 1980s was to be put behind the Labor Party. However, we have seen him delivering more of the same. He has not given the party a new beginning; he has given it a nightmare. Those opposite are reinforcing the behaviour that made them the most discredited political organisation in this nation.

Let us look at the allegations contained in this report. The first is about a tape. Those opposite came into this Parliament and said there was a tape recording of a discussion about a bribe involving the then Attorney General. As recently as 21 March this year the member for Peel said -

> Mr Grant and Mr Lawrence were able to advise him that a tape still existed on which was recorded a conversation involving four key figures in what has become known as Wanneroo Inc. Those key figures - two ex-councillors and two sitting members of Parliament - were heard on that tape to have a conversation about receiving $50 000 for the return of favours. A female voice in the background was heard to say that was not enough. To be fair, it could be argued that the $50 000 may well have been a political donation. The $50 000 is not the key. The key to the conversation, according to the evidence given to Kyle by Grant and Lawrence, is that irrespective of the amount, it was spoken about as being given over for favours.

What are the facts of this matter? After one of the most extensive and intensive investigations into that allegation, the royal commission says that the tape never existed.

The report then deals with the Sinagra affair. On that matter the member for Peel stated -

> I understand that Colin Edwardes cashed in the first-class air ticket to Italy because he wanted to go to London with his wife before catching up with the delegation. My understanding is that having cashed in the first-class air ticket, he purchased an economy class ticket to London. I understand that in purchasing the ticket he knew he would have money left over because of the cost difference between the first-class air ticket to Italy and the economy class air fare to London. I understand that the Kyle inquiry has before it the information that on arriving back from Greece and Italy after adverse publicity -

That is part of the allegations that were made. What was the royal commission's finding about that issue? It found that Colin Edwardes and his wife, the member for Kingsley, were the two clean ones in the whole exercise and that

the member for Kingsley was absolutely impeccable in the way in which she went through the travel process. Her husband did not travel first class, but business class with his wife. His wife insisted on not travelling as a spouse, but as a member of Parliament because she was going on other business at that time and she used the imprest account. Everything was properly accounted for and meticulously carried out. The royal commission's finding on this issue is that a few other people have some questions to answer because of the adverse findings against them. Those opposite have been making these allegations in this Parliament for years, yet again it has been shown that they got it completely wrong.

I refer to the death of Rob Baddock. This is probably one of the worst cases we have seen. A member of this Parliament virtually accused someone of having killed another person. Allegations do not come much more serious than that. Here are some of the words used by the member -

> This is why the people of Western Australia are demanding that this Government at least should call for the reopening of the Kyle inquiry and certainly for other people manipulated and affected in Wanneroo by this evil doctor it should also reopen the coroner's inquiry into Rob Baddock's death. I will give reasons as to why it should do that . . .
>
> We know that beyond that are the sorts of pressures that that person and his evil empire were able to place on individuals in Wanneroo which led to the deaths of Rob Baddock . . .
>
> One of them died from a heart attack after having an argument with Dr Wayne Bradshaw in his chamber that everyone in the Wanneroo council building could hear. This was about his illegal and corrupt activities in the running of the Wanneroo council . . .
>
> He continued to make it known not only to the Baddock family but anybody one dares listen to in Wanneroo that death was around the corner if one messed with Dr Wayne Bradshaw.

This member of Parliament suggested that Dr Wayne Bradshaw killed people! He went on to say -

> He boasted to numerous people that he could have one dispatched for less than $2 000. He boasted that he could inject a substance that could never be found. This information is not just from one source.

Mr Ripper: You are defending Bradshaw now.

Mr COURT: Let us look at what the royal commission had to say.

Mr Ripper: Are you giving him a character reference?

The SPEAKER: Order!

Mr COURT: The royal commission said -

> There is no evidence that Dr Bradshaw ever boasted -

Mr Ripper: Is the member for Wanneroo going to talk in the debate?

Mr COURT: Everyone has a right to defend himself or herself against allegations of that nature.

Mr Ripper: Do you have the member for Wanneroo on your speakers' list?

Mr W. Smith: I will defend myself.

The SPEAKER: Order!

Several members interjected.

The SPEAKER: Order! If interjections of that nature continue, I will begin to call people formally to order. It would be far better if we did not have those disruptive interjections. It seemed to me that during the previous minutes of the debate we were able to hear what was being said. Later other members will put their points of view. Frequently people in this House do not agree with what other members say; nevertheless we must have an orderly debate.

Mr COURT: This member is virtually accusing someone of having murdered people and that he could pay a price and have it done. The royal commission states -

> There is no evidence that Dr Bradshaw ever boasted that he could have a person "dispatched" for $2,000 or fatally injected with a substance that could not be detected . . .
>
> Finally, I observe that much of the sittings of the Commission to which this report relates has been concerned with the investigation of rumour, innuendo and smear. For none of the matters investigated has

> this been more the case than the allegations concerned with the death of Mr Robert Baddock. The allegations were widely and indiscriminately disseminated. Those responsible exercised no care or consideration for the truth. The motivation appears in a number of cases to have been a desire to score political points at both State parliamentary and local council levels. Others appear to have acted from ignorance. In all, a great deal of the Commission's time has been spent investigating matters that never should have been seriously in doubt.

One cannot get a much more serious allegation than that. I cannot think of a more serious abuse of the privilege of Parliament than to come into this place and accuse someone of having been involved in and responsible for the death of people in that way. We have allegations and the involvement of the Leader of the Opposition in spreading and orchestrating the spread of those rumours and the information that he received from Mr Corse. No sooner had Mr Corse given the Leader of the Opposition a document outlining these allegations than, instead of taking his time to substantiate the facts, he came into this place and used it as the basis of extensive debate as if all of that information were true. As I said when I read the code of conduct at the beginning of my remarks, the member has a responsibility as Leader of the Opposition to ensure that he fully substantiates those serious allegations before they are raised in the Parliament.

When the Leader of the Opposition got up in this Parliament and said that the member for Kingsley was being investigated for corruption, and that he had information that would bring this member down, the police investigated. What did the Leader of the Opposition have to offer when they questioned him? Absolutely nothing. He did not have any evidence that was of any assistance in relation to these matters.

For three and a half years in this Parliament members opposite time and again have repeated these allegations that they could not substantiate. In 1994, the Director of Public Prosecutions said, "Please don't continue to spread this material when you cannot substantiate it." He had investigated the allegations and said that they were rumours, smear and innuendo and that there were no verifiable facts. A royal commission has now investigated the matters on which members opposite pinned so much hope, and they have fallen flat on their faces. The leader of House business on the other side knows only too well that members opposite hung their hat on the allegations raised in the first interim report of the royal commission.

I want to go back to where I started in respect of this report of the Parliamentary Standards Committee. We all have a responsibility in this Parliament to maintain its standards. We also have a responsibility to ensure that the privilege we are given is not abused. It is just that: A privilege.

This motion seeks to censure members opposite. Page 51 of the report of the Parliamentary Standards Committee states -

> This Committee also considers it is incumbent upon each Member when exercising that privilege to do so respocnsibly and it is clear that Members individually, and the House consisting of the Members collectively, must all work together to ensure that this privilege is used responsibly. Where the House considers that a Member has used the privilege irresponsibly it must move to protect its dignity by censuring the Member concerned.

That is exactly what we are doing in this motion today. Two members have used the privilege of this Parliament irresponsibly.

Dr Gallop interjected.

The SPEAKER: Order!

Mr COURT: It is for that reason we are moving this censure motion today.

MRS EDWARDES (Kingsley - Minister for Family and Children's Services) [11.35 am]: I formally second the motion.

Dr Gallop interjected.

The SPEAKER: Order! The Deputy Leader of the Opposition will come to order.

Mr McGinty interjected.

The SPEAKER: Order! The Leader of the Opposition will come to order.

Mr McGinty interjected.

The SPEAKER: Order! I formally call to order the Leader of the Opposition for the first time.

Mrs EDWARDES: As the victim of an outrageous campaign of lies over the past two and a half years I would like to place some remarks on the record. I am pleased that the interim report that was tabled yesterday cleared me totally and vindicated the position that I have maintained over the past two and a half years. I have always maintained my innocence, despite the fact that members opposite failed to recognise it. I have always said that if they had any evidence, they should present it to the proper authorities. When the police spoke with the Leader of the Opposition, he indicated that he did not have any evidence whatever that could assist the Wanneroo investigation.

Several members interjected.

Mrs EDWARDES: The letter has been written and tabled in this House. If the Opposition had more integrity and placed a higher price on the privileged position of a member of Parliament, I would not have had to appear before a royal commission to clear my name.

Mr McGinty interjected.

The SPEAKER: Order! The Leader of the Opposition will come to order.

Mrs EDWARDES: This malicious, political campaign has been supported and promoted by the Opposition.

In 1994, the Director of Public Prosecutions said that the information provided by King could not be substantiated - it was nothing more than rumour, smear and innuendo. That should have rung warning bells for members of the Opposition. But, no, it did not; they continued in their campaign and even today they have said on radio, "Hang on. It is quarter time. There are more allegations to come."

Several members interjected.

Mrs EDWARDES: The report itself states that the majority of the allegations still to be investigated were made by David King and Barry Corse. They have both been totally discredited in this royal commission.

Dr Gallop interjected.

The SPEAKER: Order! I call the deputy leader to order again.

Mrs EDWARDES: Not at all. But I can tell the deputy leader that when he continues to speak on radio and indicate that there are still more allegations, he is still running a completely malicious campaign in respect of me.

Mr Ripper interjected.

Mrs EDWARDES: Members opposite should go through the report and look at the list of witnesses against whom comments have been made and the allegations still to be investigated. They should take note of the warning bells.

Members opposite have continued to promote and peddle the rumours, smears and lies that have been told. This course of action has been followed quite deliberately; they have chosen to make the allegations and to repeat them. The member for Peel has made an absolute art form of rumour, smear and innuendo. The Leader of the Opposition has continued to peddle baseless rumours. In June 1994, he said that I had my fingers in the till. In August 1994, he raised general allegations about my being involved in corrupt activity. Again, in August 1994, he made allegations of official corruption - and that information was provided by Barry Corse. In October 1994, he alleged improper personal, financial and political links to proven corruption and illegality in Wanneroo. What does the royal commission report say? It says that the allegations are absolutely without foundation. Members opposite should take note of what the royal commission report has to say about the gossip, rumour, smear and innuendo. They should not continue to make the same mistakes.

I do not have the time to run through all of the allegations that the member for Peel has raised about me and my family in this House. He indicated to the royal commission that he did not make a value judgment about what people were telling him. That quite clearly shows that this has been a deliberate campaign of political assassination that has backfired on members opposite.

The royal commission's clear message is that the community expects better standards from its elected representatives. It will not tolerate this sort of behaviour. The clear message to those in the community who believe it is all right to spread malicious, unsubstantiated rumours about people for no reason is that it will not be tolerated. We must take steps to ensure that innocent people cannot again be maligned and defamed under the privilege of Parliament without recourse to clearing themselves. I am lucky: I can stand up here and rebut the allegations - not that members opposite took much notice of those rebuttals over the years. The Parliament must provide recourse for the people who have been defamed.

I point out to members opposite that their continued campaign against me will continue to backfire. On radio this morning, the Leader of the Opposition stated -

> In 1994 it was said there was a tape on which Cheryl Edwardes' voice was heard quite clearly discussing bribery.

That was not the case; it was made public for the first time at the beginning of 1996. In 1994 Martin Saxon's article in the *Sunday Times* indicated that it would be embarrassing. It did not mention bribery.

Mr McGinty: You knew what the allegations were.

Mrs EDWARDES: That was never made public until this year. The Leader of the Opposition said on radio this morning that he is happy to accept the finding of the royal commission. The member for Peel, however, said that it is patently a whitewash, particularly in respect of the tape. Every police officer who would have heard or had any contact whatsoever with those tapes was interviewed. Not one has said that he or she ever heard that there had existed a tape upon which my voice could be heard discussing bribery. Members must take notice of that and hear the warning bells about the people to whom they are listening and the fact that many of them have already been discredited.

Several members interjected.

The SPEAKER: Order!

Mrs EDWARDES: They must also take notice of the royal commission's message to us as elected representatives.

Several members interjected.

The SPEAKER: Order! The member for Balcatta.

MR SHAVE (Melville - Parliamentary Secretary) [11.42 am]: From today's non-appearance of the member for Peel in this House, the total contempt in which he holds the affairs of this Parliament is quite evident.

Several members interjected.

The SPEAKER: Order!

Mr SHAVE: Worse than that, it is indicative that the Leader of the Opposition has no control over his members that he does not have the member for Peel in here to answer these serious allegations against both the Leader of the Opposition and the member for Peel. Let us look at what happened. In May 1993 David King was sent to gaol for corrupt activities.

Mr Brown: The member for Peel has entered the Chamber. Do you wish to recant now?

Mr SHAVE: Perhaps I jogged his memory. He must have some conscience.

Several members interjected.

The SPEAKER: Order! I formally call to order for the first time the member for Morley.

Several members interjected.

The SPEAKER: Order!

Mr SHAVE: The member for Morley can scream as much as he likes but he will hear the truth.

Several members interjected.

The SPEAKER: Order! The member for Morley.

Several members interjected.

The SPEAKER: Order! I formally call to order for the second time the member for Morley.

Mr SHAVE: On 10 August 1994 the Director of Public Prosecutions was so worried by the behaviour of the Australian Labor Party that he made a public statement in which he wrote -

> Since the referral of the Kyle report into Wanneroo Council to me, police, in consultation with my office, have been inquiring into matters raised in that report and associated lines of inquiry. Investigations are continuing. This statement is not intended to comment in any way on those investigations.

> Following the conviction of David King for corruption in 1993, it will be remembered that prior to being sentenced he was given an opportunity to cooperate with authorities and provide any information which he may have concerning illegal activities. . . .
>
> Although interviewed by police for several hours he failed to provide any verifiable information. . . .
>
> My office receives allegations of illegal activity from my sources. Where such allegations are capable of investigation, they are referred to police for inquiry. . . .
>
> Such information as King has seen fit to provide is totally unsupported and properly fits the category of gossip, rumour and smear.
>
> The assertions of misconduct against Cheryl and Colin Edwardes fall into that category. . . .
>
> Every person in this State is subject to the law and my office will examine impartially all evidence of wrongdoing regardless of the office held by the person under investigation.
>
> But there is another side. The holder of high office such as the Attorney General is entitled to no less fair treatment than any other person. In the absence of verifiable or reliable information against her or her husband, I have no intention of taking any action. . . .
>
> It is easy for a person to make an allegation to my office and then announce that the DPP has been given information of possible criminal conduct. . . .
>
> If the allegation has no substance then it is a cowardly attack.

That applies to the Leader of the Opposition and the member for Peel. They were doing exactly that prior to 10 August 1994; by smear and innuendo and without foundation they were attacking people. The DPP finished the statement by writing -

> My plea in relation to the Wanneroo inquiry is simple: Either persons with verifiable information should come forward to Inspector Young or remain silent - in short put up or shut up.

We had on 10 August a clear warning from the top law officer that smears, lies and untruths were being told and this place being used as coward's castle - and there is no bigger coward in this Parliament than the member for Peel -

Point of Order

Mr RIPPER: I believe it is unparliamentary for the member for Melville to refer to this House as coward's castle. I ask you, Mr Speaker, on behalf of the Parliament to ask him to withdraw.

The SPEAKER: That expression has been used many times in this Parliament. Nonetheless, I do not think it is desirable in the member's speech. I ask the member to refrain from using the expression.

Debate Resumed

Mr SHAVE: The member for Peel has been able to make any allegation he wishes without substantiation in this Parliament. With the help of the newspapers those allegations have made very good front page reading, but a lot of innocent people have suffered. What happened in the Penny Easton affair? It was the same thing. This weak kneed Leader of the Opposition sat there and allowed the Opposition Leader in the upper House to make unsubstantiated allegations against Penny Easton. The Leader of the Opposition did nothing. What happened as a result of that? An innocent woman lost her life.

Several members interjected.

The SPEAKER: Order!

Mr SHAVE: What is the record of the Leader of the Opposition since coming into this Parliament? His maiden speech in this Parliament was about the care of Aboriginal people and the Swan Brewery. What did he do when he got into power? He did a 360 degree turn.

Several members interjected.

Mr SHAVE: The relevance is that it affects his credibility. His only achievement since coming into this Parliament has been to turn against the people he suggested that he would support.

Several members interjected.

The SPEAKER: Order!

Mr SHAVE: He has used this Parliament and allowed people to be publicly denigrated without foundation and with no regard whatsoever for the truth. The guilty party was in government before 1993. The Leader of the Opposition was a member of that party. Absolutely nothing has changed. I will tell you, Mr Speaker, how honest this guilty party is and how it learns. Yesterday in this House the Leader of the Opposition said -

> I will tell members how intimately involved in all of this I was. I was so involved that Mr Davis and the royal commission did not even want me to tell them my side of the story because there was nothing useful I could tell them.

Is it not interesting that the Leader of the Opposition should say that to this place because that is not what he said to the 6WF Utting program on 25 September 1995. Utting said to the Leader of the Opposition -

> Do you think there is any link between these various break-ins, is there some sort of conspiracy perhaps to get information particularly from the Labor Party that you might have that could embarrass the Government?

This is a radio interviewer talking to the Leader of the Opposition and broadcast publicly.

Mr McGinty: That is a great insight, Doug.

Mr SHAVE: I have you on the hook, my friend! Although he was not involved yesterday, this is what the Leader of the Opposition said on 25 September 1995 when, surprisingly, he was involved -

> Well, I hope not, Richard. The building is where we keep our material relating to Wanneroo in particular, and I am sure that it is material which Wayde Smith and Cheryl Edwardes would be horrified about if it became public.

There it is. The Leader of the Opposition was not involved, but he was prepared to lie to the people of Western Australia on a radio program.

Withdrawal of Remark

Mr RIPPER: The member for Melville has accused the Leader of the Opposition of lying, and that is unparliamentary.

The SPEAKER: Order! I call upon the member for Melville to withdraw.

Mr SHAVE: I withdraw, Mr Speaker.

Mr McGinty: If you were halfway decent you would apologise as well.

The SPEAKER: Order!

Mr SHAVE: I unreservedly withdraw.

Debate Resumed

Mr SHAVE: I was interested in the comment which the Leader of the Opposition made that "if you were halfway decent . . ." Why have we waited until this morning to get an apology from the Leader of the Opposition on behalf of the Australian Labor Party for the way that his member for Peel behaved over the last two years in this Parliament? If he were a leader of people and recognised that one of his team had used this Parliament for two years to try to personally assassinate another member of this Parliament, would one not think that he would get on his feet to apologise for what his people have done? But nothing.

The Leader of the Opposition said yesterday, "I am not involved. It is not I. It is the member for Peel." That is not the truth because the Leader of the Opposition knows that over the last two years he too has been involved in many of the comments made in this Parliament about the former Attorney General and her family. The problem we have today is not whether the Leader of the Opposition is an honest person; everybody has a view on that, and clearly whether he is a decent leader will be determined over time. We know that the people of Western Australia will vote in an election in four or five months, and they have had a pretty good opportunity to value the capacity, capability and decency of the Leader of the Opposition. Nothing he has done or exhibited over the last two years will inspire the people of Western Australia. That predictably is why the public has no confidence in him.

The member for Peel made outrageous allegations with regard to Rob Baddock's death, and this is what Narelle Johnson said in that regard -

> There are those who would even apportion blame for his death, even going so far as to nominate the responsible party and the method by which Mr Baddock may have met his death.

> The facts were never allowed to get in the way of a good story.

The member for Peel did that, with the use of the newspapers, which put it on the front pages. Narelle Johnson continued -

> There is no-one who gave evidence before this commission who asserts any first-hand knowledge that Bradshaw ever threatened Baddock with death or any less extreme action.

All of the allegations by the member for Peel with regard to that issue could not be substantiated. When he was put to the test - that is, when he was out of this place unprotected by parliamentary privilege at the royal commission - he effectively indicated that everything he said in the Parliament was untruthful. He said that he had evidence when he did not have evidence.

Mr Graham: It was not what he said at all!

Mr SHAVE: He told the royal commission that he had no evidence, and he did not produce any evidence with his allegations. Narelle Johnson also said the following about the member for Peel -

> He, Mr Marlborough, could not remember whether Mrs Baddock had shown him or provided him with a copy of a bank statement.

He made all these allegations about money, yet he never saw a bank statement, and never concerned himself with these matters. We have heard from the Premier regarding what the royal commissioner said, but Narelle Johnson said -

> If the recipients of information concerning Wanneroo matters had subjected the allegations they had heard to even a modicum of scrutiny before disseminating them to others, the need to deal with some of these issues in a royal commission may never have arisen.

It may interest the Leader of the Opposition to know that from time to time the sort of muck which has been peddled in here by the member for Peel comes across to this side of the House too. In fact, I was provided with information by a long-serving Labor member who came to me in the midst of this issue and gave me some information about one of the members sitting opposite. The information affected the personal life of the colleague sitting opposite, his family, and two other families. I had to make a decision, a value judgment, on that information.

Mr Graham interjected.

Mr SHAVE: I had to make a decision on that. The member for Pilbara does not like this, but I am telling the truth.

Mr Graham interjected.

The SPEAKER: Order! The member for Pilbara will come to order.

Mr SHAVE: The unknown backbencher sitting up the back -

Mr Graham interjected.

The SPEAKER: Order! I formally call the member for Pilbara to order for the first time.

Mr Graham interjected.

The SPEAKER: Order! I formally call the member for Pilbara to order for the second time. He will not continue to interject while I deal with the first call to order.

Mr SHAVE: We have the situation today in which the member for Peel has been the hatchet man, and the person in charge has neither pulled him into gear nor done anything to address the problem the Parliament faces. The Leader of the Opposition ducked his head and said, "I am not prepared to bring my member to order."

It is quite proper that this Parliament censures these people today. Sadly, that sentence or conviction pales into insignificance when compared with the damage that these members have done to other decent human beings.

MR McGINTY (Fremantle - Leader of the Opposition) [11.50 am]: A very weak attempt was made by the Premier today to ambush people. No prior notice was given of what is a transparent political stunt. We all know that the opposite side of the House has the numbers, and that the Government could carry a motion declaring the moon black if it wanted. What significance would that have? It is simply an expression of the fact that members opposite have the numbers, and we do not.

Let us look at the motion in the context of this crude political exercise put together by the Premier. He would not have bothered with this exercise if an election were not five months away. What about the last inquiry Mr Davis

conducted? Where was the big announcement to the Parliament and the big debate when allegations then made of impropriety associated with the coal contract, coming from the Premier's side of the House, were discovered to be unfounded? We accepted it. That is what one does in public life. From time to time allegations of impropriety, official misconduct or official corruption will surface. That is part of the price we pay for being in public life. The Premier has a duty to ensure that allegations of impropriety are investigated. He has failed the people of this State by running away from it because he thought it would cause political damage to the Liberal Party. It is as simple as that. We had the secret inquiries by accountants Fowler and Mann. To this day the Premier has still not made them public. That was his response to this issue first blowing up during his term of government.

In 1992 there were allegations of Local Government Act breaches, impropriety and misconduct. When that occurred, appropriate action was taken by the member for Mitchell, who was then the Minister for Local Government, who set up an inquiry under the Local Government Act to investigate those matters. What was the Premier's response when he was confronted with the member for Wanneroo saying something which was demonstrably false to the media and therefore the public about his business relationship with Dr Wayne Bradshaw? The Premier covered it up.

Mr Court: I asked him to apologise publicly and he did. That is something you will never learn to do.

Mr McGINTY: We will come to that, Premier. It was a big cover-up on the Premier's part. When the allegations were made about loans of a million dollars on a policeman's salary of $35 000 a year, what did the Premier do? He covered up with a secret report hoping it would go away. When further allegations arose or information came forward that the police, as part of an anticorruption move, had bugged the home of a member of the Police Force who is now a Liberal member of Parliament, surely the alarm bells should have been ringing indicating that something was not right. These are matters which the public confidence in our institutions of government require to be investigated. Did the Premier set up an investigation? No; he covered up, denied it and said he had confidence in the member for Wanneroo. He refused to honour his duty to ensure that the matters were investigated.

The Premier knows better than anyone in this place that, from time to time, allegations will be made. They must be dealt with properly through acceptable government agencies or by means of a parliamentary inquiry. They cannot be allowed to fester. I thought the Premier would know that better than anyone else. However, he refused to have these matters investigated. The culpability rests with you. As any decent Premier would have done, he should have said that these were serious allegations of impropriety - at this stage, we are still only talking about 1993 - by a Liberal Party backbencher and the only honourable thing for him to do was to have them investigated. However, you did not want that. You thought the whole thing might unravel. As Peter Kyle said earlier this year, the tentacles from Wanneroo Inc reach into the Cabinet room and into the highest levels of your Government and you were worried that your new backbencher from Wanneroo would bring down the Government. That is the reason you made a political decision to cover it up.

The ACTING SPEAKER (Mr Day): Order! The Leader of the Opposition will resume his seat. The standing orders provide that all debate should be directed through the Chair. I have allowed a significant amount of latitude since I have been in the Chair. I ask the Leader of the Opposition to direct his remarks through the Chair.

Mr Graham: That is a disgraceful ruling coming straight after the speech from the member for Melville. He did nothing else but, and not one word from the Chair.

The ACTING SPEAKER: Order! The member for Pilbara has been formally called to order twice. I do not intend to do it again at the moment. I was not in the Chair at that time. I am in the Chair now, and I will abide by the standing orders.

Mr McGINTY: The Premier refused to accept his responsibilities because, as he does in all matters, he placed his political survival and the interests of the Liberal Party ahead of those of the State and ahead of public confidence in our institutions of government and he refused to have the appropriate inquiry into these serious matters which at that stage touched the member for Wanneroo, a Liberal Party backbencher.

I now move to the following year, 1994. At all times, the Fowler and Mann reports remained secret. The Mann report was paid for by the taxpayers of this State. However, it was covered up.

Mr Court: How can it be secret if the police have it?

Mr McGINTY: Why will the Premier not table it if it is not secret?

Mr Court: It is about someone's business dealings.

Mr McGINTY: It was paid for by the taxpayers of this State and is about a matter in which the public of this State has an interest. It goes to the propriety of the Premier's Government. He is making political decisions to support his friends in the Liberal Party before his duty to the State and to this Parliament.

In 1994, questions were asked about the extent to which the member for Kingsley's political campaign for election to this Parliament was funded by money which was paid to Dr Wayne Bradshaw by way of a bribe - again a most serious matter. The Attorney General admitted a degree of political funding from Dr Bradshaw. However, questions remained about whether there was more. As I said on the radio this morning - obviously the member for Kingsley was listening - I am happy to accept the findings of the royal commission as they relate to her. I am happy that she has been cleared of allegations of wrongdoing to the extent that the inquiry related to her. I mean that sincerely.

However, in 1995, having resisted during 1993, 1994 and the first part of 1995 to reopen the Kyle inquiry, notwithstanding the demands by the Opposition and also the clamouring in the community, the Premier was, at long last, dragged into reopening the Kyle inquiry. The heat and the pressure became so great that he could not resist it any longer. He had deferred it hoping it would go away. However, as with all of these things, it would not go away; it festered and got worse. Serious allegations needed to be properly dealt with, but the Premier did not cause them to be dealt with.

Then followed a halfhearted reopening of the Kyle inquiry. However, it was reopened on the basis that, in order to protect people in the Liberal Party, it be held in secret. Twice in this Parliament the Premier voted against moves by this Opposition to give the Kyle inquiry the protection which would allow it to operate in open session. Twice during 1995 the Premier cast his vote for the hearing to be held in secret because it was his friends in the Liberal Party who were the subject of the allegations and he did not want them brought out in public. That was in stark contrast to his treatment of allegations made against people on this side of the House. He insisted on a full and open inquiry into what Carmen Lawrence said at a Cabinet meeting in November 1992. It is rank hypocrisy on his part. He supports secrecy when matters affect the Liberal Party but supports a media event when matters affect the Labor Party! The Premier is a hypocrite; a rank hypocrite. Nonetheless, he has done his best to keep it under wraps and he has failed in the duty that he owes to the people of this State to ensure that public confidence in the institution of Government is maintained and that these allegations, when raised, are properly investigated.

Then it all started to unravel for the Premier. A Liberal backbencher, a member of the Premier's parliamentary team, a person who rode with him into government, was charged with perjury. He has since undergone a committal proceeding at which the magistrate decided that there was sufficient evidence to warrant his being committed for trial for committing one of the more serious offences under our criminal law in this State, the offence of perjury.

Mr Court: Do you think he should have a fair trial?

Mr McGINTY: What sort of a trial is the Premier affording me today? The motion that will be carried along party lines will find me guilty, without a hearing, by a vote of the Liberal and National Party members of this Parliament, without so much as notice being given before he moved the motion today and without so much as the allegations being outlined.

The final paragraph of the motion finds the Leader of the Opposition guilty of an abuse of the privileges of the House. Therefore, on party lines I am guilty. What a joke; what a fiasco; what an abuse of due process; and what a denial of fundamental rights for the Premier to move a motion to deem somebody guilty. Am I and the member for Wanneroo entitled to put our cases? No, not according to the Premier. It has been found that the member for Wanneroo should be committed to trial on a charge of perjury. He has been through the legal process and is certainly entitled to his day in court to put his case as to why he did not perjure himself. He is entitled to that right, but the Liberal Party has moved a motion stating that I am guilty simply because it believes I am. It is a fiasco. Am I entitled to the same rights and protections as the Government is affording the member for Wanneroo?

Mr Court: Have you moved a censure motion against any members on this side of the House?

Mr McGINTY: I have never moved a motion deeming someone to be guilty and that is exactly what the Premier has done in his motion. If the Premier wants to censure someone, he should move a censure motion. I suggest he read the words of his motion. His allegations are made without trial, without due process and without legal form; it is a denial of natural justice.

Mr Court: You did not give a damn when you destroyed families.

Mr McGINTY: Lee Kuan Yew is sitting opposite. When he is confronted with political opposition, he moves a motion in the Parliament to find that person guilty without due process. How much due process did the Liberal Party give the member for Wanneroo when it took his preselection from him? Members opposite should not come into this place crying crocodile tears and pretending that they will extend to him all of the usual decent considerations which the law affords. A person is innocent until proved guilty. The Liberal Party judged him guilty of being a liability to the Liberal Party and took his preselection - his livelihood - from him. Members opposite have not afforded him the very principles which the Premier is talking about; that is, that people should be treated as innocent until proved guilty. The Premier should not come this pious claptrap with me. He really is pathetic.

We all know this is a routine political exercise by the Premier to damage a political opponent. It is not a matter of substance; it is a number crunching exercise. Let us not dignify the debate by pretending it is about anything serious.

Where are the charges against me laid out in this document? A person would at least expect the charges to be laid against him if a motion is moved to find him guilty. The motion states I have demonstrated a lack of leadership. Ho, ho, ho, is that what the Premier's motion is about? Does the Liberal Party want to be critical of the Labor Party leadership? It appears this is what the motion is all about. It really is pathetic to find somebody guilty of something like that. It illustrates how stupid and crass is the Premier's motion and he should be ashamed of himself for moving it.

Mr Kyle was removed from the inquiry because of a finding of a perception of bias by the Supreme Court. Members opposite could not contain the look of glee on their faces when that became known because to them Mr Kyle had become a monster. Within three days of that decision the Government got rid of him and appointed a replacement, even though the Supreme Court's decision limited his inquiry into Dr Bradshaw only. The Government went ahead and cracked the champagne corks because it had got rid of Mr Kyle who had become an embarrassment to it because he was digging too deep, working too hard, uncovering too much and would have continued to pursue these matters.

Mr Court: Would you have kept Kyle in that position?

Mr McGINTY: There was a valid reason for Mr Kyle to remain involved. He could not inquire into Dr Bradshaw, but there was no legal impediment to his inquiring into the other issues. I said at the time there was a role for perhaps two commissioners rather than delaying the final report. The Premier knows that the final report will be embarrassing to his Government. Instead of having that report brought down expeditiously, the Government is making sure that it is deferred until after the state election.

The Premier knows very well that the royal commission said that the more substantive allegations of corruption will be investigated as soon as the interim report has been handed down. Finally, in 1996, after denying it since 1993, a proper investigation, with the powers of a royal commission, was set up. The Opposition welcomed that. As soon as the royal commission was set up, the Opposition thought that at long last the State had achieved what should have been done by this Government in 1993; that is, a comprehensive public inquiry to put to rest all these allegations.

The next issue I will address is: What should a member of this House do when he is confronted with allegations of a serious nature alleging criminal behaviour and official corruption? Members know the Premier's track record in this respect. He remains silent. He told everyone that he knew about Rothwells, but he sat on his hands. It shows the standards of the Premier's ethical behaviour. The Opposition, by contrast, demanded that these matters be investigated. The Government had a duty to investigate these matters, but it is a duty that it denied.

Let us look at from where the allegations came. If a drunk was rolling in the gutter mumbling incomprehensibly that the previous Attorney General was up to no good, obviously no credibility would be attached to it. If the comment came from a disreputable, unreliable source, again no credibility should be attached to it. I am sure that I am no orphan in this regard: People come to my electorate office, as I am sure they come to the electorate offices of other members in this place, and sometimes make allegations - generally directed against the Government of the day - of impropriety where their interests have been interfered with. It is an extremely common occurrence. It is a question of making sure that there is some credibility in these allegations before one pursues the need to investigate them. It is not every time that a person walks in off the street and makes an allegation of impropriety that that duty rests on a member of Parliament to make sure that it is followed up. It would be absolute negligence on the part of a member of Parliament if someone, who on the surface holds a responsible position and is in a situation to know the facts, presented information and the member sat on his hands and did nothing about it.

Mr Court: Shouldn't the member of Parliament hand it to the police or the Director of Public Prosecutions?

Mr McGINTY: I will come to that. These are matters which should be taken up. It is incumbent upon the Government to investigate allegations made by people who, on the face of it, are responsible, reputable people. The Premier ran away from it because it touched his side of politics and he did not want to know about it. The culpability rests with members opposite.

Mrs Edwardes: What do you do when the DPP says it is unsubstantiated rumour, smear and innuendo?

Mr McGINTY: When the allegations come from the Police Force I tend to give them credibility. I am sure the Minister for Police would do that.

Mrs Edwardes: Are you saying that the DPP is drunk in the gutter?

Mr McGINTY: From where did the allegation about the previous Attorney General discussing a bribe on a tape come?

Mrs Edwardes: It did not become public until this year.

Mr McGINTY: The allegations came from the Police Force. The finding in this report which was handed down in Parliament yesterday was that the internal affairs unit was the source of that allegation. Should I say, "Oh no, I do not give the police any credibility. I will not accept this"? The allegation against the former first law officer of the State came from the internal affairs unit of the Police Force. Should I have turned my back on it and not raised it for investigation?

Mr Marlborough interjected.

The ACTING SPEAKER (Mr Day): I formally call to order the member for Peel.

Mr McGINTY: For the sake of members who have not read this report I refer to a summary of findings on the Cheryl Edwardes' tape on which it was alleged she was heard discussing a bribe. Paragraph 3.6.1(e) of the royal commission states -

> The rumour to the effect that an audio tape existed on which the voice of Mrs Edwardes could be heard engaged in a discussion in which a sum of money was discussed in an improper context had its genesis in an unauthorised leak from the IAU.

That is the internal affairs unit of the Police Force. What should a responsible member of Parliament do if the internal affairs unit of the Police Force says things of this nature? That is the finding of the royal commission. Should we turn our backs on it, sit on our hands and do nothing? The Premier had a duty to ensure that matter was investigated. What action did the Premier take to ensure that that matter coming from the Police Force was properly investigated?

Mr Court: From the day we came into government the police, the Director of Public Prosecutions and the Official Corruption Commission were involved in investigations. As the Leader of the Opposition knows, a number of successful prosecutions came out of the Kyle inquiry.

Mr McGINTY: The Premier was busy hiding from this matter. When an allegation comes from a reputable source people should take notice of it. That is only one allegation about the former Attorney General.

Mr Court: Tell us about the other allegations.

Mr McGINTY: I will deal with the other matters as well, Premier. The allegation about the former Attorney General was raised by the policemen who were involved in bugging the home of the member for Wanneroo. That is what those police officers said was on the tape from that bugging. I would have thought that was a pretty credible source, and certainly one worth investigating. The allegation did not come from an unreliable source, but an eminently reliable source.

Mr Court: It has been investigated and found to be wrong.

Mr McGINTY: The matter has been investigated, as it should have been. The Premier was dragged towards that inquiry, and the former Attorney General has been cleared. I am pleased for her. However, the allegation should have been investigated the first minute that matter was raised.

Mr Court: You said she was corrupt and under investigation for corruption. Will you get to those points?

Mr McGINTY: I am working my way through the allegations that were dealt with by the royal commission. We are debating the royal commission report. I know the Premier is not comfortable, because he should have investigated these matters and he did not.

The Premier is culpable for any damage the former Attorney General has suffered. Any hurt to the former Attorney General's family comes back to the Premier's negligence in refusing to properly investigate these matters as one would expect any decent, responsible Premier in this State would do. It is the Premier who should wear the blame for any hurt and hardship the former Attorney General has suffered. The Premier tried to hide these matters in the full knowledge that ultimately they would be properly investigated, as I believe they now have been.

What was the finding of the royal commission in relation to Mr Barry Corse? Mr Corse provided the one document that I have come into this place to talk about. That document related to Mr Corse's work in his employment with the former Attorney General's department, the Ministry of Justice. He was, as best I can recollect, a middle to senior officer in the Ministry of Justice. Mr Corse interviewed people in the course of his employment as a senior investigator with the Ministry of Justice. He has been found subsequently by the royal commission to have no credibility. I do not quibble with that finding. What would the Premier do if someone said, "I am a middle to senior

officer in a Minister's department. Here is a document which is my record of an interview which I have now passed to other people alleging that my Minister has behaved corruptly"?

Mr Court: I would give it to the authorities, as this Government did. Hon George Cash had the same document and he went straight to the authorities.

Mr McGINTY: We needed an inquiry. The Premier resisted an inquiry. If an anticorruption commission had been established in this State these matters could easily have been referred to that body without the need to raise them in this Parliament. In 1992 the Royal Commission into Commercial Activities of Government and Other Matters recommended the establishment of a strong anticorruption watchdog without delay. It is four years on and it still has not been established. The Premier must take responsibility for not being serious about the fight against official corruption in this State by refusing to establish a strong anticorruption watchdog along the lines recommended by the royal commission and then by the Commission on Government. The Premier has devised a pale imitation of what those bodies recommended. However, it is too late. Had the Premier done what he said he would do before the election to take up the fight against official corruption and establish a strong anticorruption watchdog, the correct behaviour would have been to refer that matter to the Anti-Corruption Commission to ensure it was properly investigated. For as long as the Premier failed to establish that body the responsibility rested with him. In the absence of an anti-corruption commission we needed a royal commission and that is what the Premier ultimately agreed to establish.

Mr Court: What about the Official Corruption Commission?

Mr McGINTY: That is a joke. It is a retirees' part time old boys' club. It was referred to as a mail box. It is totally ineffective. Even the Premier has admitted that, because he has changed the legislation to move halfway towards what is required. The Official Corruption Commission was not the body to which we could send these sorts of matters.

Mr Court: What did you do?

Mr McGINTY: The Opposition said the Government must call an inquiry. We raised these allegations in the Parliament as the justification for the Premier to call that inquiry and we called upon the Premier to do that. We moved motions, that the Premier voted against, to ensure that when Kyle's inquiry was reopened it could be conducted in an open session. The Premier resisted that at every point along the way. Had a strong anticorruption watchdog existed these matters would have been referred to it. I stood in the Parliament and said that there were serious allegations that required investigation. It is the proper role of a member of Parliament to say that matters require investigation.

On page 74 of the royal commission report under the heading "Conclusions" the royal commissioner stated -

> There is no doubt that Mr Grant -

Who was the head of the Attorney General's own department -

> and Mr Lawrence -

Who was the chief investigative officer with the Ministry of Justice -

> engaged in the exercise of cultivating Mr King with the object of extracting from him information as to the commission of offences. Had the approach come from Mr King there could have been no criticism of Mr Lawrence or Mr Grant. As I have found that Mr Lawrence, with the encouragement of Mr Grant, made the approach, it was outside the scope of their official duties. Once the relationship was established and had the imprimatur of Mr McKechnie, both officers were clearly acting legitimately. With the hopes and expectations held at the time by Mr McKechnie and police as to Mr King's knowledge of wrong-doing associated with the Wanneroo council, that effort was no doubt seen as a useful and proper undertaking.

It basically states that the head of the Attorney General's department was a party to the exercise by Barry Corse in extracting information and bringing it forward. Is he prima facie not a credible person? I do not think so. Subsequent events and the finding of the royal commission have found him not to be a credible person. So be it. I have no quibble with that finding. When the head of the Attorney General's department was party to bringing forward information, I thought it would require a decent investigation. The Premier resisted that at every point along the way.

These were not inventions or creations by people on this side of the House. Senior officers in the Attorney General's department and the police in the internal affairs unit were the source of these allegations of official misconduct by the Attorney General. The sooner the Government moves to inquire into these matters, to deal with them and put

them to bed - either by a finding of impropriety or, as has occurred in the case of the Attorney General, a finding that no impropriety has occurred - the sooner the matter will be dealt with. The Government cannot expect, and neither should the public expect the Opposition, to simply walk away from allegations from those sources. It is the duty of the Opposition to raise the matters and it is the duty of the Premier to respond with an appropriate investigation. The failure of the Premier to provide an appropriate investigation, or an appropriate anticorruption commission to which these matters could be referred, is the source of the problems that have arisen. Let us not hear pious claptrap about rumour and innuendo peddled by the Labor Party. We should talk about rumour and innuendo peddled by the former Attorney General's departmental head and senior security and investigative officer, and the police in the internal affairs unit. They are the source, and that makes it significantly different from a wild rumour in the unsubstantiated category.

This is an attempt by the Premier to extract political capital from the very murky, dark, messy political situation in which he finds himself. At Wanneroo the former mayor has already been gaoled for corruption. He was a Liberal Party mayor who was widely known as the chief Liberal Party political mover and shaker in Perth's northern suburbs - a king maker or perhaps queen maker. Those who wanted to succeed in Liberal Party politics in Perth's northern suburbs needed his patronage. He was the patron of a number of Liberal Party members, including the member for Wanneroo. The former mayor has now been gaoled for official corruption. David King was a member of the Liberal Party ruling group and he has been thoroughly discredited by this royal commission. Other charges are to be laid. An enormous number of matters at Wanneroo are still to be inquired into. Having delivered an interim report, Commissioner Davis will now proceed to investigate allegations reported in *The West Australian* about a $50 000 bribe being paid to a former councillor; the extent of campaign donations made by Wayne Bradshaw to Cheryl Edwardes; Wayde Smith's property dealings and, in particular, his ability to service a $1m mortgage on a policeman's salary; the quality of investigations by the police into allegations of corruption in the Wanneroo City Council; the police bugging of the offices and homes of Wayde Smith and Wayne Bradshaw; and allegations of corruption raised by the former head of the Ministry of Justice, David Grant. No findings have yet been made about Wayne Bradshaw, and investigations are continuing. A major issue will be the extent of links with Dr Bradshaw and his admitted perjury to the royal commission so far. I presume the inquiry will also focus on the removal of the Fowler report from the Premier's department by Richard Elliott the day before freedom of information legislation came into force, with a view to frustrating the will of the Parliament and the implementation of those laws. I presume it will also include claims of misconduct concerning planning approvals for service stations in Kingsley and Ocean Reef. These are some of the matters that remain to be investigated and, as Commissioner Davis has said, the more substantive issues remain to be addressed. Certain matters were able to be disposed of - I am glad they have been - in the interim report. Now it is time for the commission to move to the substantive issues, some of which I have just addressed.

In conclusion, this move today is a very clear exercise along party political lines. Regardless of what is said and regardless of any merit in the positions advanced by either side, the Liberal Party will use its numbers in this House to carry a resolution to find me guilty. It will find me guilty at this stage, beyond the allegation in the Liberal Party motion which is critical of me as leader of the Labor Party, of something clearly of an unspecified nature. If the House wants to operate in this Star Chamber way, so be it. However, the Government should not expect any credibility to be visited upon this very cheap political stunt. The Government should have inquired into these matters from the beginning. The Minister for Local Government was as culpable as anyone else in resisting this inquiry all the way along. The Minister will not get away with it. The real culprit in this matter is the Premier.

Amendment to Motion

Mr McGINTY: Accordingly, I move -

To delete all words after "Wanneroo" in paragraph (a) with a view to substituting the following -

and condemns the Premier for -

(i) his failure to establish an effective commission to investigate corruption and improper conduct as recommended by the Royal Commission into Commercial Activities of Government and Other Matters, thus leaving Parliament as one of the few avenues available to pursue allegations of corruption; and,

(ii) failing to ensure that allegations of official corruption were properly investigated in an open and credible way in order to protect his friends and supporters in the Liberal Party.

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [12.38 pm]: I second the amendment moved by the Leader of the Opposition. Before dealing with the substance of the amendment, I quote from a report on the question of privilege which was tabled in this Parliament in 1986 -

> Questions of privilege of Parliament are extremely difficult. In many cases the people accused are people who are being charged by the very people whom they are alleged to have offended - the Members of Parliament. There is no redress in the Courts. There is no protection of fundamental rights, such as the right to Counsel, and the right to a free and fair and open hearing.
>
> The Commonwealth Parliament at least has attempted to wrestle with these problems, but they have found no solution. Our own Parliament is inadequately placed to deal with the issues under the law and the procedures as they apply now.

That is a very clear statement about the inappropriateness of the Parliament, particularly one with a clear majority on one side and a minority on the other, for dealing with matters of privilege. Who made that statement? It was Mr W.R.B. Hassell on 16 July 1986. How times have changed. In 1986 the Labor Party was in government and was moving through the parliamentary process to censure members of the minority Opposition. The Liberal Opposition was protesting about that process being used to deal with matters of privilege. It is not a good process, as the Leader of the Opposition said. It is a hopeless process which is part of the political game. The political game is important and should be played. However, everyone should recognise when that game is being played. That is the game that the Premier is playing today; nothing more, nothing less.

The substance of the amendment moved by the Leader of the Opposition has brought us to the real problem facing us with issues such as this; that is, inaction by the majority of both Houses of Parliament, which happens to comprise the coalition Liberal and National Parties. The Royal Commission into Commercial Activities of Government and Other Matters of 1992 said that in Western Australia we need a new way of dealing with the conflicts within our community. Western Australia is a small and parochial community; we do not deal well with the conflicts we have in our community. It is divided largely on political lines: The Liberal Party on one side and the Labor Party on the other side; the Nationals on one side and the Liberals on the other side; the Greens and Democrats on one side, and the Labor Party on the other side.

Those political divisions permeate all sectors of our society. We all know when people are telling us things where their motives lie. On many occasions their motives are not disinterested but relate to political gain. As we are an isolated and parochial society we have great difficulty dealing with these issues without lining up in the old Western Australian tribes - the Liberal tribe with its base in Dalkeith, the National tribe with its base in Merredin, the Labor tribe with its base at Trades Hall, and the Greens (WA) tribe based in the electorate of the member for Vasse.

The 1992 royal commission said that we must go further than this; this is a hopeless way of dealing with the problems and conflicts within our society and we must come up with a new system.

Mr C.J. Barnett: Are you going to address the Wanneroo royal commission report? I will be interested to see whether you defend the member for Peel.

Dr GALLOP: I will address that report, but the first thing I will do is address the amendment moved by the Leader of the Opposition because I have seconded it. Firstly, the royal commission of 1992 said we need a political system that is more vital and vigorous. One of the problems in the past was that everyone was too quiescent; they were not vigorous enough in their politics. That complaint was addressed to the Press as well as to members of Parliament.

Secondly, that royal commission said that we needed a more diverse and balanced Parliament, particularly in the upper House. That is the solution to the issue of privilege. If a more diverse and balanced Parliament were to exist, no majority would ever be in a position to determine the outcome of any parliamentary debate.

Finally, the commission said that we needed a new institution to deal with corruption claims in our community. The Official Corruption Commission is hopeless; it is a mail box and cannot deal with the substantive issues that arise from time to time. More importantly the police are not in a good position to deal with those issues, as has been shown by every major crisis that develops from corruption in our community.

The royal commission in 1992 said that we must replace our system with a new one which means institutional and cultural changes and a new way of looking at politics. Unfortunately for that royal commission, a change of government occurred in 1993. The call for a new system and a new attitude was most inconvenient for that new government because, first and foremost, the new Government did not believe in any of those ideas. That has become patently clear during the three and a half years it has been in power. Second, and most important, the coalition was then in power. It did not want a more vigorous political system; it wanted silence and servitude to descend upon the State of Western Australia. That is how that party best operates.

When the Premier and the Commissioner of Police come into rooms everyone stands and bows. What a disgusting episode that was last week. The press officer of the Commissioner of Police asked people to stand when the Premier walked into the room. Does the Premier approve of that request?

Mr Court: I have not been to a function where the master of ceremonies at conferences or seminars does not control meetings in that way.

Dr GALLOP: It is a disgrace that we live in a community where people are requested to stand when elected politicians come into the room. I hope all members of Parliament will tell the Minister for Police to instruct the Commissioner of Police to tell his press officer to stop giving those instructions to the ordinary public of Western Australia who are equal to us and should be treated as equals.

The first and most obvious political challenge that faced the Government was Wanneroo. It was not long before that was placed on the agenda of the political system. The response of the Government was to cover up and encourage its members to stick together and to maintain tribal loyalty. They believed that the only way they could operate in the Western Australian political system was to all stick together. The Premier obviously gave pep talks to his members of Parliament, some of whom were whingeing and complaining about the allegations that surfaced in 1990.

However, the issue kept returning as a result of continued allegations. What then happened? The courts of this land determined that some people associated with the Wanneroo City Council were corrupt and therefore they were sent to gaol. What happens when people are sent to gaol? The heat in the atmosphere surrounding the issue rises, not because people such as those in this Opposition light matches; but because the situation is more heated when people are sent to gaol, and a smell pervades such institutions, in this case the Wanneroo City Council.

The atmosphere was becoming more heated, people were being sent to gaol, allegations were being made about a range of matters connected to that council and the Government was resisting a call for a further inquiry. What did people do? They went to the last resort which, in our system of government, is the Parliament. That is why Parliament was set up. The privilege of Parliament is the last resort that offers people an opportunity to raise matters. I hope that every single member of this Parliament agrees that Parliament is a fundamental institution for protecting the rights and liberties of our citizens. The community started to say to the Opposition, to talkback radio programs and to anyone who would listen, that people were concerned; they wanted justice to be done in our community; and if justice were not done in Western Australia, the degree of cynicism about our institutions would rise enormously.

How do we then deal with allegations? Three opportunities are available to people: Firstly, they can go to the police; secondly, they can go to some form of special inquiry such as a corruption commission or a royal commission; and, thirdly, they can go to Parliament. In 1993 or 1994 could people go to a special inquiry? Was there one available? No, there was not, because the Premier of this State said we did not need one. It was a decision of the Premier and his Government not to set up an inquiry, not to reactivate the Kyle inquiry or to set up a new one.

They could not go to the Official Corruption Commission because it was not geared up to deal with the issue. They could go to the police, but the difficulty - as the report of the Legislative Council committee and many reports in Australia and the western world have pointed out - is that the police are not in a good position to deal with corruption allegations in our community. The nature of these types of allegations and claims, as well as policing work, are not well suited to the police. Most importantly, they do not have powers that enable them to pursue the matters well. My evidence for that claim is that it was the Kyle inquiry, not the former police inquiries, that finally brought to justice some of the people associated with the City of Wanneroo. People could not go to the police; so where did they go? They went to the Opposition in the Parliament - to the Independent members and opposition members who may raise matters and put them on the agenda. That is the context of all these issues - the matters of grave concern, people being put in gaol, a heated political atmosphere and no institutions except the Parliament to deal with those questions.

I come now to the way they were dealt with in Parliament. The Premier finds it very easy to say that allegations should not be raised unless they can be substantiated. That is a request of members of Parliament that simply cannot be met. Every debate on privilege that has occurred in every Westminster Parliament over 100 years would come to the same conclusion.

Mr Minson: But you would agree that we should at least make some reasonable attempt.

Dr GALLOP: The Leader of the Opposition established that very clearly by referring to who was raising the issues - the senior officials in our system of public administration and of the Police Force were raising issues which led us to believe that perhaps there was something associated with them.

Mr Minson: Don't you think it is incumbent on members of Parliament to do their best to check out those things?

Dr GALLOP: Of course, but in determining whether members of Parliament have acted properly or improperly in relation to that, a majority opinion based on the Liberal and National Parties' ability to determine whether that happened is simply inadequate. I return to Bill Hassell's quote. He said that it is totally inadequate as a way to deal with that question posed by the Minister.

It is difficult for members of Parliament, because people make allegations about individuals all the time. We all know the conspiracy merchants who exist in our world. They are everywhere. They ring up and say certain things. Of course, 99 per cent of the time most members of Parliament do not raise those issues because they have no basis in substance. In this case, the problem is people had already been gaoled, inquiries such as the Kyle inquiry had been held, and senior officials of government had raised these issues. Therefore, what were opposition members such as the member for Peel to do in that situation? The first thing he did or could do was to return to the royal commission report and take advice from it. The royal commission in 1992 said, "Be vigorous; pursue those matters; make sure justice is done in our community."

Mr C.J. Barnett: Did it suggest that members were irresponsible?

Dr GALLOP: Let us go to the issue of responsibility and parliamentary responsibility. I turn to page 79 of the report of the Royal Commission into the City of Wanneroo. Paragraph 2.9.1(b) reads -

> While the evidence concerning Ms Rowe's participation in the meeting strongly points to a deliberate exercise planned to embarrass the Liberal Party there is insufficient evidence to support such a finding.

What did the Premier say about that matter in his speech to Parliament yesterday? He said it was shown that the Leader of the Opposition and his friends were engaged in a political campaign. In other words, the Premier misrepresented what the royal commission had said. The Premier should not lecture us about people misrepresenting what other people say. Today I have put to the House evidence of the way the Premier has misled Parliament about what is going on.

The substance of the issue we are addressing today is the adequacy or otherwise of the Parliament in dealing with issues related to privilege. My source on that matter is W.R.B. Hassell, the current Agent General for Western Australia. He was correct: Our procedures, when there is a majority on one side and a minority on the other, are hopeless when dealing with those matters. The Government's pursuit of that strategy was flawed.

Secondly, we come to the substantial criticism of the Opposition in this motion for raising these issues in the forum of the Parliament.. We have established that if we were to be a vigilant Opposition that does its job properly, Parliament would be the forum within which to raise such matters, given the importance of the issue, the fact that people have been put in gaol, and that senior officials of the Government were leading us and others to believe serious matters had to be addressed. We called for an inquiry - and if there had been an inquiry as early as 1993-94, the then Attorney General might have been saved a lot of pain from the allegations that were made. That is the duty of the Opposition. It is uncomfortable and it is not pleasant. In 1993-94 we did not live in a society, however, where we could simply refer these matters to another institution, because this Premier resisted the formation of such institutions.

In conclusion, the amendment regarding the poor performance of the Government in relation to the royal commission report -

Mr C.J. Barnett: You have not answered my question. Do you support the member for Peel?

Dr GALLOP: I support the member for Peel's rights as a member of Parliament. I hope that the Leader of the House will support those rights also. If he does not, we will drift into the state of Singapore. I interjected about Singapore, and the Minister for Labour Relations said that he wished that this State was like Singapore. He would say that!

MR BROWN (Morley) [12.57 pm]: I support the amendment for a number of reasons. First, interesting things always come from a royal commission. Members opposite might remember the great alacrity with which the coalition supported an inquiry some years ago into the ships' painters and dockers. Members opposite thought the inquiry would reveal a lot of rorting by the ships' painters and dockers. However, it revealed rorting by senior members of the Liberal Party with their bottom of the harbour tax scam at that time. Although the coalition was very keen to set the royal commission boat to drift into the ships' painters and dockers, it came up with the wrong conclusions.

Mr C.J. Barnett: Are you about to talk about the Wanneroo findings?

Mr BROWN: I am, because there is another side to this debate, which is clearly outlined in the royal commission's report. I want to deal with that in the time available to me. First, I refer to the Premier's statement yesterday to this House, because those who accuse others of misleading should not seek to mislead. Those who claim that people are not acting with integrity should themselves act with integrity and openness. The daily *Hansard* for yesterday indicates that the Premier dealt with one paragraph of the royal commission report relating to the involvement of Ms Rowe, Mr King and Mr Lawrence. He dealt with that and drew conclusions from it.

Sitting suspended from 1.00 to 2.00 pm

Mr BROWN: Prior to the luncheon suspension I was describing how the Premier deliberately misled the Parliament yesterday about the report of the royal commission.

The SPEAKER: Order! I was not here, but it is unparliamentary and out of order to accuse someone of deliberately misleading the House, so if the member for Morley did do that earlier, I ask him to refrain from doing it again, otherwise I will have to take action.

Mr BROWN: Mr Speaker, I will continue my remarks by referring to the less than frank way the Premier reported to the Parliament yesterday about the report of the royal commission. It was interesting that the Premier selected a quote about an incident that occurred with a Ms Rowe in connection with an interview with Mr Barry Corse and Mr Lawrence. The Premier sought to use that paragraph from the royal commission report to allege that the Leader of the Opposition was the mastermind in bringing allegations before this Parliament.

I draw the Premier's attention to page 42 of the royal commission's report, which effectively discounts that allegation altogether, which conveniently the Premier sought to ignore altogether. For the Premier's edification, the commissioner said -

> I find that Ms Rowe's actions in bringing Mr Corse and Mr King together was motivated by the hope and expectation that Mr Corse would pass on the information he obtained in a way that would result in some benefit to Mr King. There is insufficient evidence to support a finding that her actions were politically motivated.

To the extent that the Premier seeks to be less than frank with the Parliament and to selectively quote and misquote findings of fact by the royal commissioner, he does his argument no good at all. Those who seek to impugn the integrity of others must themselves stand in this place with great integrity and report faithfully - and that is what the Premier has failed to do.

The second issue of importance that is raised by this report is the conduct of the member for Kingsley and former Attorney General. Two issues are canvassed in this report about the conduct of the former Attorney General. The first is her role with her husband in the City of Wanneroo. The second issue, which also has been raised by the Opposition time and time again in this place, is the effective administration of the Ministry of Justice. Members will recall that time and time again last year the Opposition raised the abysmal way the Ministry of Justice operated under the Attorney General. We called for a judicial inquiry and for a thorough investigation of the Ministry of Justice. We said that the administration of the Ministry of Justice under the former Attorney General was hopeless; it was a mess and a disgrace. Time and time again in this place the former Attorney General, the Premier and others said that there was no need for concern and that there was no problem with the Ministry of Justice; that it was operating effectively and efficiently. Let us look at what the royal commission said about that issue.

The former Attorney General was in charge of the malaise in 1994. Material has come out in the royal commission report about the activities of the director general, the chief officer of the intelligence unit, and other employees of that ministry. The former Attorney General was presiding over that ministry and she cannot say that she did not know about the situation. Let us consider the issues that were raised in this Parliament in March 1995 - over 12 months ago. Questions were raised continually in this Parliament about the operations of the Ministry of Justice and were constantly denied by the former Attorney General. This House and the public of Western Australia were told consistently that the ministry was operating effectively and efficiently.

Mr Court: Is the member for Peel going to speak in this debate?

Mr BROWN: That will be up to the member for Peel. The Premier will not sidetrack me; he must listen to this. His interjection is a nice excuse. I learned that sort of tactic in about 1970 when I was approximately 23. It is a nice red herring to get me to talk about something else. Let me return to the point.

For 18 months the former Attorney General presided over what this royal commissioner has said was shocking management. What did she do during that time? Did she investigate it? Did she agree with the Opposition and appoint a judicial inquiry? Did she concern herself with the issues that were raised time and time again by this side of the House? No. Not only did the Attorney General simply refuse to investigate those matters, but also the Premier in that regard supported her actions.

Let us consider what this royal commission report says about the administration of government, the administration of the Ministry of Justice, and the administration of the public sector in this State at the most senior levels. I direct members to page 48 of the interim report of the Royal Commission into the City of Wanneroo, which refers to the meeting in October 1994 between the Commissioner of Police and the former Director General of the Ministry of Justice. That meeting was attended by Richard Elliott from the Premier's office. This was not an ordinary meeting; it was a very significant meeting. According to the royal commission report, the Director of the Ministry of Justice

was crossing the line and interfering in police inquiries. That is why the Commissioner of Police sought the meeting with the Director General of the Ministry of Justice and Mr Richard Elliott, as the most senior officer in the Premier's office, to tell the Director General, the holder of the most senior position in the Ministry of Justice, to butt out, that he was overstepping the mark.

The Director General, according to this report, agreed to desist. Was there any inquiry into that matter? Was it reported to the Premier by Mr Richard Elliott? Did the Premier sit on his hands? Will anyone tell us that Mr Richard Elliott, the trusted confidant of the Premier, the person who was called to have this meeting with senior executive officers of this State, did not tell the Premier what the matter was about, that he did not report it to the Premier and say -

Mr Court: Have you read the findings on that?

Mr BROWN: I have read the findings about that and also the text of the report.

Mr Court: You had better change to the next subject.

Mr BROWN: I do not think the Premier has read it.

Mr Court: I certainly have read it.

Mr BROWN: The findings in chapter 2 are very clear. They do not absolve the Premier's role at all.

Mr Court: If you read them to the House, it would put an end to your argument.

Mr BROWN: The Premier would have the people of Western Australia believe Mr Richard Elliott - the most trusted confidant in the Premier's office, who was presiding over an altercation between two chief executive officers of senior ministries dealing with justice in this State - either did not report to him and the Premier did not know anything about this matter, or the Premier did know about it and that made it very difficult for him. The Premier would have had to intervene under his own Public Sector Management Act in bringing to book the Director General of the Ministry of Justice and, in turn, the former Attorney General for her failure in administering properly the Ministry of Justice.

What happened? Nothing; the Premier sat on his hands - he did nothing. We are asked to believe the Premier perhaps did not know what was happening or that perhaps Mr Elliott did not pass it on. Neither of those alternatives is credible. In trying to get to the truth of these matters, questions were asked in this House time and time again. When did the Premier become aware of the tape of the police recording with the voice of the former Attorney General on it?

Mr Omodei: No such tape existed.

Mr BROWN: According to the royal commission report it did.

Mr Omodei: You can do better than that.

Mr BROWN: I know the Minister for Local Government has a bit of trouble with these things, but I will try to find the appropriate reference for him in the summary of findings. Paragraph (a) on page 118 in the summary of findings states -

> There were audio tapes recorded by the IAU on which the voice of Mrs Cheryl Edwardes could be heard.

Mr Cowan: Keep going.

Mr BROWN: I did not say what was on the tape; I said there were tapes. I said they were found. I suggest the Minister read the report. I will take the interjections, but I ask members opposite at least to make them intelligible. They should read the report and do the ministry that service.

Mr Omodei: Paragraph (b) says that no police officer holds or has ever held an audio tape on which could be heard the voice of Mrs Edwardes engaged in a discussion in which a sum of money was discussed in an improper context.

Mr BROWN: The Minister should go back and check the *Hansard*. He is not listening too carefully, so I suggest that he does not interject. However, if he is to interject, he should do so with something sensible, not something ludicrous like that.

Of course the Premier does not want to say when he first heard of the tape. I do not know when the former Attorney General first heard of the allegations about the tape. I ask the member for Kingsley directly: When did she first hear that a tape was made?

Mrs Edwardes: Martin Saxon in the *Sunday Times*. I first heard about the bribe when it was discussed by the member for Peel in this House.

Mr BROWN: When did the former Attorney General hear that the IAU had made a tape?

Mrs Edwardes: In 1994, Martin Saxon's article in the *Sunday Times*.

Mr BROWN: I have some difficulty with the answer given that the former Attorney General heard about these matters in 1994. In this House last year I asked her whether the Director General of the Ministry of Justice had been advised the police tape recorded a telephone conversation involving the husband of the Attorney General. Her answer to that question was no. It just does not ring true, given the chronology of events. The former Attorney General can shake her head for as long as she likes, but it simply does not ring true.

Mr Court: You had better call for a royal commission.

Mr BROWN: Let us look at what the royal commission said about the administration of the Ministry of Justice and the view of the former Attorney General of the Ministry of Justice. In paragraph 2.7.7 on page 76 of the report the royal commissioner states -

> . . . I make the observation that the nature and extent of management problems in the Ministry of Justice disclosed in the course of this investigation were shocking.

He talked about what was happening in the Ministry of Justice in mid-1994. I refer to an article in *The West Australian* of 10 October 1994 in which the former Attorney General is quoted as saying -

> I can assure the public that the administration of justice is under control.

She went on to say that the former Director General of the Ministry of Justice and the Director of Public Prosecutions had kept her and the Government fully briefed about current problems in the prison system. What was going on? What was happening in this ministry? I do not know whether the former Attorney General was out to lunch for 18 months. It was not as though this was happening secretly and it suddenly came to the fore. Questions were raised in this place time and time again. Indeed, according to page 459 of *Hansard*, in a debate in this place over 15 months ago about the problems in the Ministry of Justice the former Attorney General said that there was no crisis in the Western Australian prison system as had been made out by members opposite. She went on to say -

> The director general described the Western Australian prison system as stable and well managed . . . The Director of Public Prosecutions, as I indicated last year, is overseeing the investigations and reporting to me.

She then berated the Opposition for not applauding the activities of the then Director General. In all of these things, we see a crisis in the Ministry of Justice. The royal commissioner has described it as shocking. He has applied various other terms to the manner in which the management of that ministry operated - all under the control of the former Attorney General. It is interesting that when the Attorney General relinquished her position as Attorney General and stepped down to take up the position of the Minister for Family and Children's Services, she was still not convinced there were problems in the Ministry of Justice.

Although the new Minister and the new Attorney General indicated that he would not take on the former Director General of the Ministry of Justice and he was removed, the former Attorney General offered Mr Grant the position of Director General of the Department of Family and Children's Services. What was going on? The issue of the operation of the Ministry of Justice - of which Mr Grant was in charge; Mr Lawrence ran the investigations unit - was raised time and again in this place. The operation of the ministry was under the Minister's control. All the problems raised were denied, yet this royal commission report contains an unequivocal indictment of the way in which the ministry operated.

MR TRENORDEN (Avon) [2.21 pm]: In reading the interim -

Mr Court: It will be interesting when the member for Peel speaks on this motion. This is a censure motion naming the member and he has not even come into the Chamber.

Mr D.L. Smith: It is appropriate that he hear all the evidence against him first.

Several members interjected.

The SPEAKER: Order!

Mr TRENORDEN: I agreed with the Leader of the House and others that I would not speak today, because it is important that the member for Peel has his say. However, as he is not in this place, I will present a short dissertation on this matter.

Several members interjected.

Mr TRENORDEN: I can make it longer if the member wishes. It is not a problem for me.

I read the report last night and have come to the conclusion that it is the sort of story that one would expect to have come from the pen of Jeffrey Archer. It has all the features of a good story and plot. It has a very interesting plot and a list of very interesting characters. At the head of the list is the ex-Wanneroo councillor, David King. He is a convicted felon and he has his problems. He is quoted in the report as saying that he is a very aggrieved man because he was gaoled for indulging in what he considered to be very acceptable commercial activities; that is, accepting bribes and putting the residue of his campaign funds in his pocket.

Another character is Mr David Grant, who was the Director of the Ministry of Justice. He is an individual with a high opinion of himself and is obviously very keen to promote himself. We also have Mr Brian Lawrence, the manager of the intelligence unit of the Ministry of Justice. He was a creation of Mr Grant and they were very close. Ms Rowe, a friend of Mr King and Mr Corse, was also involved.. She was a member of the ALP and was on the ALP State Executive, even though she forgot that for a short time. She was formerly an industrial officer for the Miscellaneous Workers Union, from which she resigned in March 1984, and a former workmate of the Leader of the Opposition, who was her superior for much of the time she was with the union. There was also Mr Barry Corse, a person with no defined job in the ministry - a very interesting position - but answering only to Lawrence and Grant. This man was heavily involved in investigations outside his responsibility.

Mrs Henderson: Was he a member of the Liberal Party?

Mr TRENORDEN: I have no idea whether he was a member of the Liberal Party.

Mr Kobelke interjected.

The SPEAKER: Order!

Mr TRENORDEN: That is a very interesting point. I point out to members that the National Party has more members than both major parties put together. What difference does it make whether these individuals are members of the Liberal Party, the National Party or whatever party? That is a strange argument.

Several members interjected.

Mr TRENORDEN: Mr Barry Corse was answerable to Lawrence and Grant. The royal commission report states that this person acted well and truly outside his responsibilities and was never reined in by Grant, Lawrence or other people in the system. He has been described as a purveyor of information and a rumour monger, well known in the correct and not so correct circles of this State. Apparently some members in this place know this man; I certainly do not. According to the royal commissioner he is well known on the Terrace and to some people in this Chamber. The other characters in this story are the Leader of the Opposition and other members of this House.

Early in May some interesting things happened. Ms Rowe, Mr King and Mr Corse came together. Mr King was newly charged and going through the process of being convicted. Mr Corse was new to his position in the Ministry of Justice. Ms Rowe was a friend of both Mr King and Mr Corse. In July, Rowe, King and Corse met and Corse sent a memorandum to Grant - and it is included in the report. Following that, Grant, Lawrence, Corse and Mr McKechnie - the Director of Public Prosecutions - became involved in the gathering of information from Mr King while he was in custody and the introduction of the police in investigating Mr King's testimony. We had this circle of people, including staff of the Ministry of Justice for whatever reason acting outside its jurisdiction, with Grant, Lawrence and Corse heavily involved. Mr McKechnie was drawn into the situation because he legitimately wanted to pursue the allegations that Mr King was making. Obviously, the police were also investigating those issues.

What was happening at the same time? That same information was flowing across to the Opposition in a flood. One could ask: So what? The Opposition always gets information. Certainly in the seven years I spent in opposition I received a considerable amount of information. In fact, the Leader of the Opposition has correctly raised the point that we have a duty to listen to people and to make judgments about the information provided. However, the Leader of the Opposition also spoke about his duty as a leader, to the Parliament and to the people. I have a report entitled "Standards in Public Life" from Westminster. It refers to seven principles of public life, which are: Not being selfish; having integrity; being objective; being accountable; being open and honest and displaying leadership. They are the seven principles to which we in this House should adhere if we accept the Westminster model.

What happened to the information when it got to the Leader of the Opposition? The leader has already admitted today that he received information from Corse. We know that Mr Corse, operating within this circle of people, with the police and the DPP and the Ministry of Justice, was also giving information to the Leader of the Opposition. We also know that Ms Rowe was heavily involved with the ALP and had extensive contacts with the Leader of the Opposition.

Several members interjected.

Mr TRENORDEN: Information was flowing across.

Mr Marlborough: The royal commission report said that there was no evidence to associate the two on any of the issues. Read the recommendations instead of making it up as you go along.

Mr TRENORDEN: It is good to see the member for Peel in the House.

Mr Marlborough interjected.

The SPEAKER: Order! The member for Peel will come to order.

Mr TRENORDEN: Cover to cover.

Mr Marlborough: We should put it in braille for you, with cartoons.

The SPEAKER: Order! I formally call to order the member for Peel for the second time.

Mr TRENORDEN: I have no reason to be upset with the member for Peel. He is the person under pressure today, not I.

Ms Rowe in the report said she had only one contact with the member for Peel and the rest of the time the presumption was that the contact was with the Leader of the Opposition. What about the quality of the information coming across? To quote the royal commissioner from page 40 of the report -

> In my opinion, it is of some significance that Mr Corse described Ms Rowe as "Jim McGinty's lieutenant".

The report goes on to say that much of the activity was politically motivated. So what? Page 41 also states that given Mr Corse's well-known reputation, Ms Rowe could only have been aware of it.

That is, the reputation. What did the Opposition do with the information when it arrived? Ms Rowe, according to the royal commissioner, should have known better than to accept Mr King's veracity. Mr Griffiths, an officer at the Wooroloo Prison who was mentioned in chapter 2, quickly adopted a negative attitude to both Mr Lawrence and Mr King. According to the transcript, he quickly decided there was some doubt about the information coming through. Mr McKechnie, in the press statement mentioned a couple of times already, referred to the issues as being without substance and a cowardly attack. This is the same information which the Leader of the Opposition was using in this House and handing on to the member for Peel.

Mr King described the actions of Ms Rowe and Mr Corse as basically fishing for information to be used for political purposes. The Leader of the Opposition is a fully trained, although not too practised, lawyer. It is interesting that in his speech of 10 August, which has been alluded to in the House, he did not use much of the information. In the speech the Leader of the Opposition praised the member for Peel for being courageous. The Leader of the Opposition knew full well from Rowe, McKechnie and his own training the value of the information; that is, that it was pretty close to valueless. However, he was handing it over to the member for Peel who used it over a long time.

The question here is not about the Opposition using information; the Opposition has a right and responsibility to use information.

Dr Gallop: Hear, hear!

Mr TRENORDEN: The Deputy Leader of the Opposition will know that the Opposition has a responsibility to validate that information - that is the issue. Any objective reading of this interim report can leave no doubt that that process was not followed by the Opposition.

Dr Gallop: Where did it make that point in relation to the Labor Party and reach a conclusion? It does not deal with it!

Mr TRENORDEN: The Deputy Leader of the Opposition should read chapter 2. I will dig out the pages if he wants them.

Dr Gallop: I am after recommendations.

Mr TRENORDEN: Anyone who doubts my statement should read chapter 2. That is not really the point. This House has responsibilities and obligations, and this information coming to the ALP, through the Leader of the Opposition in many cases, was rejected by people with a lot less training than that possessed by the Leader of the Opposition. Even Mr Griffiths of Wooroloo Prison rejected it early because it had no substance.

We are here today to consider whether members opposite, upon receiving this information, undertook the necessary calculated and reasoned thought about how they would use it. There can be only one answer. It is not for me to provide the answer; it is for the royal commission, the public and the members of this House to do so.

Unfortunately - I say because of its immaturity, although others will growl at me for that view - this House cannot, as is done in Westminster and other Parliaments, chastise its own members as these matters instantly become a party political process. That should not happen. When we abuse privilege in this place, we abuse the people of Western Australia. It happens here far too regularly.

This issue is for the conscience of the member for Peel, who is a robust person who has the right to make his own decision. Also, I have the right to make my judgment, and I judge that he crossed the line. It is also the right of the royal commissioner to make his judgment.

Mr Graham: He did not make that judgment.

Mr TRENORDEN: I beg to differ. I do not wish to speak any longer; I would like to give the member for Peel his right to speak.

We have the unusual actions of Mr Grant, the very reprehensible actions of Mr Lawrence and his investigation team, even down to people like Peter Moore, who was mentioned in a minor part of the report. Some serious questions must arise about how those public servants acted, and with whom they were involved. They are questions to be answered in the future.

I am pleased that this debate has come on. It is a pity that it will pass and questions of parliamentary privilege and the abuse of our responsibility in this House will not be addressed. The Press will write up this debate as party political -

Mrs Henderson: Which it is.

Mr TRENORDEN: It is not; that is the sad part. Members in this place should be able to agree, when one of us crosses the line, that we have the right to pull that person back into line. I am not talking about ejecting the member for Peel from his seat or any draconian measure. I indicate to the member and the Leader of the Opposition that the member went beyond the pale. These are judgments for me and for members opposite to make. Unfortunately, those judgments will be made on a party political basis today.

MR RIPPER (Belmont) [2.38 pm]: Listening to the self-righteous speech of the Premier this morning in Parliament, one would have thought that no corruption at all had occurred in Wanneroo. However, David King is in gaol and Wayne Bradshaw was recently released from prison. The Premier should not come into this House and pretend that there is no substance to the allegations made about Wanneroo; the courts have found substance to the allegations about Wanneroo, and they have taken action against at least two people and others face charges.

Undoubtedly, the Minister for Family and Children's Services and her husband were part of a tight Liberal Party faction in the northern suburbs. Undoubtedly, other members of that faction received corrupt payments. Undoubtedly, the Attorney General in return -

Mrs Edwardes: What was that you just said?

Mr RIPPER: Undoubtedly, other members of the faction received corrupt payments. A person has been gaoled for receiving a corrupt payment. It is also the case that the person who received corrupt payment made a political donation to the Minister for Family and Children's Services. That was the case.

Mr Bradshaw: They were not gaoled for receiving a corrupt payment.

Mr RIPPER: He was gaoled for receiving a corrupt payment.

Mrs Edwardes: You cannot get your facts right.

Mr RIPPER: Now members of the coalition are trying to tell us that Wayne Bradshaw was not guilty of corrupt behaviour. That would be amazing information for any Western Australian who has been reading the newspapers.

The Minister for Family and Children's Services was part of a tight northern suburbs Liberal Party faction, some of whom received corrupt payments. She received donations from members of that faction. Still to be investigated is

the extent to which the Minister for Family and Children's Services knowingly, or unknowingly, received campaign financing from the proceeds of corrupt payments. Members of the Opposition are not the only people saying it is quarter time and serious matters remain to be investigated; the royal commissioner is saying it. On page 12 of his report he said -

> I also believe it has been helpful to dispose of some of the longstanding allegations of great public interest before commencing hearings into the more substantive matters of alleged corruption in the Council of the City of Wanneroo.

In the royal commissioner's words, more substantive matters of alleged corruption remain to be investigated. In other words, the commissioner has dealt with the matters which are of lesser substance than those which remain to be investigated. One of those matters is the financing of campaigns of members of that tight Liberal Party faction in the northern suburbs, including the Minister for Family and Children's Services.

The way in which the commission has approached its investigation is of concern to me and I refer to page 9 of the commission's report where it states -

> . . . the approach it has adopted when dealing with a specific allegation is first to establish the source of the allegation, the motives of the person found to be the source and the mechanism or method by which the allegation was disseminated and became public.

I find that disturbing because the commission, in the first instance, focused on investigating those people who made the allegations rather than, as one would expect, those people who are the subject of the allegations. It is an extraordinary way in which the commission has gone about its investigations. Nevertheless, it is reassuring that the commissioner considers more substantive matters remain to be investigated, otherwise the Opposition would have to accept the Premier's absurd conclusion that everything the Opposition has been saying is wrong and that the Government may as well conclude there has been no corruption in Wanneroo.

This motion, and the amendment moved by the Leader of the Opposition, really bear on the role of a member of Parliament. Members have an important role to give voice to matters which cannot be dealt with anywhere else in the system. If members are given information which alleges corruption or impropriety, they have an obligation to do something with it. It is true members receive information from time to time which is inherently unbelievable. Members do not have a duty to deal with such information.

However, members should look at the source of some of the information which is central to this affair. Information came from police officers, members of the Liberal Party and senior officers in a key department; that is, the Ministry of Justice. What would the Premier do if a senior officer in his department was peddling information alleging that he was behaving corruptly or improperly?

Mr Court: They did come to the Government and they were sent off to the appropriate authorities.

Mr RIPPER: If the Premier were an opposition member of Parliament and he had information from a senior officer in a government department that the then Premier was behaving corruptly or improperly, he would think it was an important matter which should be dealt with.

Mr Court: I would immediately give it to the police or the DPP. I have done that many times.

Mr RIPPER: It is clear that a bizarre situation prevailed in the Ministry of Justice. I refer to page 75 of the commissioner's report -

> It is true that in the Byzantine world of the Ministry of Justice at the time the bizarre cannot be excluded . .

It is clear there was a real mess in the department for which the now Minister for Family and Children's Services was responsible at that time. Does the Minister for Family and Children's Services accept ministerial responsibility for the mess, which it has now become apparent the agency was in at that time?

Mrs Edwardes: People were acting outside their duty and I am appalled at their unprofessional conduct.

Mr RIPPER: But the Minister does not accept responsibility for the complete disaster confronting the Ministry of Justice at that time.

Mrs Edwardes: They were acting outside their proper role.

Mr RIPPER: Therefore, the Minister does not accept responsibility! One would expect that if senior officers of the Ministry of Justice were peddling information alleging corrupt and improper behaviour by a Minister and associates in her political faction, and that information became available to the Opposition, any reasonable member of Parliament would want something done about it.

Mr Trenorden interjected.

Mr RIPPER: I am not saying that. The report reveals he was involved.

Mr Trenorden interjected.

Mr RIPPER: What action can be taken by a reasonable member of Parliament? The Premier has closed off one of the possible avenues through which one could have dealt with this information. He refused to implement a commission for the investigation of corrupt and improper conduct, which was recommended by the Royal Commission into Commercial Activities of Government and Other Matters. If that commission had been set up expeditiously in 1993, following the recommendations of the royal commission, these matters would have been dealt with by that body rather than the Parliament. Were this New South Wales, the Independent Commission Against Corruption would have dealt with these matters and it would have been over by the end of 1993 or the middle of 1994. The fact that no effective anticorruption body was set up, as recommended by the royal commission, left these matters to be dealt with in the Parliament. It would have been an easy matter had they been raised in the Parliament in 1993 or 1994 and there had been a commission for the investigation of corrupt and improper conduct. The Government would have said, "Send it to the commission", and the commission would have dealt with it. It is one example of how this Government treats royal commissions.

Royal commissions are great from the point of view of the Liberal Party if they find against the Labor Party or in favour of the Liberal Party. The Premier does not care about the recommendations of royal commissions. He certainly did not care about the recommendation of the Royal Commission into Commercial Activities of Government and Other Matters because he did not set up the anticorruption body it recommended. He paid the political price because there was no effective organisation to deal with allegations such as those dealt with in the Parliament.
If a member of Parliament receives information such as that received by the Opposition, it is his duty to make sure it is dealt with in the Parliament. Another standard of behaviour was demonstrated by the Premier when he was in Opposition. From evidence before the Royal Commission into Commercial Activities of Government and Other Matters we know the Premier knew that Rothwells was in a terrible financial position. He also knew he should have warned the then Government of the day that it was about to make a dreadful mistake which would cost the taxpayers of this State millions of dollars. The Premier sat on his hands and did not exercise his responsibility as a member of Parliament. He did not do his duty because he did not raise an allegation in Parliament when he should have. Had he done so, he would have saved the taxpayers of Western Australia hundreds of millions of dollars. However, for pure political advantage, the Premier chose to remain silent. He wanted the Government to make a mistake and lose those hundreds of millions of dollars.

Mr Court: Premier Burke said the Government would go to the rescue only if the Opposition agreed.

Mr RIPPER: The Premier is a bit sensitive about this. The truth is that one can sin by omission as well as by commission and the Premier sinned by omission. For political advantage, the Premier ignored his responsibility to the public. The Premier did not raise a matter that could have saved this State hundreds of millions of dollars. Members of the Government have been asking when the member for Peel will enter this debate. He will enter the debate shortly. I want to see the member for Wanneroo on his feet, because he must have something to say of interest to the House on this matter. Is it not remarkable that the member for Wanneroo has not been present during this debate which has been central to his, shall we say, political career?

An interesting comparison can be drawn between the Minister for Family and Children's Services and the member for Wanneroo. Quite frankly, the member for Wanneroo is expendable from the Premier's point of view. The member for Wanneroo has been cut loose. He has been denied preselection. He has been thrown to the wolves. That is not the case for the Minister for Family and Children's Services. Why is that? It is because the Minister for Family and Children's Services was a key figure inside the Liberal Party in securing the Premier his leadership. The Premier has an obligation to the Minister for Family and Children's Services which clearly he does not have to the member for Wanneroo. If I were the member for Wanneroo I would feel discriminated against by the Premier, because the member for Wanneroo has not received the same favourable treatment or massive political support that the Minister for Family and Children’s Services has received from the Premier.

I will not speak for much longer on this issue; however, I want to make one key point: If a member of Parliament receives information from sources such as the police and Ministry of Justice officers alleging corrupt and improper behaviour, that member of Parliament has an obligation to pursue the matter in Parliament. That obligation is even greater if the Government has refused to set up a body to deal with corruption. The worst way to deal with information like that is the way the Premier dealt with such information when he was in opposition: The Premier stayed silent; he sat on his hands and refused to take action to prevent a major loss of public funds.

The censure motion that has been moved by the Government is a patently transparent political use of the Government's numbers. It is a campaign to try to show that the Government is completely clean when it comes to

Wanneroo Inc matters. However, we know that Mr Davis, the royal commissioner, has said that more substantive matters are still to be investigated. What a pity that the public of this State will have to go to the next election on the basis of this interim report, when the more substantive matters will be reported on after the election.

MR MARSHALL (Murray) [2.54 pm]: I have been listening with great interest to this debate. It is important that members hear a contribution from one of the newer members on the backbench. When I came into Parliament three and a half years ago I was proud to be one of 57 Legislative Assembly members who had the opportunity to set high standards in Parliament. I know that constituents I represent expected that of me too.

On induction day I undertook to be just and honest, and I fully understood the responsibility of politicians to perform their duties professionally and properly. At the time I could not understand why some members of our community held politicians in such low esteem. However, three and a half years later I know the reason. It relates to parliamentary privilege and some members who are prepared to abuse this privilege. At times I do not like to be called a politician. I like to be called a member of the Western Australian State coalition Government.

I do not like to be called a politician because there is an old saying that one is judged by the company one keeps. Some members of the Opposition have let down members in this place. In this Wanneroo incident, under cover of parliamentary privilege, we have been told inflated, fact-less stories. Those stories have been exaggerated. The debate has proceeded with unsubstantiated evidence. Members opposite have behaved aggressively. They have mocked the Westminster system, and at times they have thrown good manners right out the window.

I like to mix with people who know right from wrong, who have integrity, who have credibility, and who, when one shakes their hands, look one in the eye. They have a firm grip and one knows that one is shaking the hands of people of strong character. I like people whom I can trust, people who keep their promises, and who will help others in time of need. I like people who do not need parliamentary privilege to make themselves into big shots. Most of all when I am having a drink at the bar and having a shout, I like people who stick around and shout back. It would be unfair of me to say that every member of the Opposition has let this House down.

I am sorry that the member for Peel is not present, because I hate talking behind anyone's back. However, I have no doubt that the member for Peel has let us all down. The member for Peel has been untruthful. During the past two years he has performed obnoxiously in attacking the member for Kingsley over incidents in the City of Wanneroo. On 4 August 1994 *Hansard* records that the member for Peel had the audacity to suggest that the member for Kingsley should be banned from Parliament. Yes, members heard me correctly! The member for Peel - who does he think he is! - wanted the member for Kingsley out of Parliament. How the tide has turned!
Members know of my passion for football. Occasionally in a football side there is a hit man. The hit men in football are cowardly. They king hit and run. Under parliamentary privilege, the member for Peel does almost the same thing. In sport, hit men have short playing lives, because the people who have been hit have very long memories. It might take a season or two before someone eventually squares the ledger. The member for Peel has used parliamentary privilege to denigrate some of our colleagues. In doing so, he has shown he does not know how to handle the responsibilities that our Parliament demands. He has shown himself to be out of his depth in this place.

Only last year the former member for Kalgoorlie verbally attacked the Chair and upon his dismissal he walked out and in an act of bravado gestured at the mace. He abused the Westminster system and all it stood for, and then sheepishly he apologised quietly to the Speaker in the back room. If it had been me, I would have had him right back in here where he put on his performance to the Press and made him stand up like a man and apologise to everyone whom he insulted on that day. The member for Mitchell has my admiration, because for all his misdemeanours and conduct he had the courage to stand and emotionally apologise in this House. He did the right thing. Not only did the member for Peel let us down, but so also did the members for Fremantle, Nollamara and Morley who acted like chorus girls when the member for Peel was performing. They smirked and played around, much like a chorus line. They played up to the member for Peel while he was hitting people below the belt with his allegations.

Today is a great day for this Parliament. The hit men and the bullies who hide behind parliamentary privilege have been exposed for what they are - an embarrassment to us all.

MR GRAHAM (Pilbara) [3.00 pm]: It has been interesting to listen to this series of speeches. The Premier based his speech on parliamentary standards and proper behaviour in the Parliament. I will deal with that aspect. I will go through some of the key issues relating to parliamentary standards and procedures, as referred to by the Premier. We can discount most of the remarks by the member for Murray, because he has a lack of understanding of the operations of Parliament. We do not have a Westminster system. We have an adapted Westminster system - some principles apply and some do not. Members opposite who are students of politics know that.

Mr Court interjected.

Mr GRAHAM: I will deal with the statement by the member for Avon, to which I listened with interest. It has become quite crowded in politics on the high moral ground. Everyone appears to be standing in the top paddock taking a holier than thou stance - none more so than the member for Avon, who read a typed statement quoting from the report of the Royal Commission into the City of Wanneroo. That is exactly what the Premier did yesterday. He wove a deceitful web about who did what to whom and for how much. The member for Avon isolated all the key players referred to in the report. He said that he had read the report from cover to cover. In response to an interjection by the member for Peel, the member for Avon said that he had studied the report in detail. After naming everyone mentioned in the report, he singled out Ms Rowe. I do not know her. I have never met her, to my knowledge. However, the member for Avon, in weaving his deceitful web, said that Ms Rowe was the left hand person of the Leader of the Opposition. I think he said that she was McGinty's lieutenant. He also quoted from the report of the royal commission. However, his sin of omission was to ignore the remarks by the royal commission relating to Ms Rowe. The report stated that there is insufficient evidence to support such a finding. That related to the allegation that her actions were politically motivated. Therefore, the speech by the member for Avon held no substance. Despite my views of the royal commissioner, his findings support my view that the statement by the member for Avon is incorrect. There is no evidence to substantiate his speech.

If we are to achieve a morally fair and ethical Parliament, we should now censure the member for Avon for misleading the Parliament.

Several members interjected.

The SPEAKER: Order!

Mr GRAHAM: The royal commissioner stated that there is insufficient evidence to support such a finding - that is, that Ms Rowe's actions were politically motivated. The aim of the speech by the member for Avon was to say that her actions - and by association, the actions of the Leader of the Opposition - were politically motivated, even though the royal commission's report said that they were not.

Dr Hames interjected.

Mr GRAHAM: The royal commissioner said that there was insufficient evidence to support a finding that her actions were politically motivated. If the member for Dianella does not accept the finding, the ex-Attorney General is in deep trouble.

Several members interjected.

The SPEAKER: Order!

Mr GRAHAM: I will go through the issue we are being asked to consider. The standing orders were suspended at the beginning of today's business, although yesterday and last week a decision was made to guillotine important legislation, because the manager of government business cannot manage the business of this House - he has demonstrated that during his time in this place. The guillotine was used on the Vocational Education and Training Bill. I wanted to speak at length on that legislation because it has a direct and immediate effect on my electorate. I wanted to move some amendments, but my right to do that was removed by the guillotine process. We were not able to consider that legislation completely.

I wish to introduce legislation on cyclones, to protect the life and property of constituents in the north west of the State, where lives will be at risk throughout the cyclone season, because the current legislation is flawed. However, I cannot introduce that legislation into this Parliament. I also wish to grieve to the Premier at some stage today about the way the Government has messed up the town of Port Hedland, and the great difficulties that people are facing. They are all matters of substance. They are certainly matters of great interest to me and my constituents. However, we have put those issues to one side to charge on with a political witch-hunt. One cannot argue that this is not a political witch-hunt.

In his speech today the Premier did not take the line that he took on the Royal Commission into use of Executive Power - known as the Easton royal commission. His line on that royal commission was not to say, "Carmen is guilty, or this one said this or that!" His line was to wait until the royal commission was finished and to see which way it went. That was the "holier than thou" model 1 when the federal election was looming. Every time we tried to raise matters relating to the Easton royal commission we were told to wait until the report was handed down, to see which direction it took.

At that time a Labor Party member was in the firing line. Members of the Opposition are not in the firing line of the current royal commission. This is not about corruption in the Labor Party. No Labor Party people are in gaol for corruption in this State. This is all about corruption in the Liberal Party. That is all it has ever been or ever will be about, whichever way it is dressed up.

Several members interjected.

Mr GRAHAM: He was not charged with corruption. The last genuine royal commission in this State - the only one that has received bipartisan support - discovered that there was no corruption -
Mr Kierath: What about the leader's account?

Mr GRAHAM: The last genuine royal commission in this State found that there was no corruption!

The SPEAKER: Order! I have not been in the Chair for the entire debate. I was not here when the amendment was moved. I have tried to provide some latitude to several speakers, knowing they have given little attention to the words proposed to be deleted and inserted. Although I have given some latitude, the member should direct his attention to the amendment.

Mr GRAHAM: I accept your guidance, Mr Speaker, but there have been interesting rulings from the Chair today, and consistency does not appear to be the order of the day.

Several members interjected.

The SPEAKER: Order! The member will resume his seat. Rarely in the past have I had to make this comment to the member for Pilbara. I have made it to many other members. The member is expected to deal with the amendment. It is not unreasonable for me to encourage the member to do that.

Mr GRAHAM: I am happy to do that. The second part of the amendment refers to the failure to ensure that matters are investigated in an open and credible way. I wanted to spend some time on that. I wanted to make a little diversion into the member for Melville's speech, but that is not open to me now. Of all the people in this Parliament who should show the Labor Party some grace when talking about involving people's personal lives and personal tragedies in their speeches, it is the member for Melville. The Labor Party has extended a huge amount of help to the member for Melville. We could have - a lot of people argued we should have - destroyed him when we had the opportunity, but we chose not to do so, out of consideration for his personal life. I do not want to have him throw back at us again that we never consider people's personal lives, because he knows that is not true.

This report of the royal commission is an interim report; let us not lose sight of that. It is the first quarter of a four quarter game. It is open to the royal commission to find that everything that it said in that interim report is wrong and that it will revisit matters and reissue a report that puts them right. If it has done its job properly, it is not likely to take that course of action, but nonetheless it is open to it.

The motion asks us to support a censure of the Leader of the Opposition and the member for Peel. How should we deal with that? The Premier referred to the report of the Parliamentary Standards Committee, and for the benefit of those members who are new to this Parliament, the members of that committee were Hon Kim Beazley senior; Hon Clive Griffiths; Hon Mike Barnett; Hon Matt Stephens; Mr Bruce Okely, who was the longstanding Clerk of the Legislative Assembly; and Associate Professor David Black from Curtin University. Those people wrote the report from which the Premier quoted. Page 35 of the report, under the heading "Abuse of Privilege", states that the courses of action that are open to the Parliament to deal with matters of privilege are -

(a) The Presiding Officer may interrupt the Member and warn him that he should be careful not to abuse his or her privileges.

(b) Another Member may take a *point of order*, seeking to have the words withdrawn.

(c) The Presiding Officer may, at some later stage, issue a general warning about abuse of the privilege of freedom of speech.

(d) Another Member may give notice of a motion for example, condemning the first Member for making statements which lack a foundation in truth.

(e) The House may appoint a Select Committee to inquire into the substance of the allegations.

None of that has happened.

Mr Kierath: The royal commission said -

Mr GRAHAM: That is not us. We are a superior court to the royal commission, and the Minister should never forget it. It continues -

(f) The House may appoint a Select Committee (or *Privileges* Committee) to determine whether or not a *breach of privilege* has occurred.

(g) A mixture of two or more of the above, or

(h) the House may exercise its power to censure, suspend or expel the Member.

Clearly, paragraph (h) is one of the options that is open to the House, but the report states also that members who intend to raise a matter concerning parliamentary privilege shall be required to place the matter before the respective Presiding Officer in writing, giving full particulars, including the nature of the alleged offence, the privilege of the House which has been breached, and the form of motion the member intends to move in respect of the matter. None of those actions has been taken.

The Premier waved around this report and talked about how we must adhere to parliamentary standards and how we must improve our standing. He is obviously a committed supporter of the report of the people who were on this committee, who were eminent people, as much as I dislike that phrase. Let us consider what the committee recommended, because it is against that background that both the motion and the amendment should be judged. The committee recommended that Parliament, while exercising its undoubted rights to determine privileged matters, consider how it will ensure that persons brought before it are afforded every opportunity to be dealt with in a way that does not deny them justice. That is what that committee of those people, including the President of the Legislative Council, the then Speaker, and the most experienced Clerk that we have had in this Parliament, Bruce Okely -

Mr Blaikie: That was only in your time. You are forgetting about Joss Bartlett.

Mr GRAHAM: In the good old days! Since then, we have had electricity!

That committee said that if we are to take action on matters of privilege, we should give people the opportunity to defend themselves, and provide some sort of justice. I said in answer to the interjection by the Minister for Labour Relations, who said "The royal commission said", that the royal commission is an inferior court to this Parliament. We are the supreme court in the State of Western Australia.

Mr Bloffwitch: That is exactly why we will do the censuring.

Mr GRAHAM: None of the procedures that we would expect in a civilised Parliament has been followed, and the Premier is aware of them, because he was waving the report and quoting at length from it. None of the royal commission findings on which the other side of this House based its argument - I am happy to go through them chapter and verse - names the Leader of the Opposition or the member for Peel, and none of them recommends that any action be taken against either of those members. Why not?

Mr C.J. Barnett: Did the royal commission report on the proceedings of Parliament?

Mr GRAHAM: No. Does the Leader of the House think it should have done that?

Mr C.J. Barnett: No.

Mr GRAHAM: Then what a bloody stupid question!

The SPEAKER: Order!

Mr GRAHAM: I apologise, Mr Speaker.

Mr McGinty: It is a very Port Hedland response!

Mr GRAHAM: It is these trips to Fremantle; they put something in the water!

The Premier based his argument on the report of the Parliamentary Standards Committee. He cannot duck and weave now and say he wants to do something different because he has been sprung. The sole basis of his argument was parliamentary standards, and the report recommends that he do something different from what he has done. The motion asks us to find people guilty of an abuse of the privileges of the House. We will hear no evidence, we will call no witnesses, and we will not be able to cross-examine anyone and determine the standing or status of the information or findings. If this happened in any court anywhere in this land, it would be knocked over on appeal. In Western Australia, it should go to appeal in the Legislative Council, but we know the rorted system does not allow that to happen.

Members opposite will vote for this motion, most of them not having read the report, or, in the case of the member for Avon and others who have spoken, having read parts of it and chosen to ignore it, even when there were findings that did not say what they wanted them to say, and having overlooked findings of convenience or inconvenience and arrived at a view. They will vote for it because they are in the Liberal Party and the National Party, and last night the Premier and Richard Elliott got together with some others, including the relevant Ministers, and worked out a political strategy.

It does not matter a damn what we do or say, those opposite will vote for it. In doing that, they are wrong on a number of grounds, not the least being this: Even if all the arguments are right - they are not - this is an interim report that is capable of being changed at a later date. If the Government's arguments are based on this interim report, and the next report comes back and says something different, which Government member will move a motion congratulating the Leader of the Opposition and the member for Peel for taking the actions they did? Who will do that? If those opposite are prepared to knock them down on the basis of this interim report, surely one of them must have some principles and be prepared to move the proper motion when the time comes. Who will do that? Not one - the silence says it all. This has been nothing more than a political shot at great detriment to the business of the House. This place will become nothing more than a kangaroo court the minute we carry the motion.

MR BRIDGE (Kimberley) [3.21 pm]: I have sat in this Chamber for a fairly limited time listening to this unusual debate today, although during my 16 years as a member of Parliament, I have frequented this House regularly. It is very important that I make a few general comments in the short time available to me. Sadly this matter goes to the heart of my perception of what this significant institution provides for us today, and I use the word "sadly" with a great deal of conviction.

When I came into this place 16 years ago, I was led to believe - I took an oath and I have done so in all the years I have been here - the purpose of Parliament is to give absolute regard and undivided attention to the integrity of this Parliament and to the nation's needs. That is what I understand all members associate themselves with in this place, and what it is all about. This institution remains capable of providing that function today. Sadly during the past two or three years we have taken it upon ourselves to turn this into a place in which to play political games. We have forgotten we have an obligation beyond the four walls of this Parliament. That situation has been brought about by the allegations about other politicians and the need for them to respond to such allegations in their defence or in an attempt to destroy the allegations made against them. The amount of debate that has occurred in this place concerning the activities of individual politicians and associating those allegations with royal commissions in Western Australia is nothing short of a disgrace. We have turned our institution into a place where we debate the respectability, the standing and the credibility of politicians. As a consequence, political games comes into play. Members might say that it should not happen, but it is a fact of life that it will.

Let us look at the scene before us. A range of allegations have been made against the former Attorney General which the royal commissioner in his interim report found did not stand up. She is entitled to have the position corrected and made clear. Another aspect of these proceedings is that there is now a counterallegation by the Government saying that because these allegations were made, we now must deal with two politicians on the other side of the House, and it is their turn to defend their credibility and respectability. The situation is purely political, of attack and counterattack in defence of a set of political arguments that have been advanced too frequently for the good of the country and particularly for our good as administrators of the Parliament.

Where does this debate bear relevance to three fundamental factors that each of us should be embroiled in and working through in a cohesive way to the utmost of our ability? The first question is, what has it got to do with the national development of this country? It has absolutely nothing to do with it. Secondly, what has this debate got to do with national security? It has absolutely nothing to do with it. Thirdly, what has this debate got to do with national sovereignty? It has absolutely no relevance to that issue.

For the past three years we have engaged in sordid debates where the words "national development", "national security" and "national sovereignty" are not reflected anywhere in our papers. They do not appear in the budget papers. I cannot see anywhere in the budget papers where those words appear. If they do, the Premier should tell me, and I will be very pleased to go to those pages. They do not appear because in this Parliament we are almost totally preoccupied with political grandstanding, where we try to demonstrate our opinion, almost to the point of assassinating the character of individuals in pursuit of political interests. What a tragic thing that is. What does it do for the country? It does absolutely nothing.

The member for Murray said that things in the bush are conducted differently from the way they are conducted in this place. That is quite true. A little while ago the member for Vasse said that if we were in the bush and we had this sort of altercation, we would sort it out on our terms; we would not need to go to a royal commission.

Mr Blaikie: The member for Peel would be on his bike and gone. That is how we would deal with it.

Mr BRIDGE: I will not say that.

Mr Blaikie: You and I know that is the case.

Mr BRIDGE: There is an implication of fighting words in those comments, and I am not so sure I can handle the member for Peel that easily. The member may make that statement, but he should not bring me into it.

We have spent the whole of today on a very sad debate. It has occupied the time of this Chamber when more important matters could have been discussed. I thought royal commissions were designed to run their course. I was one of three royal commissioners appointed to an inquiry. We had a very clear understanding that beyond the time of our findings, we would not express any references or opinions about the conduct of that inquiry and/or the evidence that was presented. Nowadays, because it suits us politically, we have an interim report and three or four years down the track we have other reports if it is thought to be desirable. It is always predicated on the basis that a political consideration brings about the timely release of a report.

That is the problem with this debate. I do not deny the former Attorney General's right or her need to clear her name; I would not deny that right to any member of Parliament. In her position she is entitled to have her name cleared if that can be done. The problem I see is the timing and the way the Premier pursued this course of action and how it fits into the political time frame. This leaves the whole issue questionable.

Another 40 or 50 items are to be considered by the inquiry which, obviously, would have led to the former Attorney General being cleared in any event; it seems that that conclusion would have been reached after that time. In making the decision to bring this debate forward, we are engaged in political arguments in which individuals are being discredited or vindicated for their actions in their parliamentary activity. As a result of that, I am very disappointed that, like the long saga of the Easton royal commission, this matter is taking up an enormous amount of Parliament's time. Who knows, we could have any number of debates between now and the conclusion of the inquiry into the remaining 40 or 50 items to be considered by the royal commission.

This process almost borders on a high degree of disrespect for this very institution. I do not say that it borders on disrespect - that would be too strong - but it means that parliamentarians are prepared to abuse this institution to the point that I described. That is why I sit in this part of the Chamber today. I will never commit myself to such a process, and I have the capacity to refrain from it. I am here to uphold this institution.

Above all, I commit myself to the pledge I made 16 years ago when I became a member of Parliament, and which was re-endorsed at following elections; that is, that the integrity of Australia and the needs of our community are the major obligation for every one of us. I hope somebody in this Parliament before I leave will demonstrate a preparedness to stand up for that principle. I have not seen too many examples of that. When I do a head count of those who have been prepared to a take a stand on matters of high principle, the pencil keeping score is almost unused. The head count in 16 years has been a very small number. Why? Is there not a time in our contemplation of the House's role to decide that we should get on with the job? Why are the words "national security", "national development" and "national sovereignty" not championed by the Premier of this State? If they were, he would not be alone. People like I, even though I am of a different political colour, would back him to the hilt in that pursuit.

Does the Premier know that of the hinterlands of this country, the areas which will be the key to the tenure of this nation, 40 per cent of the population is moving to the city. The 3 per cent of the population currently living in these areas, on the present figures, will decrease to only 1.7 per cent of the population. The highest incidence of suicide in the world occurs in inland Australia, and the populations of countries around us will increase by 535 million people by the year 2009. That is the stark reality which confronts the Premier, the leader of our State, and concerned politicians like me.

What are we doing? The Premier and I are engaging in a debate which has significance to the inner four walls of this Parliament, but has no relevance to the worrying scene outside these walls. If the Premier gave as much energy to these problems in Australia as he gives to these matters within the confines of these four walls, progress could be made. The Premier should turn his attention to the critical state of this nation, which is on its knees. Do not judge this nation by the wealth in Perth, Sydney, Melbourne, Brisbane and Adelaide - that would be a misleading position. Go beyond the Great Dividing Range and Greenmount to find a different picture of our nation, a picture which must be addressed, not ignored, by us.

That picture is ignored as we pursue debates such as this, which at best go towards removing discredit or throwing further discredit on individuals in this Parliament for possible short term political advantage. I see nothing directed to addressing the picture I just presented to the Premier. Today's debate is a shocking misuse of the time and the significance of this place in pursuit of a short term political benefit which in the long term does nothing at all to enhance the integrity, security or tenure of Australia. Therefore, it is with a high degree of condemnation that I reflect on this debate today.

MR D.L. SMITH (Mitchell) [3.38 pm]: I begin by placing in context my comments on the question of relevance. At the moment we are speaking to the amendment moved by the Leader of the Opposition, the first part of which is to delete all words after "Wanneroo" in paragraph (a) of the Government's motion. I shall spend time talking about why we should delete all these words.

The member for Pilbara has correctly identified the nature of the allegation of abuse of privilege. No more serious allegation can be made about a member of Parliament than that he abused the privileges of this place. If that kind of charge is made, and if members vote in favour of the verdict as the jury and judge sitting considering the charge, they should take heed of the procedure recommended by the committee which looked at these issues. Clearly, those procedures have not been followed.

Indeed, we all know that we are considering this matter less than 24 hours after members in this place received the interim report of the Royal Commission into the City of Wanneroo. I defy members opposite to tell me that each one of them has read that report in detail, and, on the basis of that report, he or she is inclined to support the Government's motion.

Mr Omodei: How much time did you give the Parliament to consider the first Kyle report?

Mr D.L. SMITH: The Minister for Local Government and I know he peddled that statement around at the time. We also know that the report was tabled in this place within half an hour of my receiving it. Members know that the Minister who interjected then sat on the report for a considerable time after he became the Minister for Local Government.

Mr Deputy Speaker, one of the problems with time constraints in this place is that interjections, which are quite irrelevant to the issue, are made and the person on his feet must answer them. He then has to conclude his remarks in the time allocated to him.

Mr Omodei interjected.

Mr D.L. SMITH: Mr Deputy Speaker, I do not intend to answer interjections and I ask you to ask the Minister to desist from interjecting.

This issue is far too important for political or personal point scoring. This is the most serious allegation which can be made about anybody. As the highest court in the land, Parliament has a judicial responsibility. When people are brought before this Parliament charged with an abuse of the privilege of this Parliament, we should at least follow the procedures which are seen to be fair by our peers who wrote the recommendations in the report quoted by the member for Pilbara.

Let us consider the nature of the motion. One would gain from it the impression that the report which was tabled yesterday claims the Leader of the Opposition and the member for Peel were the principal promoters of the four, not six as the Leader of the Opposition said, matters considered by the royal commission in its interim report. If members want to know who the royal commission thought were the principal sources of the allegations which were investigated, I suggest they read pages 17 to 80 of the report. Sixty-three pages of the report deal with who was the source of these allegations and who first started to reveal them. Clearly, the report identifies one, King, and in relation to him the royal commission obviously had no trouble reaching the conclusion that in terms of his background one had to take anything he said with a considerable degree of uncertainty and disbelief. The other people who are described in pages 17 to 80 are not the Leader of the Opposition or the member for Peel, but a Mr Corse, a Mr Lawrence, a Mr Grant and a Ms Rowe. Members must ask whether they would give any consideration to giving weight to what they were saying if these people gave them information. Mr Corse is identified as a rumour monger by the commissioner. I guess we have no reason to go behind that finding.

Mr David Grant was the chief executive of what was the Department of Corrections. When this Government came to office it formed a super ministry of the old Crown Law Department, part of the old juvenile justice team from the old Department for Community Services and the old Department of Corrections. Whom did it select to be the chief executive officer of that new super organisation? It was Mr David Grant. Whom did it choose to be the Minister responsible for that new super ministry and, indeed, whose idea was that super ministry? In both cases it was the then Attorney General. The then Attorney General and this Government demonstrated their confidence in Mr Grant by appointing him to the position to which he was appointed.

Has anyone else been misled by the people from the ministry? Has anyone else provided misleading information to this Parliament in response to things they have been told by those people? The answer which was quoted in the royal commission's report with reference to the Attorney General's explanation of Mr Corse's role in the ministry on 25 October 1994 was that it was to bring together the recommendations of the findings of the buildings services division of the then Department of Corrective Services and confirm that those findings had been implemented, taking into account structural changes in the building function consequent on the creation of the ministry. Everyone who has read the report knows that the answer given by the then Attorney General was not correct. She misled the House when she made that statement. The basis of that advice to the House was the information provided by the ministry.

What else can be said about that ministry? Mr David Grant, Mr Lawrence and Mr Corse initially seemed to be acting outside their proper roles, but at some stage they went to the Director of Public Prosecutions and sought his authority to continue with what they were doing; that is, interviewing Mr King and seeking information from him about matters of corruption at the City of Wanneroo. It is very clear in the 63 pages that the commission devotes to these people that the commissioner has rightly identified that the principal source of information for the first three allegations were those people. One was the chief executive officer of a major department, and another was an intelligence officer of sorts, but a very senior officer, Mr Lawrence, from the same department. Then, there was Mr Corse, Mr King and apparently Ms Rowe. It demonstrates the quality of the people - two of whom we should not attach much weight to, a third who had some political allegiance and two others who were very senior departmental officers. If any member of Parliament was given information which was said to be sourced from a chief executive officer of the department which came under the responsibility of the person about whom the allegations were made, what sort of test should he place on the criteria he should adopt before he raised those allegations in this place?

In relation to the Leader of the Opposition and despite the context of this motion, there is no evidence or suggestion in the commissioner's report that he was in any way the prime mover of those allegations.

Mr Omodei: What about the information received from Ms Rundle?

Mr D.L. SMITH: There is no doubt that the member for Peel made constant use of a number of the allegations which came from those sources. I refer to the chief executive officer and an intelligence officer, who is a senior officer of a department, who were initially acting without the cooperation and knowledge of the Director of Public Prosecutions, but later with his cooperation and knowledge. They obtained information from a prisoner who had been convicted of corruption in matters arising out of issues concerning the City of Wanneroo. Do members opposite suggest that members on either side of the House should not give any weight or attention to allegations which have come to them in those circumstances, especially allegations as serious as those which were being considered?

Mr Johnson: What about page 204?

Mr D.L. SMITH: I want to deal with some other matters before I deal with page 204. Let us deal with the allegations which were the substance of the investigation. The first issue is the so-called Edwardes' tape. Is there any evidence in this report of taped conversations which involved both the member for Kingsley and her husband? Is there any suggestion that the police did not make tape recordings from listening devices placed in the unit occupied by the member for Wanneroo, in the mayor's office and elsewhere? The findings of the commission are that telephone and personal conversations involving the member for Kingsley were taped. Is there any suggestion that a leap in logic was made by the member for Peel on his own that those tapes included an allegation of bribery and discussion of a bribe? The royal commission does not talk about him being the source of that allegation. The first public breaking of that allegation was in a newspaper article by Martin Saxon, and he has refused to disclose the source of that story. If members read the chapter dealing with the Edwardes' tapes they will find that people in the Ministry of Justice and in the Police Force, genuinely believed from rumours they heard, that such tapes existed. I am the first one to accept that the report states there was no tape of Mrs Edwardes discussing a bribe. However, on the issue of whether the member for Peel had any foundation for raising that allegation; firstly, I know that he was not the first person to raise it. It was raised in a newspaper article and, as far as I know, that journalist has not been sued. Secondly, a listening device was in operation; and, thirdly, the member for Kingsley and her husband were included in some of the conversations and a rumour had been circulating long before the Leader of the Opposition or the member for Peel raised the matter in this place that included a discussion of a bribe.

The member for Peel has raised that as an issue under privilege. He has said that on the basis of listening device activity, recorded conversations, and stories emanating from the Police Force and Ministry of Justice officials that included taping a bribery conversation, a royal commission should be established to get to the truth or otherwise of it. The Government seems to be saying, "How dare the member for Peel raise that issue before he checks out the validity of the evidence." What do members opposite suggest we do as members of Parliament? Should we have our own mini royal commissions? Do they think the Police Force would give us the facilities to know what it was doing operationally? In those circumstances the proper role of the member for Peel was to raise the matter in this place, and for the Government to appoint a royal commission. The pity of it was the matter dragged on and on. If the royal commission had been appointed early in the piece, we would not have had those repeated debates in this place in which, perhaps, in his extravagant language the member for Peel, on occasion, has gone over the top. The member for Peel certainly did not raise matters without foundation.

Mr Johnson: What about page 204?

Mr D.L. SMITH: The member for Whitford should let me go through the report in the same order as the commissioner.

The second allegation relates to the Edwardes' house extensions. The evidence from the royal commission is that the source of the allegation was Mr King. Members should read the report to find out whether the member for Peel or the Leader of the Opposition were the prime promoters of that rumour. Members should also read the report on the Sinagra trip. The report centres on the comments of the town clerk, Mr Coffey, not of the member for Peel or the Leader of the Opposition. There is no suggestion they were the prime promoters of that rumour. It arose out of some confusing statements made by the town clerk.

Mr Johnson interjected.

Mr D.L. SMITH: The issue was raised first by people outside this place, and not the member for Peel or the Leader of the Opposition.

Mr Johnson interjected.

Mr D.L. SMITH: The matter was then raised by the member for Peel. On the basis of what the town clerk of the City of Wanneroo had to say - its senior administrative officer - one would be entitled to raise that issue. That will be confirmed if members read the report. The commissioner made an interesting comment about an application for finance made by the Attorney General for a house extension; however, I will not raise that issue now.

The final point concerns the death of Robert Baddock. No suggestion has been made by the commission that the Leader of the Opposition was in any way the promoter of that rumour.

Mr Johnson interjected

Mr D.L. SMITH: The Leader of the Opposition and the member for Peel are entitled to be considered separately. It is true that the member for Peel raised that issue as one part of all the issues he raised. The commissioner said he had to spend a great deal of time to put an end to any suggestion there was any truth in that comment by anybody - including the member for Peel. Members should read the report for the basis of that rumour, how there were elements of truth which were in effect circulated by others - not the member for Peel. Members should allow themselves the comfort of reading the report before they make any finding on this matter, and ask themselves whether in fairness anything in this report justifies the words used in the Government's motion that we are seeking to delete.

MR KOBELKE (Nollamara) [3.58 pm]: One would think from the motion moved by the Government today that we are living in a totally different world from that which I perceive to be the reality of Western Australia in the 1990s, particularly as it relates to the real concerns about Wanneroo. I take it as being established fact that a former police officer and now member of Parliament had his phone tapped on matters associated with the City of Wanneroo. It is also a fact that there has been clear evidence of official corruption in the City of Wanneroo. The exact nature and the detail has not been fleshed out; however, enough evidence is on the record to show that official corruption has been a problem in the City of Wanneroo. I also take as an established fact that two former city councillors of the City of Wanneroo have been convicted in matters which bear on this general area of official corruption and problems at the City of Wanneroo. I also take it as an accepted fact - members opposite may not - that Dr Wayne Bradshaw was the king maker who dispensed political patronage in the northern suburbs from his power base at the City of Wanneroo. Dr Bradshaw was closely associated with the election of at least three current members of this Chamber. Perhaps members want to contest that, but I thought it was established fact.

I also perceived from the media and from comments generally that there was some basis for concern about police corruption, and we have seen police involved in matters of official corruption in Wanneroo. With that evidence, as I see it, there is a real concern that the matters should be properly addressed. I congratulate the member for Peel for having the tenacity and conviction to pursue this area. It is a difficult area in which it has not been uncommon for people to be threatened for trying to investigate certain aspects. The Government would say that we cannot raise such matters unless we have proof. It is not the job of the Opposition to provide a level of proof which may be used to gain a conviction. However, there is a requirement that the Opposition have some firm ground on which to base its belief that an issue exists.

Given the matters I have outlined, there is a structure of facts which would cause considerable concern about Wanneroo and the Liberal Party connections with events in the past. Therefore, if any account is to be taken of the facts, we should support the amendment which condemns the Premier for his failure to establish an effective commission to investigate corruption and improper conduct as recommended by the Royal Commission into Commercial Activities of Government and Other Matters, thus leaving Parliament as one of the few avenues available to pursue allegations of corruption. That is a fact. Given that we could not go to any authority which was not seen to be involved in areas relating to Wanneroo, and which had powers to pursue it, the one avenue available to get to the truth of the corruption allegations at Wanneroo was the Parliament. The member for Peel attempted to do that honestly and to the best of his ability. He should be commended for his efforts to bring out the truth about Wanneroo.

The amendment also condemns the Premier for failing to ensure that allegations of official corruption were properly investigated in an open and credible way, in order to protect his friends and supporters in the Liberal Party.

In my remaining time, I will address one example of where the Premier has covered for his mates, and has not been willing to allow the truth to be discovered. We are aware of the problems that the Opposition and everyone else has had in getting at the truth. When corruption in an area of local government is connected directly to the Court Government and the Premier's covering up, we should all be worried about it. I will go through the facts related to one issue: In early 1993, after the state election, a listening device was discovered in the property formerly owned by the current member for Wanneroo. That discovery was reported in the media.

Subsequently the police admitted responsibility for placing the device in the home and for failing to remove it. That was part of an internal police investigation. That led to extensive speculation in the media about the nature of the police investigation. It put incredible pressure on the member for Wanneroo and the Premier to give an explanation for the events that unfolded in the media. A key question was: How could the member for Wanneroo, as a policeman, carry mortgages of approximately $1m on a policeman's salary? That question has not been answered. That was a key matter that the Premier could have cleared up, but it has not been cleared up. No evidence has been presented publicly to explain how the member for Wanneroo could support mortgages of almost $1m on a policeman's salary. The Premier has hidden the facts which could explain the situation because of the embarrassment it would cause, and he will not allow the truth to come out. The media continued to probe the substance of the police inquiry, and speculation continued about the financial dealings and business associations of the member for Wanneroo.

On 20 October 1993, when political pressure was mounting on the Premier, he publicly announced he would call for a personal explanation from the member for Wanneroo about that member's financial dealings. The member for Wanneroo provided a report, prepared by his accountant, to the Premier on 27 October 1993. On 1 November 1993 the Premier appointed Mr Stephen Mann to assess the report provided by the member for Wanneroo, and to verify its main conclusions. The Premier asked Mr Mann to investigate and report more fully on the matters the subject of the overview in the report by the member for Wanneroo's accountant. The Premier used taxpayers' money to provide a report which would give some explanation regarding the question in the minds of all Western Australians: How could a member of Parliament carry mortgages of almost $1m on a policeman's salary? That question remains unanswered, because the Premier has hidden the answer.

On 17 December 1993, Mr Mann provided his report to the Premier by way of a letter addressed to Mr Mal Wauchope, the chief executive officer of the Ministry of the Premier and Cabinet. On receipt of Mr Mann's report the Premier referred both that report, and the report by the member for Wanneroo, to the Commissioner of Police for examination and consideration. On 22 December, a couple of days before Christmas, in a media statement the Premier announced that the Commissioner of Police had reported to him that an examination of the documents had provided no new information which warranted reopening the police inquiry or a fresh inquiry into the matter. That was a tricky use of words to provide a cover up. The Premier was centrally involved in a cover up to protect the member for Wanneroo.

I will go on to unfold why that conclusion was not true. However, to be fair to the Premier, perhaps there was an explanation for our not receiving the truth from him at that stage. Was it just a tricky use of words that the police were continuing to investigate the member for Wanneroo, and therefore the Premier was correct in saying that the document was not new? They may have already received that from another source; but that was not the message conveyed to the general public.

The message the Premier wanted to convey was that the report gave the member for Wanneroo a clean bill of health. That is what the Premier set out to do. However, his words were very tricky. Perhaps he was really saying that it provided nothing new because the police were pursuing the investigation, but that was not the intention of the Premier. Anyone reading or hearing his statement would not have formed that impression. The impression would have been that the Premier had the report in his hand and had taken it to the Commissioner of Police, and the member for Wanneroo had a clean bill of health. That impression was incorrect and the Premier knew it. If the Premier wishes to talk about honesty, he should disclose the facts.

I will outline the facts that indicate the Premier's deceit in this case. Mr Chris Manly, a journalist at the *Sunday Times*, sought under the freedom of information legislation to gain access to the documents. He sought access to the report provided by the member for Wanneroo, but access was refused. He sought access to other documents held by the Premier relating to the Mann report. The chief executive officer, Mr Wauchope, had written to Mr Stephen Mann, setting out the instructions for his assignment.

The other document was the Mann report which was provided in the form of a letter to Mr Wauchope. Having been denied access to the documents, on 11 February Mr Manly sought from the Information Commissioner an external

review. The Information Commissioner obtained the documents, reviewed the case and consulted any third parties that were involved. By the time this occurred it was June 1994. The Premier's department returned to the Information Commissioner and pointed out that it wanted to make a supplementary submission on why this document could not be made public. It wanted exemption on a further specific ground in the legislation. This required the Information Commissioner to seek the documents. On 10 June 1994, taking into account the substance of the new supplementary submission by the Premier's department, the Information Commissioner asked it to identify with particularity the information the disclosure of which it claimed would be an action for breach of confidence, which was the extra reason it gave for not releasing it.

On 17 June 1994 the Information Commissioner learnt that the police had executed a search warrant on the Premier's department. The documents were no longer there: They could not be provided to the Information Commissioner. Members must remember that these are the documents that the Premier led everyone to believe gave the member for Wanneroo a clean bill of health. The Premier was covering up. He gave everyone the impression that the Commissioner of Police had looked at the report from Mr Mann, the accountant's report on the member for Wanneroo, and that no further action would be taken. However, in June the police had a search warrant for the document the Premier held up to say that everything was okay with the member for Wanneroo.

On 5 July, to follow up the matter, the Information Commissioner wrote to the Director of Public Prosecutions and the Commissioner of Police, advising them that she was dealing with an application for an external review under the Freedom of Information Act and seeking advice on the status of the Mann report. On 7 July 1994 the Information Commissioner received a written response from the DPP. He told the commissioner that he had requested the police to conduct certain investigations. He did not elaborate on the nature of those investigations, but said that police officers had executed a search warrant to seize the Mann report.

He further advised the commissioner that it was his understanding that the police were holding the Mann report pursuant to provisions of a specified section of the Criminal Code and that it was his view that the disclosure at that stage in the investigation was likely to seriously impair future investigation of possible offences which may have been committed; and, further, if charges did result, the publication of the Mann report was bound to have a prejudicial effect on any subsequent trial. That is the very document the Premier said cleared the member for Wanneroo. What does the DPP say in his letter? He says that the report cannot be released because it would impede investigations and could cause problems for a court case if prosecutions were entered into.

On 12 July the Assistant Commissioner of Crime Operations on behalf of the Commissioner of Police advised the Information Commissioner that the Mann report had been identified as an integral part of ongoing police investigations involving particularly sensitive issues. This is the report the Premier said gave a clean bill of health to the member for Wanneroo. Who is telling the truth - the Premier or the Information Commissioner with letters from the DPP and the Assistant Commissioner of Crime Operations? That is the question.

What is really going on in Wanneroo? Why is the Government putting up this flimsy attack on the Opposition when all the evidence of corruption and wrongdoing in the City of Wanneroo lies at the door of the Government? The Information Commissioner denied access to these documents on that advice from the DPP and the Assistant Commissioner of Crime Operations. The documents were still part of an active investigation in mid-1994.

Where was the inquiry into Wanneroo in mid-1994? This Government thought that it was conveniently hidden away in a back room; that nothing further would be done. I have outlined just one set of facts that causes great concern to anyone who looks at the details of what occurred at Wanneroo. The member for Peel and others have looked much more deeply than I into a range of issues that reflect similar well-based concerns about corruption in Wanneroo and this Government covering for it.

When the facts indicate that a Government has sought to cover up and to deny the truth, what is one supposed to do? Do we simply say as people who wish to uphold the law in this State that it is too difficult for us; that we do not have the resources and the investigative arm to check the detail? The Premier has a limp approach to this matter. He says that we should take it to the authorities. What did he do with the Stephen Mann report? Did he pursue it thoroughly with the authorities or simply present it to the Commissioner of Police in such a way as to ensure there was a whitewash? The police later had to gather that document by search warrant to assist them with ongoing investigations.

I try to be logical in my presentation, and a different interpretation may be placed on events. The documents provided on the member for Wanneroo's financial affairs may have related to another investigation: It might have been peripheral to the member for Wanneroo. If police have an intimate interest in the financial affairs of the member for Wanneroo and he is not the subject of this inquiry but has been caught up in another investigation, why has the Premier not shown how a policeman on a policeman's salary can meet the repayments on mortgages of approximately $1m. Many people would like to know how it is done.

The Premier has used taxpayers' money to put together a study; he has all the figures. If he has found the secret to meeting $1m-worth of mortgage commitments on a policeman's salary, he should tell the House. Many people in my constituency would like to know the secret.

I do not think the Premier expects us to believe that he has wizardly financial information that he is hiding from the people of this State. He would not be able to sell that. People believe this Premier is covering the dirt that he does not want to get out. If he has another explanation, he has had plenty of opportunity to provide it. When have we received it? We have not. When we put the facts to this Premier and ask him to be accountable, he is out of here like a shot. He will not stand in this place and debate the facts of the issue. Similarly, he will not hold a press conference, except when he thinks he has it all clear - like the other day. His practice is to come on 6PR and drop a line before making a getaway in his car. This Premier of the "getaway" will not be accountable to the people of this State.

The DEPUTY SPEAKER: Order! I take this opportunity to draw the attention of members to Standing Order No 82, which spells out the routine of business. The reason I do that is that normally at 4.30 pm on Wednesday we enter private members' time. However, because we are working under the suspension of standing orders we will continue to deal with the business before the House; that is, the motion and the amendment that has been moved. We then will call for petitions, notices of motions, papers for presentation, brief ministerial statements, and questions without notice. In addition, notice has been given of a matter of public importance, which will be taken next. Members will then have the opportunity to deal with matters on the Notice Paper, either government business or private members' business, depending on the hour. Other standing orders spell out what will be dealt with at a particular time. I advise the House of that so that everyone is clearer on where we are headed.

MR C.J. BARNETT (Cottesloe - Leader of the House) [4.20 pm]: For the past two and a quarter hours we have been listening to debate about an amendment to the substantive motion. Indeed, the matter we should be discussing is the interim report of the royal commission and, in particular, the censure motion. The Government has been extremely patient in listening to the discussion about other issues, but it is now time to return to the substantive motion and, in doing so, to give the member for Peel the opportunity to speak.

House to Divide

Mr C.J. BARNETT: I move -

That the question be now put.

Question put and a division taken with the following result -

Ayes (29)

Mr Ainsworth	Mr Johnson	Mr Prince
Mr C.J. Barnett	Mr Kierath	Mr Shave
Mr Blaikie	Mr Lewis	Mr W. Smith
Mr Board	Mr Marshall	Mr Trenorden
Mr Bradshaw	Mr McNee	Mr Tubby
Mr Court	Mr Minson	Dr Turnbull
Mr Cowan	Mr Nicholls	Mrs van de Klashorst
Mr Day	Mr Omodei	Mr Wiese
Mrs Edwardes	Mr Osborne	Mr Bloffwitch *(Teller)*
Dr Hames	Mrs Parker	

Noes (22)

Ms Anwyl	Mr Grill	Mr Ripper
Mr M. Barnett	Mrs Hallahan	Mrs Roberts
Mr Brown	Mrs Henderson	Mr D.L. Smith
Mr Catania	Mr Kobelke	Mr Thomas
Mr Cunningham	Mr Leahy	Dr Watson
Dr Edwards	Mr Marlborough	Ms Warnock *(Teller)*
Dr Gallop	Mr McGinty	
Mr Graham	Mr Riebeling	

Question thus passed.

Amendment (words to be deleted) put and a division taken with the following result -

Ayes (22)

Ms Anwyl	Mr Grill	Mr Ripper
Mr M. Barnett	Mrs Hallaha	Mrs Roberts
Mr Brown	Mrs Henderson	Mr D.L. Smith
Mr Catania	Mr Kobelke	Mr Thomas
Mr Cunningham	Mr Leahy	Dr Watson
Dr Edwards	Mr Marlborough	Ms Warnock *(Teller)*
Dr Gallop	Mr McGinty	
Mr Graham	Mr Riebeling	

Noes (29)

Mr Ainsworth	Mr Johnson	Mr Prince
Mr C.J. Barnett	Mr Kierath	Mr Shave
Mr Blaikie	Mr Lewis	Mr W. Smith
Mr Board	Mr Marshall	Mr Trenorden
Mr Bradshaw	Mr McNee	Mr Tubby
Mr Court	Mr Minson	Dr Turnbull
Mr Cowan	Mr Nicholls	Mrs van de Klashorst
Mr Day	Mr Omodei	Mr Wiese
Mrs Edwardes	Mr Osborne	Mr Bloffwitch *(Teller)*
Dr Hames	Mrs Parker	

Amendment thus negatived

Debate (on motion) Resumed

MR MARLBOROUGH (Peel) [4.30 pm]: I will start by asking the Premier a question. Am I right in assuming that Mr Geoffrey Paddock was a previous director of the Liberal Party at the last state election?

Mr Court: Yes he was.

Mr MARLBOROUGH: Am I right in assuming that the same Geoffrey Paddock worked for the Attorney General's office after that or during that period of time?

Mr Court: During which period of time?

Mr MARLBOROUGH: During the period either just prior to the election or after the election. When did he last work for the Attorney, the Liberal Party or for a Minister of the Government?

Mr Court: If you put the question on notice, I will tell you exactly when.

Mr MARLBOROUGH: I will put the question more broadly. Did Mr Geoffrey Paddock work for the Government or any of its Ministers after the state election?

Mr Court: He did.

Mr MARLBOROUGH: Did he work for the Attorney General?

Mr Court: He works for the Government now, does he not?

Mr MARLBOROUGH: Does he work in the Ministry of the Premier and Cabinet?

Mrs Edwardes: He works in my office.

Mr MARLBOROUGH: The reason I raised that question is that this afternoon while in this Chamber I received a phone call from a very senior member of the Liberal Party who advised me that at a social gathering some three or four days ago Mr Paddock let it be known to members of the Liberal Party that the Liberal Party had a campaign to nail Marlborough which was based on an attack on his personal life.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr MARLBOROUGH: The phone call I received this afternoon advised me of that. I remind the Premier and you, Mr Deputy Speaker, why I take it so seriously, and I hope that this Parliament does.

Several members interjected.

Mr MARLBOROUGH: My son Patrick was born five years ago at Attadale Hospital. Within three days of my son's birth my wife Ros was taken seriously ill with internal bleeding. That required her removal to King Edward Memorial Hospital. After I followed the ambulance to the hospital, I eventually went home and returned that evening. Ros received a hand delivered letter which made accusations against me and named a second party. I take this seriously because it has happened before. It did not destroy my marriage, and there was no truth in the issue. I take this seriously because at three o'clock this afternoon I received a phone call from a source close to the Liberal Party -

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr MARLBOROUGH: That source told me that I should be wary. I want to set the record straight. If Government members want to play by Queensbury rules, that is fine; if they want to fight in the street, I am happy to meet them in the street. That has not been their natural fighting ground.

Mr Court: Come off it! You have spent three and a half years trying to bring down the member for Kingsley. What a nerve you have coming in and making that sort of statement!

Mr MARLBOROUGH: We will come to the Attorney General.

Mr Cowan: Where is the note?

Mr MARLBOROUGH: What note?

Mr Cowan: Where is the note that your wife received? Where is the substance of your allegation?

Mr MARLBOROUGH: It was not a note; it was a letter. We still have the letter. Do not worry about that.

Mr Cowan: Table it!

Several members interjected.

Mr MARLBOROUGH: I do not have to table the letter.

Mr Cowan: Tell us the name of the Liberal Party source.

Mr MARLBOROUGH: All I ask the Premier to do is to tell this House that neither Mr Paddock nor any of his Ministers was involved in such a conversation.

Mr Court: I heard at a party that your leader was to be robbed.

Mr Ripper: Obviously a Liberal party!

Several members interjected.

The DEPUTY SPEAKER: Order! I formally call to order the member for Melville. The member for Melville and other members in this Chamber know that they do not interject when the person in the Chair is on his feet. The reason I am on my feet is that the speaker has accepted some interjections, which is quite allowable and there are no problems with that, but we have reached the stage where members are making a barrage of interjections, and I will not tolerate it.

Mr MARLBOROUGH: My role in the affair of Wanneroo Inc is there for everybody to see. I am proud of my role.

Mr Court interjected.

Mr MARLBOROUGH: We had this situation facing us when we were in opposition: The history of Wanneroo is that in 1989 a police inquiry found no corruption. The Premier has gone to great lengths to ask why people have not run to the police over Wanneroo matters. Quite honestly, Mr Deputy Speaker, the history of the Police Force in Wanneroo is very suspect. The evidence of that was on the Premier's back bench. The member for Wanneroo is the bloke the Premier has propped up for two and a half years. He is now before the court facing criminal charges. That is the evidence. We also have on the record that the man the member for Kingsley picked from political obscurity, Bill Doherty, was put in charge of the juvenile justice team. He was also a friend of hers and Bradshaw all through the Wanneroo Inc years. Why would anybody have confidence in going to a Police Force that found in 1989 nothing wrong in Wanneroo? That is the history. We then move on to 1991-92, when we find that councillors like Arnold Dammers, Norma Rundle, and Bill Marwick were trying to raise the issue of corruption in the Wanneroo Council.

Mr Shave: What about Dave King?

Mr MARLBOROUGH: He was corrupt. They were trying to raise the issue in the council.

Mr Shave: You never used to say that.

Mr MARLBOROUGH: From the way government members have spoken today, one would think that nothing went on and that the member for Wellington was never the secretary of his brother's companies when his brother Dr Wayne Bradshaw was trying to hide money from his second wife. One would think that the member for Wellington had never been in this Chamber when I brought to the attention of the House the fact that his brother had flown back from New Zealand, when nobody else had evidence that he had been again to New Zealand, and that while he was here the member for Wellington signed documents on his behalf, as did the Premier's uncle as a justice of the peace. That is the background of this. There was no confidence in the processes that had taken place, and certainly on this side of the House and in the mind of the public no confidence that the Government would unravel it. In 1991-92 we saw the Kyle inquiry. I did not need Dave King or any of those other people; they just happened to come along later.

Mr Court interjected.

Mr MARLBOROUGH: The thing that sticks in the Liberal Party's throat is that I relied on the first Kyle inquiry report because when I opened it up, unlike the Premier who could not see, I could see what it said about his political allies. I will read from the Kyle report. The Premier is saying that no member of the Opposition, and particularly Marlborough and McGinty, should come into this House to try to bring this issue into the public arena. We brought it in through the then Minister for Local Government in December 1992 during our death throes in government. Nobody took any notice of it. The media reported it as a smokescreen for WA Inc. It lay dormant for a while until I was made shadow Minister for Local Government. I then acquired this document. I had very little knowledge of it and I do not recall its coming into the Parliament. It was not until -

Mr Court: You gave so much evidence to the royal commission.

Mr MARLBOROUGH: No, it was not until we got hold of the Kyle inquiry report and looked at what he said, not what any other party said. Let us look at what Kyle said about the Liberal Party and about the Premier's running mate, Dr Wayne Bradshaw. The Premier's credibility and honesty are on the line. When will the Premier open up the terms of reference for the royal commission to look at police corruption in Wanneroo? When will he open the terms of reference for the inquiry to look at the past history of the police inquiry into Wanneroo? When will he open the Liberal Party books so that the people of WA can see why Dr Wayne Bradshaw has been slotted in gaol for corrupt activities? How much of that money went to the Liberal Party? I challenge him to bring his books in and put them on the table. Give them to the royal commission.

Mr Court: They are still with the previous commission.

Mr MARLBOROUGH: He should give them to this royal commission. He has not even given it the appropriate terms of reference to enable it look into it. We still have hanging over our heads in this smokescreen put up by the Government the next attempt to save his crooked lot. None of those questions has been answered in detail.

Following today's actions, what do we have? This royal commission has approximately 50 matters to look at and it has looked at five. The Premier should read the document. I will take the opportunity to read it because there is devil in the document for the Premier and that is why he is running the line he is running today. The royal commissioner has the same difficulty with the credibility of the former Attorney General and her husband as I and the public of Western Australia have. When 84 per cent of the people of Western Australia said that the Premier should get rid of her as Attorney General, they were right and the Premier was wrong. The Kyle report went a long way to telling the Premier why he was wrong. He should read the detail. I suggest the Premier has read the detail and that this action today is to try to steer the media, the Opposition and the public of Western Australia away from the detail.

I will read what Kyle said. That is all I need. That is the bible.

Mr Court: There has been a royal commission since then.

Mr MARLBOROUGH: Since what? Has the royal commission looked into all these matters?

Mr Court: We happen to be debating a report that came down yesterday. It does not suit you to talk about that.

Mr MARLBOROUGH: It does not suit the Premier. What a joke! Fancy trying to kid us. The Premier might be able to get away with it with his mates around the breakfast table, particularly if they are the Edwardes. However, the Premier cannot con us into believing that the royal commission, in investigating five matters, has considered everything that came out of the Kyle inquiry. There are a lot more problems in it for the Premier.

The Government did not want Kyle in the inquiry. It could not get rid of him quickly enough. When it realised that this bloke would be fair dinkum about chasing corruption, and chasing the 131 tapes on some of which the Attorney

General was recorded, it became worried. Those tapes were recorded by a police officer, Detectice Don McLeod, who was her political ally and who drove old ladies and old men to the polling booth to vote for her. Because no less a person than Mr Ayton said it was all right to have worked for the Edwardes' and to wipe the tapes because there was no conflict, the royal commissioner accepted that. Not many people do. We are expected to believe that police officer, Don McLeod, who was a personal friend of the then Attorney going back to 1984, played no part in his judgment to scrub every tape. What did the royal commissioner say about the scrubbing of the tape? He said that that officer had scrubbed it in June 1991. He was in charge of an inquiry called the "Mudguard" inquiry. That inquiry had bugged the member for Wanneroo's house when he was a police officer because, in the words of the evidence to the royal commission, he was identified as a dodgy police officer. He was bugged because of his dealings and he had boasted at a Liberal Party gathering that Bradshaw was likely to go before the courts and he, then a police officer, had played a role in stopping the inquiry.

That was revealed in the Kyle inquiry. That police officer, Detective Don McLeod, scrubbed all those tapes in June 1991. The difficult thing is that he is a mate of the former Attorney General. He had delivered people to the polling booths to vote for her. He said in the royal commission that he could not hand out how-to-vote cards for her, but he drove people to the polling booths! You know, Mr Deputy Speaker, that when you are organising your campaign for re-election for the seat of Scarborough, you will talk at least two or three weeks before to the key people involved in picking up and delivering people to the polling booths, because you want them to be well-dressed and well-spoken and, more importantly, you want them to know the addresses they have to go to, which include flats and condominiums of old people. They are intricately involved in most campaigns.

On 1 June, that police officer scrubbed all the tapes. What is amazing is that he was in charge of Operation Mudguard. That is the operation that bugged Bradshaw's office and Wayde Smith's home. Operation Mudguard did not cease until October 1991. This police officer withdrew the bugs from the office and house in May, scrubbed all the tapes in June, and the operation he was involved with did not stop until 1991. During that time, he thought it was appropriate. At the end of the day the royal commission may try to convince people that it is appropriate. However, in its summary on that, it makes it clear that it was not appropriate for that police officer to scrub those tapes. It saw no reason for his doing so. It accepted that Ayton told him there was no conflict. We know where Ayton is today. I will bet the royal commissioner wished he wrote it after Ayton went.

The Government is attacking me for the role I have played over three years to try to drag it into an inquiry! Every time I have raised any issues in this House about impropriety by the former Attorney General or any other member of the Government, I have done so on the basis of getting the Premier to call an inquiry. He declined to do so on every occasion. Kyle said under "Summary of findings" and "Conflict of interest" -

> 11.1.1 Councillor Bradshaw failed to disclose his pecuniary interest in the Mosey Street Lunchbar when the approval of the lunchbar was considered by the Council at its meetings on 24 February 1988 . . .
>
> 11.1.2 Councillor Bradshaw failed to disclose his pecuniary interest in the Chevy's Lunchbar when the approval of the lunchbar was considered by the Council at its meeting on 28 September 1988 . . .
>
> 11.1.3 Councillor Dammers had a pecuniary interest in matters relating to the Joondalup Development Corporation . .
>
> 11.1.5 There was insufficient evidence for the Inquiry to establish the truth of an allegation that Councillor Bradshaw was an agent or representative of Kestral Homes . . .

Under the heading of "Corruption", the reports states -

> 11.2.1 There is evidence to support an allegation that Councillor Bradshaw received the sum of $200,000 and the sum of $50,000 from Lobito Pty Ltd as rewards for promoting the interests of Lobito Pty Ltd in the Belridge Medical Centre before the Council.
>
> 11.2.2 Councillor Bradshaw requested and received a donation from Rosinita Nominees Pty Ltd in January 1989 following the assistance he gave Rosinita Nominees Pty Ltd in respect of its application for approval of the development of the Woodvale Tavern.

He has not been to trial on that yet. The report continues -

> 11.2.3 Councillor Bradshaw demanded and received a donation from Greenwood Village Pty Ltd in April 1987 after supporting Greenwood Village Pty Ltd in its application to the Council for approval of the expansion of the Greenwood Village Shopping Centre in 1986 and before two further applications for such approvals were considered by the Council in November 1987.

It continues -

> 11.2.5 The inquiry has found no other evidence of any Councillor receiving or being offered any reward or inducement in respect of any other matter before the Council.

Let us not forget that when Kyle wrote that, Bradshaw was overseas and had refused to return to Australia, and King was in Germany and was arrested only when he returned to this country. It can be argued that the first Kyle inquiry was not properly resourced. Yet, without proper resources Mr Kyle was able to nail these potential charges to the mast. Under the heading "Intimidation" the report refers to the infamous meeting in Jackie Watkins' office with Davies, who was trying to become a councillor. It must be remembered that I received this report at the beginning or middle of 1993. Mr Kyle said of Colin Edwardes -

Mrs Edwardes: You know that has been overturned.

Mr MARLBOROUGH: It has been overturned on a technicality, and it will be tested again before this royal commission. I have no doubt that this royal commission will look into the matter thoroughly. The member for Kingsley knows it was a technicality. I am painting a picture to illustrate why this should have been vigorously pursued, and this report was made prior to the member's husband going to court late last year. The Opposition was pursuing the issue in 1993 when the Premier and members opposite had the opportunity to tell the truth about the matter. This was the atmosphere surrounding the matter. Having read the Kyle report, why should one believe Colin Edwardes? According to this report he set out to deceive an inquiry. The following is stated in the report -

> The Inquiry concludes that while Davies undoubtedly recounted some aspects of the meeting to other Councillors he did not intend to do so in a manner that would suggest that he felt threatened or intimidated although, in all probability, he left some scope for that interpretation to be placed on his comments. The Inquiry concludes that Wayde Smith and, subsequently, Edwardes took the description of the meeting out of the context in which it was intended by Davies and used it for their own purposes.

The report further states -

> The Inquiry does not accept Edwardes' evidence that he was amazed by what Davies said to him in the presence of Mayor Johnson on 22 July, 1992, and accepts the evidence of Davies that it was Edwardes that raised the matter with him.
>
> The Inquiry concludes that Edwardes and Wayde Smith saw an opportunity -

These are the people the Premier is defending. One is before the courts at the moment and he has decided to defend the other. It continues -

> - to make allegations of a very serious nature involving Dammers and Mrs Watkins and did so in the full knowledge that in all probability there was no basis for the suggestion that they were involved in any attempt to threaten or intimidate Davies.

In fact, if this Government had picked up the report as it should have when it came to office in February 1993, and the Premier and the Minister for Police had demanded that police investigate these very serious allegations against local government listed under the heading "Intimidation", these are the areas the police would have investigated. It may well be that charges would have emanated from that inquiry. At the end of the day, this Premier was elected on the basis of accountability and uncovering corruption. He then ran away from both principles for almost three years to protect his mates in Wanneroo. He continues to this day to put up smokescreens which he hopes will divert me, and perhaps others, from the events that occurred in Wanneroo.

Of course, I have the same difficulty with the atmosphere and the position in which the Opposition now finds itself. We must forget King and Corse who came along later. I had the bible of corruption on Wanneroo - the Kyle report - and it involved the husband of the member for Kingsley deliberately misleading this inquiry. The Kyle inquiry spoke about political motivations and the reasons for them. Having received this report and raised the issues in the Parliament, a number of Liberal Party members, including the member for Wanneroo, told us that Dr Wayne Bradshaw was the most influential Liberal in the northern suburbs.

When the member for Wanneroo was willing to stand by his mate, he said that nothing happened in the Liberal Party that Dr Bradshaw did not know about or manipulate. Unfortunately for the Premier, in one way it worked because we learnt a couple of things from the tape. We now know that the member for Kingsley, who came into this Parliament in 1989 with strong Christian beliefs and set up a prayer group in this Parliament shortly after the election, has the mouth of a fisherman's wife. We know that from the evidence of Don McLeod in the royal commission. That is part of the problem I have when trying to find a modicum of reason for believing this woman. It is not my natural wont to destroy the member for Kingsley. I am simply pursuing the truth about corruption in Wanneroo. I look at

the demeanour of this woman, who came into this Parliament and formed a prayer group within six months. Don McLeod said she and all her mates are foul mouthed and they are not at all a savoury lot. He has already discovered from the tapes that we are dealing with a political chameleon. She is willing to change when it suits her. She loses her voice when it suits her not to speak in the Parliament because she does not want to remember the facts about Wanneroo. Quite mysteriously, she regains her voice when it suits her to speak.

The silly part is that the Premier forgives everything and goes blindly along with her. We know what guided him, and in this instance it was not a Labrador dog and a white stick. It was because the political guru of the members for Kingsley and Wanneroo, the corrupt business partner of the member for Wanneroo, and the member for Wellington's corrupt brother was not only involved in parachuting people from the northern suburbs into the Liberal parliamentary party but also delivered the leadership to this Premier. We know that from the tapes that were heard by the royal commission.

Mr Cowan: You are incredible.

Mr MARLBOROUGH: I am not incredible at all.

Mr Trenorden: You should start defending yourself.

Mr MARLBOROUGH: Is my integrity being questioned against that of members opposite? The member must be joking. My integrity is being questioned against that of the member for Wanneroo or the Premier. The member for Avon must be joking. If members opposite think I will be dissuaded on the basis of this political attack today, they are much mistaken.

One of the difficulties for the Premier with this whole inquiry is that the Kyle report is a substantial document in which many people have put much faith. Unfortunately the Government did not do so and it did not ask the police to inquire into any of these matters. I am not aware of this Government having initiated any of these matters. Perhaps the Premier will tell the Parliament differently. When did the Premier issue instructions for the police to follow through any of these matters?

Mr Court: You do not have to question me, my friend. We are questioning you.

Mr MARLBOROUGH: I have the right in the Parliament to question whom I like. Did the Premier issue instructions for any inquiry to take place into the Kyle report?

Mr Court: The Minister for Local Government has reported to this Parliament for three and a half years about questions asked by this Parliament. That is more than you ever did.

Mr MARLBOROUGH: Having seen this document, the Premier ran away from the matter because it was to nail -

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

Mr MARLBOROUGH: I do not know what my credibility is being measured against. If it is being measured against bringing matters into this House which should be brought into this House, I am guilty.

Mr Nicholls: It is measured against things that are proved to be true.

Mr MARLBOROUGH: I refer members to another event in this House last week. The member for Melville is recorded in *Hansard* as making an unsubstantiated attack on Les Ayton. It amounted to the destruction of a man and his family, without evidence to support it. Mr Falconer said Les Ayton had left the Police Service amicably and that he gave great service to the people of Western Australia.

While the Minister for Police was on his feet the member for Melville left the Chamber and returned with the Premier. The Premier then barracked the member for Melville through the next part of his journey. The Premier was right, the member for Melville quoted me. Is it not amazing that last week when it suited the Government to have the member for Melville attack former Deputy Commissioner Ayton and quote me on issues that I raised about Ayton's role in the Police Force concerning Argyle Diamonds, on the basis that I was accurate and my leader was not, my allegations of corrupt activities were okay.

I raised those issues here on the last day of July before the six week recess. Last week I was kosher and could say what I liked about Mr Ayton because it suited the Government's political purpose to take the heat off Falconer. In doing that the Government did not care whom it attacked. This Premier set the rabid dog of Melville loose on Ayton, who no longer has the protection of the Police Force. The Premier did all the things he accused me of.

Withdrawal of Remark

Mr COWAN: I distinctly heard the words "rabid dog" in reference to a member. I demand that they be withdrawn.

Mr MARLBOROUGH: I withdraw; we all know he is a toothless mutt.

The ACTING SPEAKER (Mr Johnson) I ask the member to withdraw that remark also.

Mr MARLBOROUGH: I withdraw; he is a little puppy.

Debate Resumed

Mr MARLBOROUGH: The Premier has moved a motion against me today because it suited him but he had the member for Melville attack no less a person than the former Deputy Commissioner of Police. In doing so he attacked his family and 32 years of service in the Police Force. All members on the Government backbench should be aware of that. The member for Melville said -

> Today those in the Labor Party are calling for a judicial inquiry into the Police Service. In the 1980s when Assistant Commissioner Peters was having his office bugged by Mr Ayton, what were those opposite, when they were in government, saying about propriety and honesty. Today the heat is being put on those in the Police Force -

The ACTING SPEAKER: Order! I believe the member for Peel is reading from an uncorrected proof of *Hansard*. It is not allowed. He knows the rules of the House.

Mr MARLBOROUGH: It is a pity, with the privatisation process to which this Government is committed, that we face a delay of one week before getting the final *Hansard.* It is a bloody disgrace. The Government should be ashamed of itself.

I will generalise: In attacking Mr Ayton the member for Melville suggested the member for Peel should be asked about Mr Ayton. He said he would tell the Opposition why; it was because those people who have been intimately involved in the operation of the Police Department for the past several years know what happened. They know that tens of millions of dollars disappeared from Argyle Diamonds. Who was the person principally in charge of those investigations to see that they did not happen? It was former Deputy Commissioner Ayton.

When it suited the Government I was being quoted as correct on corruption. That is fairly fundamental. We know we play politics in here. However, the Premier should get rid of whoever is writing his script and start again. Last week the member for Peel was spot on about raising corrupt matters affecting Les Ayton. The evidence to prove that is the way in which the Premier let the member for Melville use the remarks of the member for Peel in the *Hansard*.

This week a royal commission has made a report and my remarks do not suit the Government. I have not been right on any of the matters I have raised concerning corruption in Wanneroo City Council because I have made statements about certain individuals! Will the Premier please rationalise his position on that. Why was I okay last week when it suited the Premier?

Mr Court: You had the opportunity to give evidence to a royal commission and you could not deliver after you spent two years in this Parliament making allegations. You cannot have it both ways.

Mr MARLBOROUGH: I referred to the Premier some months ago as having the brains of a tailor's dummy. I think I denigrated the tailor's dummy. The reality is that the Premier cannot make that statement and say I have had the opportunity of going before a royal commission and not delivering. I did not go before a royal commission concerning Les Ayton; yet the Premier used my remarks on that matter. That adds to his problem. The Premier cannot have it both ways. He will not take any notice of what the member for Peel says about corruption on the basis that he has not taken it to the royal commission, but when it suits his purpose the Premier does not care where the member for Peel takes it! He made a statement in this House about Les Ayton's role in the Argyle Diamonds investigation and what is known as the Brennan affair and the telephone conversation with Robin Thoy, who they indicated at the time should be praised by the Premier as a hero.

I stand by that statement. When Falconer moved on Les Ayton, and he left and the Government decided not to make the Federal Police report available to this Parliament in Ayton's last 48 hours in office because it suited the Premier to use the attack on Ayton to divert from his own weaknesses surrounding the Police Minister and the Commissioner of Police, Marlborough was okay on corruption. However, not when it comes to raising any allegations about Wanneroo Inc. The measure is I did not take them to the royal commission. I did not take Ayton to the royal commission. The Premier walked in with the member for Melville, sat down and barracked for him while he was on his feet. His comments are in *Hansard*. Next week I will read out the weekly *Hansard*. I will also read the Premier's comments into it.

The Premier supported the attacks of the member for Melville, which by way of interjection the Premier correctly indicated was a speech I had used in the Parliament.

Mr Court: Was it okay for me to walk into the House with someone? Should I come in by myself?

Several members interjected.

Mr Court: I have walked into the House alongside you, but I will think twice about it in future.

Mr MARLBOROUGH: On the basis that I have already described the Premier as having less intelligence than a tailor's dummy, of course he needed somebody to guide him into the Chamber. I am not arguing about that. How else would he know his lines? How silly is this action today? One need go no further than the Premier's use of my words on corruption last week when it suited him; this week it does not suit, so the Premier will not use my words. What a double standard! Do members opposite think anyone will cop that? When they go to supper tonight they should talk about it and think about it. The Government backbenchers are being used as patsies. The Premier is getting some advice from within the Premier's office that this motion will work.

One of the difficulties to which I alluded earlier in dealing with the role of certain members of the Liberal Party in relation to Wanneroo is the demeanour of the then Attorney General, now the member for Kingsley. When I gave the member for Kingsley the opportunity to answer on all sorts of issues, she lost her voice, or said she could not remember. She actually told this House she does not talk to her husband in any detail about anything. I raise that because that is a difficulty that I have had in the past two and a half years. I thought I gave the former Attorney General many opportunities to answer the issues that I had raised, and also, for that matter, the Premier, but he had a vested reason to cover up for a long time, until he realised the party was haemorrhaging all over the place and he could not cover up any longer.

I have the same difficulty in concluding that the member for Kingsley should be supported as does this royal commission. This royal commission has great difficulty believing her, and it has tremendous difficulty believing her husband. Page 188 of the report refers to the Sinagra trip. The background is that Ron Coffey, the city manager, supposedly paid for tickets for Colin Edwardes to go with his wife, the member for Kingsley, to the United Kingdom, and then to meet up with the delegation to Sinagra, which had sister city relationship with the City of Wanneroo. Apparently there was a discrepancy about the fares that were paid.

The royal commission had the member for Kingsley and her husband in the box at different times, and it asked them about what happened in Italy and what was said. The report states on page 187, at point 5.7.26 -

> There is an unfortunate divergence in the evidence of Mr and Mrs Edwardes as to just what happened in Kastoria. Mr Edwardes recalled there was a fax received and identified the *The News* article as being part of the fax. He said Mrs Edwardes discussed the matter with him and told him she was going to speak to Mr Coffey. When she returned she said something to the effect that "it's all been fixed". Mr Edwardes cannot recall Mr Coffey speaking to him about it. He said he gained the impression from Mr Coffey, whether at the time or later he was not sure, that it was a genuine mistake. He then gave the following answers:
>
> > "Why would you think it was a mistake?---Because that's just the general impression I seem to recall in what was going on.
> >
> > Do you talk to your wife at all?---Sometimes.

Remember her actions in this Parliament. This is the royal commission asking her husband whether he talks to his wife at all. It has got the lines right. It continues -

> Well, her recollection of the explanation given to her was that a deliberate act of crediting the balance of your first-class entitlement to her air fare was carried out by the clerk. That was her evidence as to what she was told when she broached the subject to Mr Coffey?---Well, that was a discussion between her and Mr Coffey, not between me and Mr Coffey.
>
> Well, what, she didn't pass it on to you?---No, she didn't.

Point 5.7.28 states -

> I have very little doubt Mrs Edwardes told Mr Edwardes what Mr Coffey had said to her. She was understandably concerned at the fact that the media were running a story that her air fare had been subsidised by the Council. After raising the matter with Mr Coffey and, on her account, learning that these reports were correct, it is to my mind highly unlikely that she would resume first her breakfast and then her travels in the company of Mr Edwardes without telling him what she had been told. If I am correct in that conclusion and Mrs Edwardes did tell Mr Edwardes what Mr Coffey had told her, there is no room for a belief on Mr Edwardes' part that Mr Coffey's action was a genuine mistake unless he did not accept Mrs Edwardes' account of the conversation.

I am using that example to say that I fall into the same category as does the royal commissioner. I suggest the penny finally dropped when the Premier, the day after the Parliament rose on 17 December 1995, sacked the member for Kingsley as Attorney General, because the conclusion that he should have reached was that she was by then becoming too big a problem. All the problems we have had within the House in getting the truth out of the member for Kingsley are starting to surface in the royal commission.

The royal commission did not attack me. The Premier should look at his colleagues and realise that it is silly to go down this line and that it will be seen for what it is - a political attack. Last week, the Premier used me as his ally in corruption when it affected Les Ayton because it suited him politically. This week, it does not suit him politically and I am no good to him. The reality is that the people of Western Australia know the truth about what he has been covering up for the past three years.

MR COURT (Nedlands - Premier) [5.15 pm]: The speech that we have heard over the past 45 minutes is confirmation of the need to move this censure motion. We have seen the filthy tactics and personal abuse that has been thrown out by the member for Peel. It is interesting that even members opposite do not laugh at the member for Peel's jokes any more. They do not laugh at his personal attacks. The member for Peel has talked about members of his family who have been attacked. He has ignored what he has done for the last three and a half years in this Parliament. If the member for Peel had any decency, he would have apologised today for the unsubstantiated attacks that he has made and for the fact that when he had the opportunity to give evidence to the royal commission, he could not deliver; he could only bluster.

The Labor Party has learnt little. It will accept no responsibility for the abuse of parliamentary privilege. It has made totally unsubstantiated claims. It was not able to give the evidence when it was asked to do so in the royal commission. It is the same tactics that I have witnessed for 13 years in this Parliament. Members opposite tough it out. They do not know when to step back and cop it on the chin. As long as they play those gutter tactics, they will remain in opposition.

I am advised that if this censure motion is carried, it will be the first time in the history of this Parliament that a Leader of the Opposition has been censured. That is the least that this Parliament could do, after what we have witnessed over the past few years. The Leader of the Opposition and the member for Peel should be censured because their standards of conduct have set new lows in this Parliament.

This Parliament cannot accept the conduct that we have witnessed from those members. The member for Peel had every opportunity to substantiate his claims in the royal commission. The fact that he was told by the Director of Public Prosecutions to be very careful before he continued with allegations that he could not substantiate does not mean anything to him.

The people of this State gave members opposite a clear message long ago that they will not accept these standards. I agree with the member for Kimberley that this House should spend more time on the positive things that we can do to enable this State to go forward. Members opposite have had three and a half years. They have been coming into this Parliament with unsubstantiated claims, and if that is where they choose to spend their time, it will do them no good.

Today is a grave day for this Parliament, because it is not very often that we get to the end of a sequence of events that has seen such widespread abuse of parliamentary privilege. As long as the Leader of the Opposition and the member for Peel stay in their current positions, it will be good for this coalition Government.

Question put and a division called for.

Bells rung and the House divided.

Remarks during Division

Mr Marlborough: What an abuse of the parliamentary system.

The ACTING SPEAKER (Mr Johnson): I formally call the member for Peel to order.

Mr Graham: You can't; there are no parliamentary proceedings in progress.

The ACTING SPEAKER: I formally call to order the member for Pilbara.

Result of Division

The division resulted as follows -

Ayes (29)

Mr Ainsworth	Mr Kierath	Mr Shave
Mr C.J. Barnett	Mr Lewis	Mr W. Smith
Mr Blaikie	Mr Marshall	Mr Strickland
Mr Board	Mr McNee	Mr Trenorden
Mr Bradshaw	Mr Minson	Mr Tubby
Mr Court	Mr Nicholls	Dr Turnbull
Mr Cowan	Mr Omodei	Mrs van de Klashorst
Mr Day	Mr Osborne	Mr Wiese
Mrs Edwardes	Mrs Parker	Mr Bloffwitch *(Teller)*
Dr Hames	Mr Prince	

Noes (22)

Ms Anwyl	Mr Grill	Mr Riebeling
Mr M. Barnett	Mrs Hallahan	Mr Ripper
Mr Brown	Mrs Henderson	Mrs Roberts
Mr Catania	Mr Kobelke	Mr D.L. Smith
Mr Cunningham	Mr Leahy	Mr Thomas
Dr Edwards	Mr Marlborough	Dr Watson
Dr Gallop	Mr McGinty	Ms Warnock *(Teller)*
Mr Graham		

Questions thus passed.

PETITION - WHITEMAN PARK, ENTRANCE CLOSURE PROPOSAL

MRS van de KLASHORST (Swan Hills) [5.23 pm]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned people of Western Australia wish to express our unhappiness at the proposed closure of the entrance to Whiteman Park at the corner of Lord and Park St. We would sincerely hope that some agreement can be reached for an entrance in the vicinity for our area. There are a large number of riders in Henley brook that would avail themselves of this entrance and the majority do not have floats and can therefore not reach the main entrance to use the park. We have had this convenience for some years now and are facing this change without any consultation as to our wishes.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 134 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 128.]

PETITION - FARRELL-MORRISON ROADS, MIDVALE, INSTALLATION

MRS van de KLASHORST (Swan Hills) [5.24 pm]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned people of Western Australia wish to express our concerns that traffic lights or indeed some form of calming device has not yet been erected at the junction of Farrall and Morrison Roads, Midvale in order to reduce the number of accidents that occur here. With more people moving into the Stratton area, there is a greater volume of traffic with the resultant increase in accidents. Before someone is killed here - a horse has already been killed - we implore you to take necessary immediate action to avoid any loss of human life at this junction.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 241 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 129.]

MINISTERIAL STATEMENT - MINISTER FOR HOUSING

LowStart Home Loan Scheme, Assistance Package

MR KIERATH (Riverton - Minister for Housing) [5.25 pm]: This ministerial statement will ease the minds and pockets of home buyers unfortunately caught in the LowStart scheme. This Government has made it a high priority to help Western Australians achieve the dream of home ownership, and I have told Homeswest that I want it to do all it can to put people into their own homes without placing them in poverty. In line with that, I am announcing today a $12.8m rescue package for those people who are in dire straits with the LowStart home loan scheme.

The scheme began in 1989, but was closed off to new applicants in 1993. The intentions of the scheme were good and it was pitched at helping low to moderate income borrowers who did not qualify for a home loan from the private sector. Repayments were made affordable and would rise with the applicant's income. However, high market interest rates which followed the introduction of the scheme resulted in high levels of interest being capitalised to borrowers' loans. Added to this was the fact that the income of some borrowers failed to increase at rates expected and the property market was subdued. This meant some families ended up owing more than they originally borrowed.

We stopped the scheme and with proper financial management began building up funds for an assistance package. We have helped about half the existing borrowers under the LowStart scheme, but another 1 000 require help to repay their loans over the next 25 years.

To help these people, we have put in place an assistance package worth up to $12.8m to enable all existing borrowers to convert their loans to principal and interest. This will write off a major part of the capitalised interest, of these LowStart loans plus provide them with an interest subsidy.

Although there is no legal obligation to assist borrowers, this Government believes there are strong moral and social reasons for this package of measures as some of the borrowers are unlikely to be able to receive help from anywhere else.

It is important that we act now in light of forecasts for low inflation and capital growth because borrowers currently having difficulties may not see their loan situation improve. The KeyStart scheme manager will contact LowStart borrowers individually to discuss the new assistance package.

[Questions without notice taken.]

MATTER OF PUBLIC INTEREST - WITHDRAWAL

THE SPEAKER (Mr Clarko): I advise the House that although I did receive at the appointed time today notice of a matter of public interest that was proposed to be moved by the Leader of the Opposition, that has now been withdrawn, so it will not be proceeded with at this stage.

Sitting suspended from 6.00 to 7.30 pm

GRIEVANCE - ATWELL PRIMARY SCHOOL PROMISE

DR WATSON (Kenwick) [7.31 pm]: I direct my grievance to the Minister for Education on behalf of the children and parents at Atwell, which is a new suburb on the southern extension of the freeway, on the eastern side, south of Forrest Road. On the other side of the freeway is the newly developing suburb called Success. The Jandakot Primary School is located in Success, where some of the children from Atwell attend school. Atwell is a growing development which on the map put out by the developer has a clearly designated primary school site. I understand it is serviced with the necessary infrastructures. Atwell has been promoted as a community for young families from 1993 onwards. It has always been advertised as having the facility of a school, and many others. The matter of the facilities which have not appeared is another story. Unfortunately I do not have time to address that aspect this evening.

The primary school was promised to buyers for 1997, 1998, 2000 and, now, not until 2002. This grievance is to ask the Minister to ensure that a budget is allocated for the school in the 1997-98 allocations. That round is being developed now, and it is critical that the Minister allocate money. Nine hundred residential blocks have so far been released, and 664 approvals given. People have been badly let down, because there are no facilities. The schools committee of the Atwell Community Association surveyed houses earlier this year, counting 348 children of primary school age for the year 1998, as well as 52 preschoolers. I recently did my own survey of 112 children. There are absolutely no services in Atwell for children of any age, except a bike track and a park. Of those 112 children, 59 were younger than four years; 11 were between four and six, and 33 were of primary school age. The priority for all those parents is a primary school.

The projection for the Jandakot Primary School, which stands at about 370, is that by 1999 it will accommodate 475 students in 16 classrooms. However, this April the Education Department said it would need 14 permanent classrooms and seven transportables before Atwell would be given a high priority for a new school. In June, the Premier wrote to the community association and said that the main criterion for a school is pressure on the existing host schools. He said that although there were 603 occupied houses in Atwell, only 78 children were enrolled at Jandakot. He has the wrong enrolment figures. He is working from the outdated figures of the Education Department which were taken from an early 1995 survey.

Besides the issue of not having a school, other issues must be considered. A bus leaves Atwell at 7.35 am, which charges children 40¢ to get to Jandakot Primary School. The children arrive at school at 7.55 am, which is patently too early for primary school children. On the return journey, a special school bus charges children 70¢ for exactly the same journey, picking up those children with secondary school children until recently in a very overcrowded and unsafe bus. Now, I am told, a link bus is provided. The children who walk or ride to school - there are not many - must negotiate the freeway. Although there are pedestrian lights on the freeway, some aspects of the road are not protected by lights but have only a give-way sign. It is unsafe. I was daunted crossing the freeway with the lights. A 10 or 12 year old child with a bicycle is blinded by the sun when turning to look at the road and the vehicles. The child must cross the road without lights, and journey onward by foot or bike. It is very dangerous, and I have asked the Education Department and the Police Department to re-examine that crossing.

Besides a primary school, there is a need for preprimary schools for four and five year old programs. I do not know how that can be done, but under pressure the Government has recently employed a consultant through LandCorp to look at a school in houses project. There will be too many children for such a program. There are enough children for a primary school in 1998. However, the Government's policy about the ratio of houses to schools has recently changed. It has now gone up 31 per cent, from 1 375 houses to 1 800 houses, and children in these rapidly developing southern suburbs will be in fewer and bigger schools. Children and parents in Atwell are becoming mere numbers on the planning map, motivated not by educational needs but by costs and cost cutting.

My plea to the Minister on behalf of all the parents who have approached me is to provide a budget in 1997-98; and to build a school as quickly as is feasible after that, so that children can be accommodated in their own school in their own community long before 2002.

MR C.J. BARNETT (Cottesloe - Minister for Education) [7.39 pm]: I thank the member for Kenwick for the grievance. I am aware of the situation and the needs of the parents and children in the Atwell area. Unlike any other State, our population is growing, particularly in the outer suburbs, therefore we need to build new schools. Atwell is one of those areas. Currently, the children in the area are designated to attend Jandakot Primary School.

The member might be interested to learn that Jandakot Primary School can accommodate a further 50 children, even on the basis of its permanent accommodation. The scope also exists to put temporary accommodation at Jandakot. The Education Department at my request considered the possibility of a school in houses project for Atwell. The matter was raised with me by a group of parents at a community function in the area. The developer, LandCorp, has looked at the proposition and has indicated some support. However, as the member pointed out, surveys conducted in the area indicate there are potentially around 200 primary school age children in the area. The Government has identified 149, but it believes the final figure will be closer to 200. That is too many to proceed sensibly with a school in houses project. I agree with the member: Atwell as a district needs a permanent primary school. There is, however, some scope at least to continue to use Jandakot in the interim, given it has spare capacity. Planning is proceeding on a school for Atwell. The question is not whether a school will be built at Atwell, but when it will be built.

The current assessment of that district and other competing districts is that it is most likely that a school will open in Atwell in 1999. I know the member for Kenwick will argue that should occur in 1998. The Government will keep that situation under review. I have spoken to parents and I am conscious that the area is growing rapidly. If that comes forward, the Government will need to revise the plan; therefore, the situation contains an element of fluidity.

Members, particularly those representing outlying districts, quite rightly lobby for new schools on behalf of their communities. Consistency dictates to me that they should equally support merging schools when numbers decline. This year the State Government will spend $100m on capital works - new schools, major extensions and renovations. To meet all the needs perhaps $130m or $140m must be spent a year. Part of the real cost is the underutilisation of existing facilities in schools in old areas where numbers have fallen below realistic levels. The Government's ability to fund projects in areas such as Atwell depends on its ability to get better value for money in some older areas. The school at Atwell will go ahead. The current prognosis is 1999, but we will keep it subject to review. There is a possibility that it will be built in 1998.

Dr Watson: You mentioned about 200 children. The community survey indicates there will be 348 children in 1998. The Education Department figures do not tally with the community figures for which people doorknocked the area.

Mr C.J. BARNETT: I would be interested to see those surveys. The information I have is that a survey of 57 per cent of households - that is incomplete - identified 149 children. On that basis, it is believed that there are at least 200. If the community has generated more accurate information or a complete survey, I will look at it. I am conscious that the area is growing rapidly. It is a question of whether we bring the Atwell school forward ahead of another school. If those figures are true - I do not doubt what the member says - and we are talking in excess of 300 students, that is a powerful argument for reviewing the situation. At the moment it is earmarked for 1999.

Dr Watson: Transportables were mentioned for Jandakot. They would take up the present playing area of the kids, because the school grounds cut away into a market garden. The principal demonstrated how in a practical way that area could not accommodate those rooms physically.

Mr C.J. BARNETT: The advice I have from the Education Department is that the situation at Jandakot can be managed during the interim. It may put some pressure on that school. I would love to be able to say that the Government will go ahead with the school at Atwell; however, as the member appreciates, it requires a balancing act between competing school projects. Currently, Atwell fits into the plan for 1999. However, if the growth is accelerating - the parents have put to me that that is the case - the Government will reconsider it.

Dr Watson: The third issue is to do with safety. Crossing Kwinana Freeway is untenable. There will be no overpass until a shopping centre is built. By the time children get to 10 or 12 they want to be independent in going to school. That is impossible there.

Mr C.J. BARNETT: The member will appreciate that one of the problems is not just a case of new schools and expanding urban areas. I have visited two or three schools this year which it is my solemn desire to see bulldozed and rebuilt. I will not name them, because that would be unfair. They are generally in low socioeconomic areas and were built in perhaps the 1940s and 1950s. They are glum, dark, depressing environments. If the Government can delay a school project in an outer urban area, perhaps we can replace a school that should be replaced. The temptation is always to cater for the expanding population and ignore the less privileged kids in old schools. To the best of my ability I try to balance that. I take the member's point. I would appreciate the results of the survey. If it is a 100 per cent census, that is important.

Dr Watson: It is a 100 per cent census with about a 60 per cent return.

Mr C.J. BARNETT: If the member for Kenwick forwards that to me, the Government will look at it, because it is a rapidly growing area. The next grievance is probably about a similar situation - rapid urban growth. I thank the member for her query. I am conscious of Atwell.

GRIEVANCE - BALLAJURA SCHOOLS

MRS PARKER (Helena - Parliamentary Secretary) [7.46 pm]: The Minister for Education has accurately pre-empted the subject of my grievance. It shares the same problem as that raised by the member for Kenwick; that is, a rapidly growing suburb, in this instance, Ballajura. I will raise the issue with two schools that are the subject of rapidly increasing populations and two different solutions for them.

The first is South Ballajura Primary School, which was opened in only 1994 with a population of 560 students. Two years later, in 1996, that has increased to 780, and the population projection for 1998 is in excess of 1 000 students. That does not include the four year old students coming to that campus. The present accommodation is excellent. It is a wonderful environment for the children. However, my concern is that a primary school with over 1 000 students - it will be more than that if the four year olds are added to that equation - is a large place to send a young child. I feel that we are institutionalising our children. The Minister for Education visited the school and looked at that environment. I am grateful for his support. Together with the Education Department, the school has looked at different options. One of my favourite options - certainly as time has progressed it has become the favoured option also of the P & C association and the school principal and staff - is a school in houses project. Until now the school in houses project has been used only for new suburbs to accommodate a school population before it had the numbers to justify a permanent school. In this instance I request the Minister's support for a school in houses project to accommodate an overflow of students.

From 1998, for seven to 10 years before the population peaks and begins to decline in that school, the overflow could be covered by a school in houses project. After the population peak is reached and starts to decline, those houses could be sold back into the residential market and children could resume schooling in that area on the one school campus site.

There was a problem with identifying land. However, I approached the local government authority and together we conducted a search of the available land in the area. Few estates are left to be released onto the market. However, I have been able to identify a site where land is available. The land developer is happy to accommodate our interests as long as we move quickly, because the land is due to be released onto the residential market by December. The investor who was involved in the Ellenbrook school in houses project is interested in being involved again. The school is very supportive of the concept and sees it as the only way of dealing with this large population growth problem. What is the Minister's position in relation to this option? If that support is forthcoming, my concern is that we have a very limited window of opportunity to solve the problem, given that we have a very short time during which to secure the land before it goes onto the residential market.

The second school I would like to bring to the attention of the Minister is Ballajura Community College. This school opened in 1995 with 650 students, and this year it has another 300 students, giving a total of 950. By the year 2000 the student population is anticipated to be 2 000 students - a rather large high school population. The Minister also visited this school with me in May. The school community and the residents of the suburb were delighted with his commitment to progress that school to senior college status. So, we will have years 10, 11 and 12 on that site. That was a wonderful day in the life of that school, because there had been some uncertainty about whether the department would advance the school to that level. With such a significant population it is imperative to have those years within the school.

We must progress the planning for this next stage - stage three - and we are grateful for the budget commitment to include years 11 and 12. However, I have been told that any money spent on temporary accommodation will come out of the capital budget allocation for stage three; that is, any money spent on transportables to accommodate students in 1998 will be taken from the overall budget allocation. This will be a magnificent facility when it is completed and I support the school community in its desire to have a community based facility used several nights of the week by community organisations. In the planning of stage three, can there be a commitment to advance and build the classroom accommodation first so that we can get that organised and then advance the resources facilities?

I confirm again that the school community was very grateful for the Minister's support and the fact that he was able to assess the situation and identify with us our concerns for the needs of that site.

Mr Minson: A good Minister.

Mrs PARKER: Yes, a very good Minister. We are interested to know how we can accommodate that huge population - the critical mass - at the beginning of 1998. We would like the classrooms built first and to move very quickly to the stage three program.

MR C.J. BARNETT (Cottesloe - Minister for Education) [7.54 pm]: I thank this member for her grievance concerning both South Ballajura Primary School and Ballajura Community College. As the member indicated, I have visited both of those schools with her in recent months.

I will first address the issue of South Ballajura Primary School. As members will appreciate, Ballajura is a very rapidly growing area - the area seems to be alive with children and babies in prams. I agree with the member: The school is superb. The signs of overcrowding were evident in the preschool area more than in the rest of the school campus. If nothing is done at South Ballajura, the estimates are that the population will continue to grow and will reach 1 000 students by 1999. Members would agree that that is too many students in a primary school and I agree with the member that something must be done.

The estimates from the Education Department indicate that year 1 enrolments will peak next year. The school has 14 permanent classrooms and already has 13 temporary classrooms. There are potential methods for relieving the stress on the school, and the member mentioned the school in houses project. We currently have only one such project - at Ellenbrook - but that number is about to increase. This project allows school education to be available in advance of the numbers justifying a primary school. In this case, the school in houses project is being investigated as a method by which to take some of the pressure off South Ballajura Primary School for a seven to eight year period. I appreciate the role that the member has played in putting that together. That process is not complete, but I certainly support the concept. If it cannot be achieved, we must find some other way of mitigating the population pressure on the school in the short term. That may involve boundary adjustments or building a temporary school somewhere else on vacant land, but, if necessary, that will be done. Either way, we will find a solution. The preferred solution would be the school in houses approach, but if that fails, other solutions will be put in place to ensure that the school does not face further overcrowding.

The member also raised the issue of Ballajura Community College. I suggest that members who have not been either to Ballajura or Warnbro should go there and see the quality in new government high schools. Of course, I take no credit for that. They are the two facilities that spring to mind and they are worth seeing. Ballajura Community

College currently caters for years 7, 8 and 9, and the community is wondering whether there will be a senior school. When I visited in May we gave an undertaking that the students in that school would have years 11 and 12; the school would proceed through to senior status. The question, of course, is the funding and timing for the project. For the 1997-98 budget year, nominally $5m has been allocated for capital works at the site. So stage three will go ahead.

One of the strengths of Ballajura has been the extent to which the community has been involved in planning, management, layout and design of the school. I would not want to see that compromised. We will certainly do everything possible to accelerate the building program. If we were to rush things to such an extent that the community was denied the opportunity to participate, or it resulted in school facilities being compromised, that would not be worth it.

Construction will commence in the second half of 1997. While year 11 will be available in 1998 and year 12 in 1999, not all stage three facilities will be in place for the beginning of 1998. However, some probably will and progressively the new facilities will come on stream during the course of 1998. I hope that by mid-1998 all of stage three will be completed. There will be some disruption and some inconvenience over the first half of 1998. However, the important point is that the students will have a continuous progression through secondary college. It is important that we take a little time to ensure that the school design is right. Indeed, an architect will be appointed in October to start consulting the local community about not only the format of the building but also whether it is one integrated complex or we develop a separate senior college for years 11 and 12 on the site. All of that process will take place, all the design work will be done and construction will be accelerated.

It sounds logical to bring forward the construction of the classrooms. We will certainly take that idea on board. However, we will not compromise the cost of the project. We will try to bring on those buildings most needed for the start of the school year. They will not all be there but they will be provided during the first half of the school year.

Mrs Parker: If we must have temporary facilities, does the cost of providing those come out of the total amount allocated for that capital program at stage three?

Mr C.J. BARNETT: I do not know where that idea emanated. We have not yet allocated money for stage three. That stage will be built and it will be included in next year's Budget. The allocation will be about $5m. There is no way that we will leave the school with a toilet or two short because we have provided a temporary classroom. Ballajura stage three will be built to the standard of the existing school.

GRIEVANCE - PORT HEDLAND DEVELOPMENT

MR GRAHAM (Pilbara) [8.00 pm]: My grievance was to be to the Premier. This afternoon I spoke at length to him about it. It is unfortunate that a combination of the silly censure motion that came in today and the Premier's desire to be at the Sandover medal count has prevented him from being here. Therefore, I assume that I am now grieving to the Leader of the House.

Mr C.J. Barnett: Not your day, is it?

Several members interjected.

The SPEAKER: Order!

Mr GRAHAM: The Broken Hill Proprietary Co Ltd pipeline and power station which, incidentally, were opposed by people opposite, were the predecessors to the hot briquetted iron plant of BHP.

Mr Lewis: What did we oppose?

Mr GRAHAM: The Minister can read about it. He knows it was opposed.

Mr Lewis: You invent things.

Mr GRAHAM: No I do not. The Minister's deputy leader said during the election campaign "All bets are off". Does that not mean the Minister opposed it? This Government cancelled it and then renegotiated it. Does that mean the Minister supported it? It is an interesting concept.

That development has caused and will cause an increase in the population of the town of Port Hedland and the demand on services in the town. Although estimates vary, it is generally conceived that the population increase will be between 25 and 30 per cent. A population bubble of about 3 000 people for various stages of construction will occur. A lot of discussion and deliberation is going on about whether the development will lead to stage two of the HBI plant. If that is the case, the population of Port Hedland will further increase. I am quite happy about that, except for the response from the Government. The development has brought with it problems, some of which are these: There is a view in the south west that if people drive to Port Hedland they will immediately be given a job and

work. That is not the case. Those of us in the north are sick of saying to people down here that they should not go north unless they have jobs to go to. We have problems with people living in cars and on beaches. I can safely say that now no accommodation is available in Port Hedland. Rents have risen in the last year to levels of between $600 and $800 per week for three bedroom houses. It is of great concern to me that both the Government Employees Housing Authority and Homeswest are, in my view, profiteering because of the shortage of housing. They are both pushing to sell off properties. Even though there are building programs, they are not replacing the houses sold. In any event there was a shortfall in public housing prior to the "boom".

Mr Lewis: No there was not.

Mr GRAHAM: The Minister is amazing. There was and is a land shortage in Port Hedland. I know that the Government response will be that is a problem caused by the native title or Mabo process. That argument is not open to the Government to put forward because in answers to my parliamentary questions it has said that native title processes on blocks in Port Hedland have yet to be started by the Government. We have school overcrowding and a health crisis. All Ministers now accept that the health crisis is genuine, if for no other reason than the members of the Liberal Party, from the Premier down, have raised it. We have delays with Western Power approvals. We have water shortages and impending water shortages. The council has a list of works that are required which will cost between $10m and $13m. I am aware that the Government, council and BHP are negotiating to see how that will be funded. On the simple question of sewerage, Port Hedland, which is in a boom phase at the moment, is at the bottom of the sewerage infill program. It is an absolute nonsense. The Government could take a simple step that could cost it nothing; it could move Port Hedland from the bottom to the top of the list. That would get over one of the major obstacles in the town.

There are problems because there are no Department of Land Administration offices in town. There are difficulties with Western Power and the Water Corporation. Because of the corporatisation and contracting out processes, there are insufficient staff to handle such simple matters as land conveyancing and the clearances required on the transfer of land. I will be talking to the responsible Minister about a chap who settled three months ago on a block of land. The delay and impediment to his selling that land to someone who wants to build some units on it to deal with the accommodation shortage is caused by the Government. What has happened very successfully in the South Hedland development scheme is that the Government has set up a task force with a senior bureaucrat in charge and put people in control of coordinating the departments, programs and projects. The Government is advocating that course of action for remote Aboriginal community development; that is, to form a task force to deal with the problems that arise. I want from the Government a commitment that it will do that for Port Hedland. All it has to do is to get together the senior bureaucrats, form a task force to deal with Port Hedland, and put the money in the budgets quickly and get it out so that things are happening on the ground. I will be more than happy to chair it, but I doubt that will happen.

Mr C.J. Barnett: We will keep you in mind.

Mr GRAHAM: I have never sought to gain great political moment out of these sorts of issues but the Government has a real problem in Port Hedland that it must address.

MR C.J. BARNETT (Cottesloe - Leader of the House) [8.07 pm]: I am very conscious of the issues the member for Pilbara appropriately raises. It is ironic that next Monday I am travelling to Karratha, because I know I will be beaten around the head and asked, "Where is the resources boom in Karratha?", yet a couple of hundred miles up the coast the problems that the member has outlined are very evident in Port Hedland. That is the nature of resource development projects; they tend to be very large and bumpy and not come at the time we would like.

The problems in Port Hedland are obviously associated with BHP's direct reduced iron plant and also the Nelson Point upgrade, both of which projects are scheduled for completion in 1998. The build-up is such that there will probably be 1 400 or more construction workers in the town in the early months of next year. Some of the pressures show up in all sorts of ways. The member referred to the South Hedland enhancement fund. I think that everyone would agree that South Hedland was a planning disaster of the 1960s through the Radburn Plan. Often companies come to the Government seeking assistance with economic infrastructure. As I have said before in this House, part of the DRI project involved negotiating a commitment for social infrastructure. The $7m South Hedland enhancement fund represents BHP and the State in particular, recognising the mistakes of the past and greatly improving the urban environment of South Hedland. Part of that will free up residential land that would otherwise not be used. BHP has refurbished a large amount of accommodation on site to try to cope with the pressures.

Mr Graham: My grievance was not so much for BHP, which can look after itself. It was for small businesses that employ people, pay them $450 and then have to add on $800 for rent. They cannot sustain that.

Mr C.J. BARNETT: I appreciate that. It is a very serious problem. With regard to the land release, the member talked about profiteering. It is true that land that Homeswest could not sell for $16 000 12 or 18 months ago is selling now for a minimum of $35 000 and is in short supply. Similarly, home builders have been slow to develop, even on a speculative basis, housing in Port Hedland. I have been trying to encourage people to develop and build housing estates.

There is a difficulty with a native title. I accept the point raised by the member that procedures have not started. In time, I do not think there will be any difficulty in developing new urban areas around South Hedland. However, the procedures are delaying it. The emphasis is on getting hold of what land is cleared or free of native title so that it can be brought on quickly.

We are monitoring the education situation very carefully. The main aspect we are looking at is combining Cook Point and Port Hedland Primary Schools into a new primary school. Currently, the student population is below the capacity of the schools. I envisage that temporary classroom accommodation will be required. Port Hedland council has approached the Minister for Local Government, the Minister for Regional Development, probably the Minister for Planning, and me about state government support for upgrading infrastructure. That includes water, power and all sorts of civic services and facilities. Logically that follows on from the South Hedland work. The State Government has set up a townsite development task force involving the town, BHP and various government agencies. That is to be chaired by Robin Crane and will address the immediate pressures on facilities and infrastructure in South Hedland. In due course I imagine there will be a proposal for extra funding from the town and that will have to be considered by the responsible Ministers - the Ministers for Planning, Local Government, Regional Development and me. Without pre-empting any decision, most people in this Parliament would recognise that when we get rapid growth there is a case for the State to provide support so that the community can accommodate that growth.

I am convinced that Karratha will experience similar problems perhaps within 18 months. I hope we have learnt from the pressures. In many respects, what is happening in Port Hedland should have been anticipated. However, the member will agree that, while it could be anticipated, the decision to go ahead with the project was made quickly and, once the decision was made, the drive into construction was almost instantaneous. In years gone by the decision-making process would have been longer. Construction would have taken place perhaps 12 or 18 months following the decision being made. In this case the decision was made and the project began. It was a good thing that the company was so aggressive. However, it is putting pressure on local and state government services. I appreciate the member's comments and would appreciate any further suggestions he may have. I know he has taken a personal interest in this matter and supports the work in South Hedland. However, there are further challenges in the area.

GRIEVANCE - WHITEMAN PARK, ENTRANCE CLOSURE

MRS van de KLASHORST (Swan Hills) [8.14 pm]: I rise tonight to bring to the attention of the Minister for Planning a problem with the equine industry and the social aspects associated with horse riding at Henley Brook. Horse owners and riders can no longer easily access Whiteman Park. There is a large equine industry in the Henley Brook area. It includes many trainers and members of the pacing industry. However, there is also a strong social horse riding presence in the area.

I presented in Parliament this afternoon a 134 signature petition from people from the Henley Brook area about the closure of one of the horse trail entrances to Whiteman Park. This entrance is situated north of Park Street and on the west side of Lord Street. Horse riders have been told that they must now float their horses or ride them along the new Lord Street to the main entrance to the park. A constituent told me that she decided she would do this the first time the gate was locked and after she was told to take her horse to the main entrance. She had to travel for nearly an hour along the new Lord Street alignment. She had to quieten her horse constantly because of the traffic on the road. She could not move along the sides of the road because the road has been built up for drainage and other reasons. There is approximately a two to four metre drop at the edge of the road in some places. These drains are full of mud and there is nowhere for these people to ride their horses off the road. At one stage near Walcott Street, a busy intersection, a truck caused her horse to rear and she had considerable trouble stopping it bolting.

The problem is that children want to go into Whiteman Park to ride their horses as they have done for many years and the local community fears that these children will not be safe riding along Lord Street to the park. Also many of the people who have lived there for many years do not have floats and cannot afford to put their horses onto floats to take them to the main entrance.

The old gate, which people have been using for many years, is located on a wide stretch. They can see for approximately two to three kilometres each way. It is an absolutely straight stretch with a clear view of oncoming traffic. They wonder whether it is possible to have the gate unlocked so that they can continue to use it. It is more dangerous for children and adults to ride their horses along the road than to go across the road. They have timed how

long it takes them to ride a horse across the road, and it takes approximately 10 seconds. The community suggests that the gate be moved approximately 10 metres into the paddock from where it is currently situated so that when children or adults ride across the road down the slope to the gate they will have to ride 10 metres further into the paddock to reach the gate to Whiteman Park. That is a sort of safety valve because it will prevent horses waiting on the road. Next time I have an opportunity to speak with the Minister for Transport, I will ask him, should the Minister for Planning agree to the gate being opened, to place flashing lights together with horse crossing signs to warn motorists of children and adults moving into the park. To the north of this gate there is a roundabout that prevents the traffic building up to any great speed. Therefore, the community feels it is a safe spot for a crossing.

The gate should also close automatically so that when an adult or child goes through the gate with a horse, it will close automatically behind them, thus preventing other animals in the park from moving onto the road. People have been accustomed to using the park to ride their horses and for training. Would it be possible for the gate to be opened so that they will have a safer access to the park?

MR LEWIS (Applecross - Minister for Planning) [8.19 pm]: I thank the member for bringing this grievance to the House. I have received correspondence on this matter and recognise that the people who have been using that gate to access Whiteman Park for horse riding are concerned. Although 134 people signed the petition and are concerned about the closure of the gates, only 39 permits have been issued. Permits are required for those people wishing to ride a horse within Whiteman Park. They involve a nominal fee of $5 for members of the Whiteman Park equestrian group and $25 for the public who use the facilities in the park. The number of petitioners compared with the number of permits issued perhaps is an indication that some people are not doing the right thing. Although the fees are not high, those using the facilities in Whiteman Park should recognise that it is a public park administered by the Western Australian Planning Commission at a cost of approximately $1m a year. Members of the public have a responsibility to play their part by obtaining permits when they wish to use the facilities.

I understand that two gates to the park have been closed on the eastern side. I am advised that they were closed primarily for road safety reasons as a result of the reconstruction of Lord Street, which provides the main access to the Ellenbrook project. Because of the buildup of the banks along that road, it was decided that it was not safe for equestrians to cross the road. The member for Swan Hills alluded to that when she made the point that in future these crossings should be fitted with flashing lights to indicate to traffic that horses may be crossing the road to access the park. I accept the grievance raised by the member, but it is not as clear cut as those who have represented their problem to the member have indicated. Obviously, the management of Whiteman Park must consider road safety in connection with these bridle paths and must properly rationalise the access gates.

I have looked at the various plans indicating the bridle paths available to people in the Henley Park area, and I accept that the gates that remain open are remote from those people accessing the park from the northern end. In this regard, it is a reasonable proposition for the Whiteman Park management to reconsider the closure of all access points. I will not pre-empt its decision or suggest that all access points should be opened. However, one of the northern gates could possibly be opened and fitted with a self-closing mechanism to avoid the problem of stock wandering from the park when equestrians are careless and leave the gate open. I am more than happy to take the complaint to the Whiteman Park management, through the Western Australian Planning Commission, to see whether arrangements can be made to improve the access and egress to the recreation facility.

It should be noted that a private consultant has been commissioned to carry out a recreation study on the park. He is due to report in a week or so. It is recognised that the equestrian activity has some associated problems of dieback, security of stock within the park and rationalisation of park activities. All these things will be dealt with in the consultant's report. I hope some commonsense will prevail and that a compromise will be reached. That will probably involve one of those gates being reopened with a self-closing mechanism so that people approaching the park north east of the main gate will have better access to the park in future.

The SPEAKER: Grievances noted.

PUBLIC SECTOR MANAGEMENT AMENDMENT BILL

Second Reading

Resumed from 12 June.

MR KIERATH (Riverton - Minister for Labour Relations) [8.27 pm]: I am handling this Bill on behalf of the Premier, who normally has carriage of Bills dealing with public sector management. In other States public sector management and labour relations are combined in the one portfolio. Previously in Western Australia the two were in the one portfolio, but the previous Labor Government decided to divide them and established the Public Service Commission and the Office of Industrial Relations.

I will now comment on the structure and thrust of the Bill before the House. I summarise my reaction as follows: I strongly oppose parts of the Bill and support other parts. In general, some provisions of the Bill are simply impractical and others are ahead of their time. I will address them individually.

As a general observation, it appears that the clause containing proposed new sections 33A, 33B and 33C implies that contracting for services is something new in the Western Australian public sector, requiring specific legislative provisions on accountability and reporting. We all know that is not the case; contracting for services is clearly a longstanding and widespread practice within government. In my former career I was involved in contracting to the Government in a number of areas. It is also evident that the procedures outlined in this clause would be almost unworkable. Bearing in mind the number of existing contracts, and the continuing trend to utilise this efficient and effective management tool, chief executive officers, Ministers and the Parliament would confront a huge log jam of reports. The provisions in this clause are not at all practical. In addition, the State Supply Commission is preparing a concise statement of the standards of conduct and ethics to be applied by public sector employees when purchasing goods and services. The issues implicit in the Bill's reference to conflicts of interest in contracting will be addressed through this strategy. The existing policies of the State Supply Commission are being updated to reflect the Commissioner for Public Sector Standards' ethics for agencies when dealing with staff who resign to take up positions with contractors. These guidelines are being updated to take into account some of the more recent practices. They will be available shortly and will identify and address those issues. The Government supports the intent of that clause to some extent, but it wants to update the State Supply Commission's policy to accommodate private contracting.

Support services such as career and financial counselling and a number of other programs are in place to assist employees who leave government employment of their own volition. In fact, many of the agencies employ consultants to help them manage the process. Those agencies usually have a greater success rate than those that do not. There is little the Government as an employer can do to control the employment status of ex-employees. The provisions in this Bill would create a tremendous web of red tape in trying to control something that I do not think we should control in the first place.

Regarding clause 5 of the Bill, I acknowledge that section 80 was not intended to be invoked to address industrial action. When we were made aware of the problem we brought it to an end. I do not think any further instances will develop. When the Government amends the Public Sector Management Act some time in the future that question will be put beyond doubt.

Part 6, which relates to redeployment and redundancy of employees, is clearly designed to establish the Industrial Relations Commission as the body for determining the rules and procedures governing redeployment, retraining, etc. This is the exact opposite to the changes made previously by this Government; therefore it is not something we support. If we were to support it, we would be saying that the operation of processes such as redeployment, retraining and redundancy would be subject to alteration by parties outside government. That would be untenable.

To a large extent the regulations imposed by this Government mirror the general order established by the Industrial Relations Commission in 1989, with some small changes. The specific inclusion sought by this Bill would require, first, a policy shift towards supporting the fact that a person be not financially disadvantaged through redeployment. As members will know, the current policy provides for the person to receive the same pay of the previous classification for the first six months of taking up an appointment at a lower level. After that time the pay is reduced to the classification level of the new job. That policy has come under criticism at various times, but has rarely been used. In most cases, before a lower level job is offered, every effort is made to locate a job at an equivalent and sometimes higher level than the previous position. Only in the most difficult situations is a lower classification seriously considered.

Pro rata long service leave is paid on termination of employment when it is by voluntary severance. It is not paid when termination results from disciplinary action. That is quite proper. It is the long established practice in the industrial relations arena that one forfeits benefits as a result of disciplinary action.

Redundancy is a fascinating issue. Much mischievous information has been put around by the Opposition. Between February 1993 and August 1996, 23 public sector staff were made redundant. Those figures cover three and a half years. The member for Morley well knows that in 1991-92 his Government launched its own voluntary redundancy scheme, which resulted in approximately 5 000 applications. Approximately 4 000 employees took voluntary redundancy in that year. Obviously, the Opposition's record on redundancy is at odds with the statement made to this House by the member for Morley.

Mr Brown: Which statement?

Mr KIERATH: I am referring to the member's general thrust about voluntary redundancy schemes. I found an article of 25 November 1991 headed "BMA workers plan protest". It reads -

> Building Management Authority construction and maintenance workers are planning a major protest against Housing and Construction Minister Jim McGinty over cuts with blue-collar employees.

It states further on -

> Electrical Trades Union spokesman Tom Brady said morale among blue-collar workers was at an all-time low in the wake of the Government's public sector voluntary redundancy scheme.

When the Leader of the Opposition was responsible for construction services he was concerned with lifting efficiency in the public sector. On 11 March 1991, under a headline "Building unions given productivity ultimatum", an article reads -

> Construction Minister, Jim McGinty has told Building Management Authority unions they must lift productivity to preserve the jobs of 600 workers.

The former Government oversaw a large number of redundancies. Another article from *The West Australian* has the heading,"WA looks to chop 700 more public service jobs." It reads -

> The State Government will be able to prune an extra 700 public servants from the Government payroll partly because of lower than expected costs associated with its $50m voluntary severance scheme.
>
> About 1700 public servants will be laid off voluntarily under the Government scheme, with another 1000 to go through natural wastage.

In November of that year a media statement put out by then Premier of Western Australia, Carmen Lawrence reads -

> The Western Australian Government's payroll will fall by an estimated total of $202 million over the next five years because of the public sector voluntary severance scheme.

She went on to talk about the 5 300 applications. Members can see clearly from that that some hypocrisy crept into the comments made by the member for Morley when he referred to redundancy schemes. When he was in government, his side achieved in one year what it has taken this Government three years to achieve. His Government was perhaps one of the greatest users of redundancy schemes.

Clause 7 provides for new sections 97A and 97B. As the member for Morley knows, part 7 of the Public Sector Management Act of 1994 provides for the making of regulations prescribing procedures for employees and other persons to seek relief in respect of any breach of public sector standards, with the exception of those standards, if any, that relate to substandard performance or disciplinary matters. Public sector standards have been established regarding recruitment, selection, appointment, transfer, secondment, redeployment, performance management, termination and discipline.

Procedures that allow an aggrieved person to make an application for an independent review of a decision, or action taken by an employing authority that the aggrieved person considers to have caused a breach of public sector standards were developed and promulgated in the Public Sector Management Review Procedures and Regulations of 1995. Admittedly these became effective only from 1 January this year.

The merit principle is still enshrined in the Act and more specifically within recruitment, selection and appointment standard 1.1.

The Public Sector Standards Commissioner has reported that the new procedures appear to be working effectively and are being continually monitored and, if necessary, they will be changed or updated.

As I said in my opening comments, ordinarily the Government could support parts of this Bill. However, steps are being taken to address those issues within the provisions of the Public Sector Management Act. The other issues go against the whole thrust of the Public Sector Management Act and, therefore, could not be supported.

MR BROWN (Morley) [8.40 pm]: It is disappointing that the Government has decided not to pick up the amendments promoted by this Bill. I will address some of the matters that have been raised by the Minister for Labour Relations in defence of the Government's position. I will deal first with the last point; namely, the question of promotion appeals. Prior to the introduction of the Public Sector Management Act, employees in the public sector had a right of appeal against a successful applicant for a higher paid position on the ground that they had a better claim for that position. That procedure ensured that any nepotism or unfair dealings, or any incorrect selection of employees, was tested before a tribunal. The Public Sector Management Act changed that substantially.

The Minister referred to the public sector standards, but I will refer to the Public Sector Management Review Procedures and Regulations 1995, of which the Minister will be aware. Regulation 12 states, under the heading "No review permissible of respective merits of applicants for vacancy", that -

> Nothing in this Division permits an unsuccessful applicant for a vacancy in a department or organization to apply under regulation 8 for a review on the ground that he or she is a better applicant for the vacancy than any other such applicant.

While there is a promotion appeals process, it is a one off procedure; that is, a public sector employee who can show that a job has not been advertised correctly, or that something else has procedurally not been done, can take that matter to the Commissioner for Public Sector Standards, but an employee cannot mount an appeal on the ground that he or she has a better claim for the promotional position than the successful applicant.

This regulation does two things: Firstly, it does not provide public sector employees who have been passed over wrongfully for a promotion with an avenue of appeal to test the veracity of the employing authority's decision. I have represented a lot of employees before promotion appeal board processes under both coalition and Labor Governments, and I can tell members that employing authorities do not get it right on every occasion. On a number of occasions employing authorities, for one reason or another, have made decisions not to appoint the best person for the job, and these procedures have been used to call that employing authority to account and have enabled an unbiased assessment of the relative strengths and merits of each of the applicants. This regulation removes that right for employees.

Secondly, this regulation removes a mechanism of accountability in the public sector, because if employing or promoting authorities do not have to run the risk of their decisions being overturned, they do not need to be so careful to ensure that they select the best person for the job. In the past 12 months, some abysmal decisions have been made by public sector managers in appointing people who are clearly not the best people for the job. It is disappointing, although not unexpected, that the Government has rejected a Bill which was designed to put into operation a less bureaucratic method of dealing with promotion appeals than that which applied previously, and which would have provided an avenue of increased accountability as well as an opportunity for employee rights of appeal.

I turn now to the Minister's objections to the various clauses in this very short Bill. Clause 4 of the Bill seeks to incorporate a new section 33A, which states -

> Where under a contract a public sector body engages a contractor from outside the public sector to provide a service or services the chief executive officer or chief officer of that body shall submit to the Minister an annual report on the standards of service or services provided . . .

That imposes an obligation on chief executive officers to submit once a year a report on the standards of services being provided by contractors. That is not an onerous requirement. The reason we seek that requirement is that we have had enormous difficulty in this place in getting information from Ministers about contracts. It is only when we can pry the information out of a Minister that we get it. On many occasions when we ask questions - and they are questions on notice, not without notice - of Ministers about contracts, contract prices and quality standards, and particularly when we ask for an explanation of the alleged savings that the Government has made, no answers are forthcoming. We get some words on a piece of paper, but they do not provide the information which is sought. A clear policy has been taken by government, or at least by a majority of Ministers, not to provide that information to the Parliament. If the Parliament cannot get that information, then certainly the Auditor General will have difficulty in getting it, and the public of Western Australia will have difficulty in getting it. That accountability provision in the Bill was rejected. I can understand why it was rejected, in the same way as the review of consultants which the Premier tabled recently was much smaller and provided a great deal less detail than had been provided previously, for the reason that all the contracts that had been recorded by the Government previously had been removed.

I can understand the Government wanting to keep this issue a secret, to deal with it as close to its chest as possible, but that is not in the interests of accountability. If the so-called benefits of contracting out were being achieved, the Government would have no difficulty in accepting this provision. The fact that it has not been achieved indicates the Government has something to fear by providing the information to the Parliament.

We are not talking about a small amount of money. In the foreword of his 1994-95 or 1995-96 report - I am not sure which, and I stand to be corrected if I am wrong - the Auditor General referred to government contracts in this term of Parliament increasing to $1.1b. Here is a simple accountability requirement. It is not a massive one. We are not asking Ministers to come in here every day, every week or every month and report on this matter; we are merely asking that once a year Ministers will table a report containing certain details. That is not onerous, yet the Government is not prepared to accept that proposal.

The Minister also rejected the next proposed clause relating to the employment status of redundant employees. He brushed this aside saying that it is too difficult for the Government to do, and that it does not want to do it at all. Surely someone who is supposed to be looking at the broader interests of the State should do that. The South Australian study of redundancy from the public sector indicated that many public sector workers who took voluntary

redundancy did not find other jobs and faced an increasing period of financial insecurity as well as all the associated social problems. The study, which was quite comprehensive, was carried out by a researcher attached to one of the South Australian universities. The anecdotal evidence in Western Australia is that some of the facets of that research are showing up here. People have spoken to me about the fact that they have found difficulty in obtaining alternative employment, having accepted voluntary redundancy arrangements.

We are concerned with what we see happening in Westrail; that is, the Government allegedly has a voluntary redundancy scheme for those employees. Allegedly employees are told that where the work is sold off to the private sector, they can get a job with the private sector or if there is not a job for them in that sector or they do not wish to transfer, they can stay as redeployees. Recent publicity has shown what is happening to those redeployees. We can see how they are now being treated, and that can only be described as abysmal. They are being isolated, kept in an empty workplace with nothing to do. The psychological tool being applied is to try to convince those people they have no future at all in the public sector and to force them out. That is pretty desperate stuff and is fairly despicable management practice. It has no resemblance to voluntary retrenchment.

Mr Bloffwitch: Are you saying that they are offered no retraining whatsoever?

Mr BROWN: That is right. The member should look at the articles.

Mr Bloffwitch: I was speaking to a person on the plane down to Perth tonight. He has had a couple of opportunities. He said at least there was an opportunity for retraining.

Mr BROWN: That is one person who spoke to the member during a plane trip. However, many people have been isolated, not just those in Westrail.

Mr Bloffwitch: If that is the case, I expect you to take that up with the Minister for Works and Services. In my view that is the intent of what the Government is trying to do.

Mr BROWN: Does the member mean to force them out?

Mr Bloffwitch: No, not at all.

Mr BROWN: The public sector should be one area where there is no problem with capricious employers. In the private sector we have not only employers but also employees of all makes and descriptions. At one end of the spectrum we have some people who seek to act in the best interests of everybody and are exemplary. At the other end we have some who would take two bob out of their mother's pocket. I do not say this is the case with employers alone; it is the case in all areas. It is a fact of life. In the private sector we expect a group - whether it is 1 per cent or 0.5 per cent or 0.1 per cent - of scurrilous people who will not treat their employees in a reasonable way. However, that is not expected in the public sector. That has not been the expectation in the past in the public sector, and certainly not from public sector managers.

The fact that it is now occurring in the public sector is a cause for major concern. Yet the Government is not prepared to agree to a clause that will look at the employment status of redundant employees a couple of years down the track, to see whether the process of restructuring involving redundancy has operated successfully in the broader interests of the State. Let us look at the macroeconomic interests when a person is offered voluntary redundancy and as a result things have gone downhill for that person.

There could be all sorts of other social implications, medical costs - who knows? We can start to measure just what are the costs of this policy. Is it an appropriate policy? Yes, in the short term it provides some apparent savings. Are there any savings in the medium term? If so, what are those savings? How best do we then deal with changes in the public sector that should occur, taking into account the social ramifications? That is what a study will show. We will get to that only by being prepared to conduct a longitudinal study of some of these implications. Unfortunately the Minister has rejected that suggestion.

Although the Minister has indicated that he will not accept this provision of the Bill, he has indicated one pleasing thing about clause 5; that is, where employees are involved in some form of industrial disputation, the disciplinary procedures of the Public Sector Management Act will not be used against them. There seems to be an argument that the redeployment and redundancy provisions proposed in the Bill are not appropriate because when the Labor Government was in power there were redundancies. Redundancies will occur whoever is in power. This provision to be included in the Public Sector Management Act does not state that no more redundancy shall occur; it simply seeks to regulate the entitlements and arrangements to be made for employees who are redeployed, retrained or made redundant. The Minister seemed to completely miss that point.

This clause will regulate those matters in the manner different from the current Public Sector Management Act regulations. Currently, where an employee's job is sold off to the private sector, that employee can be offered a job

by the private sector employer. In that eventuality, the public sector employer can instruct that worker to take up that job, even if it is at 80 per cent of the employee's previous wage rate. Having been given that instruction, if the worker refuses to comply and refuses to submit a formal application for employment with the private sector company and a resignation to the public sector employer, that person can be charged under the Act, disciplined and dismissed. When that employee is dismissed, he or she is not entitled to the redundancy or transfer arrangements which would otherwise be provided.

I have said to many public sector workers that it is rather like saying that a voluntary redundancy provision is in place and arguing in the manner of the following analogy: A person in the dock says to the judge, "Yes your honour, the person who was alongside me handed over his wallet voluntarily." When the judge asks how that was so, he says, "I happened to have a gun at his head." This Act puts a gun at the head of public workers. If they do not resign and do not opt to transfer to the private sector when their job is sold off to the private sector when they are instructed to do so, they can be dismissed. If they are dismissed, they do not pick up a redundancy payment.

This Bill will remove that very obnoxious provision and give the Industrial Relations Commission the power to issue a general order on redeployment and redundancy. I acknowledge that that notion is contrary to the views and policy of the Government; however, redeployment and redundancy have always been considered appropriately to be an industrial matter to be determined in negotiations between employers and unions, or employers and workers. Where negotiations are not successful, they are determined by an independent umpire through the Industrial Relations Commission. However, under the Public Sector Management Act, redeployment and redundancy are the sole province of the Government as workers and unions have no say in terms and conditions of redundancy. Under a former coalition Government led by the Premier's father, Sir Charles Court, this type of provision would not have been countenanced. In those times the coalition was always of the view that such matters should be determined not by the Government, but by an independent tribunal.

It is unfortunate that the Minister has decided to reject the clause. This Bill is very modest. It seeks to incorporate a number of changes to the Public Sector Management Act which would enhance it and improve the situation with the public sector and improve accountability mechanisms. The extent to which the Bill is rejected by the coalition is the extent to which it seeks to deny justice to public sector workers and restrain accountability mechanisms in the public sector.

Question put and a division taken with the following result -

Ayes (19)

Ms Anwyl	Mrs Hallahan	Mr Riebeling
Mr M. Barnett	Mrs Henderson	Mr Ripper
Mr Brown	Mr Kobelke	Mrs Roberts
Mr Cunningham	Mr Leahy	Mr Thomas
Dr Edwards	Mr Marlborough	Dr Watson
Mr Graham	Mr McGinty	Ms Warnock *(Teller)*
Mr Grill		

Noes (28)

Mr Ainsworth	Mr Marshall	Mr Shave
Mr C.J. Barnett	Mr McNee	Mr W. Smith
Mr Blaikie	Mr Minson	Mr Strickland
Mr Board	Mr Nicholls	Mr Trenorden
Mr Bradshaw	Mr Omodei	Mr Tubby
Dr Constable	Mr Osborne	Dr Turnbull
Mrs Edwardes	Mrs Parker	Mrs van de Klashorst
Mr Johnson	Mr Pendal	Mr Wiese
Mr Kierath	Mr Prince	Mr Bloffwitch *(Teller)*
Mr Lewis		

Pairs

Dr Gallop	Mr Day
Mr Catania	Mr Court
Mr Bridge	Mr Cowan
Mr D.L. Smith	Mr House

Question thus negatived.

Bill defeated.

EQUAL OPPORTUNITY AMENDMENT BILL

Second Reading

Resumed from 15 May.

MR PRINCE (Albany - Minister for Health) [9.11 pm]: I rise on behalf of the Government in this debate as the Minister representing the Attorney General, within whose portfolio area issues of equal opportunity lie. The Government does not support this Bill, which was introduced by the Opposition, for a number of reasons. The equal opportunity legislation, as excellent as it is, has been in existence since 1984. As a general observation, the legislation is of necessity an impingement upon the freedom of individuals and groups of individuals in what they would perhaps wish to do in society. I am not making that observation in respect to the Bill before the House, but as a general observation of equal opportunity legislation. It is an infringement upon people's rights otherwise to behave as they would wish, to follow their own mind with regard to the way in which they would behave towards other people in society. The equal opportunity legislation is justified in the sense that it is an infringement upon the freedom of an individual by saying that it is in fact for the good of society that certain forms of behaviour, which would otherwise be categorised as discriminatory, should be so categorised, policed and regulated and, if at all possible, eradicated. In a philosophical sense, that is the basis for equal opportunity legislation.

Equal opportunity legislation is an attempt to change attitudes, beliefs and sometimes very well entrenched views by many members in society with regard to their behaviour or attitude towards others. The member for Thornlie said in her second reading speech that the Commissioner for Equal Opportunity pointed out that the twentieth century has seen a remarkable extension not of human rights, but of a range of persons counted as human. Obviously, she gave the example of women, Aborigines, mentally and physically impaired people and children, all of which is laudable. Nonetheless, inherent in equal opportunity legislation is an attempt to change attitudes. It is very difficult legislation in that sense and I am speaking conceptually rather than to the Bill before the House. Legislation which follows a change in attitude by an overwhelming majority of society is likely to be successful and is the sort of law which is accepted, obeyed and perhaps even proclaimed in society by ordinary people. Laws which attempt to change the attitudes of society are mostly difficult in operation. In some instances in the past they have failed and today they still soldier on in the face of fairly strong opposition by the community.

The Family Law Act, which I support, was enacted in the 1970s and it abolished in its content what had been inherent in the matrimonial law of previous decades, mainly matrimonial fault in respect of the breakdown of a marital relationship. That was the right thing to do at the time, yet 20 or more years later we still find people in society who, when discussing a marital breakdown, speculate on who was at fault. In other words, although the law has changed and there is no such concept as a matter of law, the attitudes of society have not changed in that totally overwhelming majority sense. There is still a strong, almost instinctive reaction among people who have had a marital breakdown to say who caused it, notwithstanding that the fault lies on both sides. I draw that as an example of legislation, highly commendable and which most people would support, but it has attempted to some extent to change the attitudes of society and to a large degree it has been unsuccessful. The attitudes of society still look to fault whenever people are talking about the breakdown of a marital relationship. In a sense, equal opportunity legislation is similar because it seeks to change an attitude - how people think, feel and would wish to behave in their lives.

In her second reading speech the member for Thornlie referred to bigotry and prejudice. It is certainly a way in which some of the matters which are outlawed as forms of discrimination in the equal opportunity legislation are categorised. Included in that, could be ignorance. Nonetheless, even if they are bigotry and prejudice by the standards of today, there are still many people in society who would not accept the principles of equal opportunity. Nonetheless, the law is the law and they must obey it.

I am making the point in a conceptual sense that equal opportunity legislation is, by definition, law which seeks to change attitudes. A law which seeks to do that, will always be difficult and will never work perfectly, other than with the effluxion of time as societies do change. In the past there have been examples where this form of attitudinal change to legislation has been attempted, but those changes do not come about and the law ceases to have any respect. Ultimately, it falls into disuse. I am not suggesting that should be the case with the equal opportunity legislation; I am simply pointing out that as a form of law it is a difficult exercise in law making.

In respect of this Bill, the then Attorney General, the member for Kingsley, said in November 1995 about the discussion paper on sexual preferences, which the member for Thornlie referred to in her second reading debate, that the exercise by the Commissioner for Equal Opportunity had resulted in 394 submissions being received on her report, which had been put out to public comment. The report was actually released for public comment late in 1994 and the compilation of the submissions on it was completed in late 1995.

Some 362 submissions supported all the recommendations contained in the paper and 32 submissions opposed every one of them. However, the Equal Opportunity Commission noted in its report on the submissions that of those 362 submissions which supported the recommendations, 272 were identical in content but with different signatories. It would seem, therefore, from the data that about 74 per cent of submissions supported amending the Act to include sexuality as a ground for unlawful discrimination. However, it is also apparent that one-quarter of those who put in submissions opposed all the recommendations contained in the discussion paper. One-quarter is a sizeable minority.

As the then Attorney General stated, the principles of equal opportunity in the Act have been strengthened in the past 10 years by a high level of community support. That brings me back to the general remarks I made at the beginning of my speech. Legislation that changes community attitudes needs to have widespread community support in order to be successful. The former Attorney General said in November last year that she did not propose to amend the Act to include sexuality, because of the level of opposition, which was at least one-quarter of submissions on the report concerning sexuality becoming a basis for discrimination matters to be brought before the Equal Opportunity Commission. It is difficult to go further into the analysis. However, the view of the Attorney General in November last year was that further public discussion should continue on the issue, because the issue is complex and sensitive, and needs community debate and comment. I applaud the member for Thornlie for bringing this matter before the House as part of that process of community debate and comment. It has stirred some responses in some parts of the community. I am sure I am not alone as a member of Parliament in receiving formal letters and submissions from a number of groups both for and against the proposition that was put forward in the Bill before the House.

Mr Ripper: Have you expressed an attitude for or against the Bill yet?

Mr PRINCE: Yes, I have said that the Government does not support the legislation.

Mrs Henderson: Why?

Mr PRINCE: I am explaining in the words the Attorney General used last year. Significant opposition exists in the community to this measure. It is the sort of legislation that requires and needs, if it is to be successful, overwhelming community support otherwise it will not work. It will bring the whole concept of equal opportunity into a degree of disrepute in the sense that it would be seen not to work.

Dr Watson interjected.

Mr PRINCE: Many people will argue that; however, it does not mean that the majority of society will agree. Laws of this nature which are attempting to change societal attitudes do not work if that is done in a coercive way. They will work only if the majority of society is prepared to accept that is the way society should go. At least one-quarter of people who were prepared to put in submissions on the report of the Equality Opportunity Commission were very strongly opposed. One-quarter is a sizeable minority.

Mrs Henderson: Would you accept that Governments get into office with barely 50.5 per cent of the vote? That means that far more than one-quarter are adamantly opposed to government programs, but they are still instituted.

Mr PRINCE: We are not talking about a general election to decide who will be the Government for the next four years. We are not talking about a change in the attitude of society to sexuality as a basis for discrimination and equal opportunities. We are talking about general philosophies of approach to government in a general sense.

Mrs Henderson: A lot of government legislation is about changing attitudes.

Mr PRINCE: The member for Thornlie may be right. I would have said that legislation, particularly legislation that this side of politics brings forward, is a reflection of what society would like to see, rather than the mind bending legislation, which is the sort of thing which members opposite tend to put forward.

Mrs Henderson: A lot of your legislation is opposed by much more than one-quarter of the community.

Mr PRINCE: Perhaps, we will find out in the next six months. With respect to some other matters that have been raised in the context of the second reading speech of the member for Thornlie, particularly talking about transsexuals and so on, I refer the member for Thornlie to the announcement made by the current Attorney General, Hon Peter Foss, QC, on 7 April that people suffering from gender dysphoria and who had completed a medical procedure to alleviate that condition, will be able to gain a legal recognition of the reassigned gender under proposed new state legislation which is in draft form now.

Mrs Henderson: Will your members get a free vote on this issue?

Mr PRINCE: No, the members have decided otherwise. It is estimated that at least 250 people in this State suffer from gender dysphoria. About 80 have undergone gender reassignment procedures and the proposed legislation, which is in draft, will establish a gender reassignment board to issue recognition certificates to people who have

undergone gender reassignments, whether in this State or elsewhere. That will also include provisions to protect someone who has undergone gender reassignment from discrimination on the grounds of gender identification. The board that was proposed and announced by the Attorney on 7 April must be satisfied that a person, first, believes that their true sex is the sex to which they have been reassigned; secondly, has adopted the lifestyle and has the sexual characteristics of the sex to which the person has been reassigned; and, thirdly, has received proper counselling in relation to their sexual identity. A certificate will be issued to recognise the new gender. Birth certificates and so forth will be altered to reflect the change. Clarifying that legal status and rights will particularly assist that small group of people who otherwise are disadvantaged. The legislation with respect to gender dysphoria has been the result of long discussions among the Standing Committee of Attorneys General throughout the Commonwealth. It is the intention of the Attorney General that the Bill to which I have referred will be introduced into Parliament some time this calendar year before Parliament rises.

The Bill before the House seeks to introduce the concept of sexuality as a ground for bringing complaints of discrimination, which was well explained by the member for Thornlie in her second reading speech. The Government has considered the matter carefully and has debated among its members the attitude that should be adopted on this matter. It would be a reasonable summary to say that while homosexuality and lesbianism are and should be tolerated within society - I can find no better definition of that than in the preamble to the Law Reform (Decriminalization of Sodomy) Act which provides that sexual acts between consenting adults in private ought not be regulated by the criminal law - there should not be proselytisation of homosexual behaviour and encouragement shall not be capable of being a public purpose. That struck the balance that was entirely appropriate at the time, and still is.

Mrs Henderson: Would you agree that proselytising, teaching or promoting homosexuality has nothing to do with people being given an equal and fair opportunity to apply for a job?

Mr PRINCE: There is an implicit recognition which could be so interpreted in a non-legal mind.

Mrs Henderson: So it is better for them to be unemployed?

Mr PRINCE: I am not talking about a precise definition of terms and words; I am talking about general attitudes. To include homosexuality and lesbianism as a ground for bringing discriminatory complaints before the Equality Opportunity Commission for many people opens up the view that -

Dr Watson: What happens in New South Wales?

Mr PRINCE: If the member wishes to interject so much, she should rise to her feet.

Mrs Henderson interjected.

Mr PRINCE: It is not a question of reason. It is a question of what the community is prepared to tolerate. It is the view of government members that toleration should be encouraged very strongly.

Mrs Henderson: Why not accept people rather than just tolerate them?

Mr PRINCE: If the member wishes to make a speech she should stand up and make one. Toleration should be encouraged, but to legislate in the manner which the member proposes in this Bill, in the face of one-quarter of the submissions being against it - which is a sizeable minority against the general view; thus a significant minority of society would be against this Bill - will make the resultant law difficult in operation, and possibly non-effective; and it is likely to cause a good deal of conflict in society where there is none at the moment or very little. The position of the Government is that the result could, to an even more unhealthy extent, polarise the views in society where they are slowly breaking down and tolerance is beginning to hold sway. However, that is a gradual process that will take some time.

I refer again to the words of the ex-Attorney General, the member for Kingsley, that in November last year it was desirable to allow public discussion to continue because the issue was highly complex and sensitive, and therefore it needed more community input and comment. It is not an issue where legislation should be seen to drive people's views, because that simply will not work.

Mrs Henderson: We foreshadowed this legislation in 1984 - that is 12 years ago.

Mr PRINCE: And the debate has continued since. In respect of the attitudes in 1996 as opposed to those in 1984, there is now a greater degree of tolerance in society. Perhaps in a few more years - I will not speculate how many - the level of acceptance and tolerance in society might be even more, but it is a gradual process.

I return to what I was trying to say in the beginning: Law which attempts to change a person's mind-set - the way in which a person thinks or believes - will not work, because we cannot change what is between a person's ears by words on a piece of paper passed in Parliament. We can by reason, debate, discussion and life experience, over time, and

we can do that by removing ignorance. That is the point the member for Thornlie made in her second reading speech: A lot of prejudice and bigotry is born out of ignorance. However, we cannot correct ignorance by writing a law. It is corrected by a process which demonstrates to the community at large that there is nothing to fear; that toleration should be called for in any society which is gregarious and where people live other than in some sort of individualistic hermit way.

Mrs Henderson: They are the exact arguments put forward by those who opposed the Bill in 1984. The legislation has not failed. The law has not failed. It has not polarised the community. It has worked extremely successfully. If anything it has produced greater support that there should be no discrimination based on sex, race, marital status or gender. People said exactly that 14 years ago.

Mr PRINCE: And the member will still find in society that there is far from universal acceptance of those things.

Mrs Henderson: That is not a reason to go backwards.

Mr PRINCE: I do not suggest that.

Dr Watson interjected.

Mr PRINCE: If the member wishes to interject on the interjector, she may as well wait. I suggest this is a step that is not yet called for.

Mrs Henderson: That is exactly what was said in 1984 about sex discrimination.

Mr PRINCE: That is the view of the Government after careful consideration and debate. No doubt other members will speak and present their views. It is a view that has been coalesced through our government party systems as being the one we should present on this Bill.

Dr Watson: How can you preside over the AIDS program as the Minister for Health when you know about this awful discrimination against homosexuals?

Mr PRINCE: One of the biggest problems the member faces is trying to argue the general, from some specific personal attack. It demeans her every time she does it.

Dr Watson: You are demeaning your status in the argument you present.

The ACTING SPEAKER (Dr Hames): Order! Minister, it appears you are indulging in cross-Chamber debate. Perhaps you should direct your attention to the Chair.

Mr PRINCE: Certainly, Mr Acting Speaker. I do not see anything demeaning in presenting the Government's attitude on this legislation. I have no difficulty with the AIDS program and the other programs that relate to sexually transmitted diseases, however caused. In that case, we are dealing with a public health issue which has far-reaching consequences, which is a matter that needs to be dealt with in a very pragmatic way. This is not. It is, in many respects, an attempt at mind-bending legislation. After careful consideration, the Government has decided to oppose such legislation. It is not a new opposition, because, as I have quoted from the ex-Attorney General in November last year, that is the view the Government came to at that time. It has not changed its view since. It has debated the Bill, and I present the Government's view as the Minister representing the Attorney General, under whose portfolio the question of equal opportunity lies.

I congratulate the member for Thornlie for bringing forward the Bill, in the sense that it is part and parcel of a continuing public discussion and debate. However, it is not an issue that, in the view of the Government, should proceed at this time into legislation. Consequently, the Government does not support the Bill.

MR TRENORDEN (Avon) [9.37 pm]: I do not support the Bill. I say that, first, for the fundamental reason that I survey my constituency every January and regularly receive a response in this area. I can confidently say that 75 to 80 per cent of my electorate would not want the Bill to proceed. I can think of no better reason for my opposition to the Bill. The difficulty I have with the arguments and interjections by the Opposition is that automatically some people in the community would discriminate against my electorate and say that my constituents are bigots because they do not like gays or homosexuals -

Mrs Henderson: Only bigots can deny equal opportunity on the basis of sexual preference.

Mr Ripper: Do you think that equal opportunity should protect the rights of bigots?

Mr TRENORDEN: I did not say that. The member for Belmont was with me in San Francisco, California when we witnessed a rally of between 10 000 and 15 000 people, against equal opportunity.

Mrs Henderson: That does not make it right.

Mr TRENORDEN: People can take one of two attitudes. Members opposite want to walk into society with a club and hit Parliament between the eyes. I prefer to do it by dangling a carrot. I agree with the remarks by the Minister. Society is a lot more tolerant in 1996 than it was 10 years ago - or even 10 years before that. I know and work with many gays and homosexuals, or whatever title they are given. I do not want to embarrass people in my electorate, because they are very prominent people and serve the community well. Does the member for Thornlie know how many demands for this sort of change have been received at my office? We have received none. Members opposite say that I am doing the wrong thing by my constituency.

Mrs Henderson: How many requests did your office receive demanding workplace agreements? Probably none.

Mr TRENORDEN: There would not have been hundreds, but probably about 20. I could go through the survey I conducted.

Mrs Henderson: Based on what the Minister said, that is not enough to cause a legislative change. That would be fewer than 1 per cent of your electorate.

Mr TRENORDEN: Again, that is an attitudinal position. I indicate to the member for Thornlie, the sponsor of this Bill, that I will not support this legislation. I have a clear conscience on that. My lack of support is not because the people of my electorate are not tolerant on these sorts of matters: They do not want to go the club method. They are sick of being correct. My community is keen to deal with its own problems. The subject of this Bill is generally not a problem in Northam. That does not mean that the occasional person does not run into the problem. We have legislation dealing with racism and many other issues, and they are still problems in every community in Australia.

Similarly, we are using the club against smokers. I have never smoked, other than a couple of times behind the shed when I was 12 or 13, and I have never felt comfortable in places where people smoke. That does not change the fact that something like one-third of my electorate smokes marijuana from time to time, and that is not in the statistics. Governments cannot keep going the way they have been for the past 20 years, trying to mould the attitude of Australians by hitting them between the eyes every time they have a sectional interest.

Mrs Henderson: How is giving people a basic human right hitting them between the eyes?

Mr TRENORDEN: That again is an attitudinal position. My argument is that people do not have rights until they have responsibilities. Without responsibilities, we cannot have society; and without society we cannot have rights.

Mr Ripper: You are more concerned about the rights of bigots than you are about the rights of gay and lesbian people.

Mr TRENORDEN: That is a totally bigoted point of view by the member for Belmont.

Mr Ripper: I do not believe that at all.

Mr TRENORDEN: It is bigoted. The member has no idea what my constituency is like.

Mrs Henderson: You just told us: You said that your constituents would not support this legislation. That is what the member for Belmont commented on.

Mr TRENORDEN: The member for Thornlie has instantly taken a bigoted point of view. She has instantly stamped my electorate as rednecks. She is as blind and bigoted as anyone else in this House. Her attitude is the pits because she does not believe that people have a right to think and act for themselves and to be responsible.

Mrs Henderson: I do.

Mr TRENORDEN: No, she does not. For the 10 years I have been in this House she has tried to demonstrate that she knows better than everyone else; that only she, and nobody else, can run people's lives. She knows best. She has been a champion of that cause for the 10 years I have been here.

Mrs Henderson: To give people a right is not to say that you know better.

Mr TRENORDEN: I would say instantly that the member for Thornlie supports a Bill of rights.

Mrs Henderson: Of course I would - absolutely.

Mr TRENORDEN: Exactly. I do not support a Bill of rights. We are getting down to a fundamental issue.

Mr Graham: Why not?

Mr TRENORDEN: I do not believe our society requires a Bill of rights. Common law gives those rights. When a Bill of rights is established, if it is not in the Bill, there is no right. A Bill of rights in fact takes away people's rights.

Mrs Henderson: That is not true.

Mr TRENORDEN: That is my view, and I hold strongly to it. I believe in the common law process. That process has served us extremely well; however, that has little to do with this Bill.

Mrs Henderson: It has everything to do with it.

Mr TRENORDEN: In that case, I am against the legislation because I am against the Bill of rights.

Mrs Henderson: America has the Bill of Rights and common law. How do you explain that?

Mr TRENORDEN: I am against the Bill of Rights. Must I explain the American system?

Mrs Henderson: You just said that you can't have both. I am telling you that America has both.

Mr TRENORDEN: A country probably could have both. The current system serves us well. When we start meddling with the system and introducing rights, by definition it takes rights away. That is not an argument between the member and me. Almost every week in the weekend newspapers people argue both sides of that conceptual argument. Neither side says that people should not have rights. A good society is about rights, but first there must be a good society - and to have a good society there must be tolerance.

Mrs Henderson: Must homosexuals wait before we have a good society; until we have rights? They might have to wait for a long time.

Mr TRENORDEN: I am not sure what sort of community the member for Thornlie lives in. This is not a major issue in my community.

Mrs Henderson: I doubt that.

Mr TRENORDEN: Not a soul comes through my door, requesting this legislation.

Mrs Henderson: After listening to your comments I would be amazed if anyone did go to you. They wouldn't get a sympathetic ear.

Mr TRENORDEN: The member for Thornlie is a bigot of the greatest order. She makes snap judgments. People like her are amazing.

Mr Ripper: What percentage of adult males in your electorate would you expect to be gay and therefore affected by this legislation?

Mr TRENORDEN: I have no idea.

Mr Ripper: It would be between 5 and 10 per cent.

Mr TRENORDEN: I read statistics that say 10 per cent. Frankly, I do not care.

Mr Ripper: You don't care about those 5 to 10 per cent?

Mr TRENORDEN: What is there to worry about? Some of them are white, some are black, and some are male. I have a few females in my electorate, too. What is the member's point? It is a ridiculous statement. Why should I be worried if some people have a different sexual preference?

Mrs Henderson: Because they want the same rights as you have right now.

Mr TRENORDEN: They are not asking for equal rights. It gets down to the question of the fundamental difference. I am not saying that some people in my electorate would not want it, because around 20 per cent on my return list do say that they want it. However, whom do I back - the 20 per cent or the 80 per cent? I am first of all a member for my constituency and I will back the 80 per cent until it changes. What the member for Thornlie will not accept is that the 80 per cent are not against her Bill because they are antigay; they are anti the stick.

Mrs Henderson: I don't believe 80 per cent are against the Bill. If you conducted a proper survey, you would find that they would not be against the legislation. Surveys have found that 70 per cent of people support this kind of legislation - even if they do not support this Bill - which provides that gays and lesbians should be able to apply for a job and housing without discrimination. That is all this Bill is about.

Mr TRENORDEN: That is correct, but the member wants to do it by the stick. She wants to do it by force and coercion. She does not want to do it by reason or education.

Mrs Henderson: That is not true.

Mr TRENORDEN: It is true. The member tells me that she wants to do it by the stick; I reject that. The question is about how people have progressed in society. In my view the most conservative people in my constituency who come through my office door are young women from 25 to 40 who have young families and are concerned about society. Most of those women do not want change of any sort. They are conservative people. There might be different people in the electorate of the member for Thornlie, but I am telling her about the people in my electorate, and they are the people I am here to represent.

I reject totally the bigoted point of view of the member for Thornlie. It is not that people do not expect there to be equality; it is the political and social method by which that equality is implemented in society that is of concern. The Minister for Health who spoke before me tried to explain that attitude, but people like the member for Thornlie will never accept it because they know better than everyone else on earth.

MR PENDAL (South Perth) [9.50 pm]: I will make a very brief contribution to this Bill. My attitude to matters of this kind was formed in the mid-1980s when I was a member in another place. On two occasions I opposed so-called homosexual law reform. I have no reason to believe that decision was wrong. I am the first to admit that I do not understand homosexuality or the nature of it. However, one of the things I said on both of those occasions when I opposed the Bills to legalise that behaviour was that on no account should a person be harassed or punished because they are homosexual. Indeed, were we to harass or punish people for having that orientation, that would be offensive to normal conduct.

It is possible not to understand the nature of homosexuality and to oppose Bills that seek to legalise that conduct while at the same time to support the proposition that a person who is a homosexual should not be discriminated against or harassed. That was the position I adopted in the mid-1980s and I see no reason to change my mind. For that reason, I intend to support the second reading of this Bill and its passage to the Committee stage, where it may or may not require amendment.

I am also reminded of the fact that one of the real contributions made to this debate was made by the present Attorney General when he was a private member in the other House. If I recall correctly, it was possible for some members to support a Bill in respect of homosexual law reform, but with a preamble that was quite novel. That preamble spelt out that the Bill was not to be taken as an excuse or facility to promote that lifestyle or to teach it as an acceptable lifestyle in our schools. That was controversial at the time. It was seen as somewhat harsh on the part of the present Attorney General, who was then a liberal backbencher. However, it was something about which I felt comfortable, and that Bill eventually passed House with that preamble.

In summary: First, I do not agree with the legalisation of homosexual conduct; secondly, I do not understand homosexual conduct, nor do I understand the nature of it; and, thirdly, I do not believe that a person who is homosexual should be harassed or maltreated because of that sexual orientation. For that reason, the Bill deserves passage.

MR BLOFFWITCH (Geraldton) [9.53 pm]: Being an old Navy man, I certainly met many homosexuals. During my naval time, I mixed with them and I am quite proud to say that I found many of them to be very good friends. Of course, as was the way in the Royal Australian Navy, we made it quite clear that we were attracted to the female variety and, while they admired the male variety, we in no way wanted any affiliation or friendship in that manner with them. It worked very well.

I support the decriminalisation of homosexuality. If the situation involves consenting adults, the activity should not be a criminal offence. However, I have always been circumspect about the impact of such laws.

By way of explanation, I will compare the offences of drunkenness and disorderly conduct. This Parliament addressed those offences and removed them from the Statute books. We could say that that was a great thing - it stopped us interfering with people's rights on the streets and it stopped us taking intoxicated citizens into custody. In my community they were probably two of the worst reversions we have had. Perhaps in Halls Creek and other places where there is extensive drunkenness and the gaols could not cope, there was a reason for that legislation. However, in Geraldton, where we have drunken people walking down the streets and throwing bottles through windows, would it not be better for the police to grab them before they do any damage and, as happened in the past, through a court system send them to Gosnells to a rehabilitation program? In most cases, over the next six or nine months they would see the world a little straighter than they did when they went in.

By changing these laws, by experimenting with various approaches, we have probably thrown those people onto the scrap heap. Now they sit down on the beach, drink until they get pneumonia and die. That is what our society has done to those people. The police cannot take them to court if they are intoxicated every day, drinking a flagon down on the beach. If they do, the magistrate says that it is no longer a criminal offence, fines them $7 and tells the police to stop wasting his time. That is the way we have instructed the court system to work.

We are giving gay people in our society the opportunity to use this legislation as an excuse to sue when they do not get a job. Is that what we want? We have a few gays in Geraldton, all of whom are in work. Do we want to give them a better opportunity, through a civil process, to take legal action because they feel aggrieved? They can do that through the Equal Opportunity Commission.

Mrs Henderson: They cannot.

Mr BLOFFWITCH: They can. Apart from the fact of their homosexuality -

Mrs Henderson interjected.

Mr BLOFFWITCH: In all cases it is about ability. If a person were known as an active homosexual who was tapping up everyone at the last place he or she was employed, the member is telling me that we should not be able to use that as a reason for not employing him or her. I see absolutely no reason to change the law.

The other area where we have tinkered with the law for the benefit of society is loitering. We have a street in Geraldton called Fitzgerald Street. It is in a nightclub area. Every Thursday, Friday and Saturday night we have 50 or 60 people sitting in the street. Their bottles of Jack Daniels or Jim Beam are hidden behind the brick wall when the police car goes past. When the police leave, out come the bottles. The police drive up and ask, "What are you doing?" Do members know what they are told? "There is no loitering charge. You can get knotted. We are sitting here, and you cannot move us on." What happens when the people come out of the night club? They end up in the regional hospital and the St John of God emergency unit because they have had a smack in the mouth. The girls get pushed over, shoved and thumped. If there happens to be a police car when they walk out, they are safe. We get that every week.

We took that law away and liberalised it. We said that we would not allow police to grab brutes on the street and move them on because it is antisocial and not right. What has it done to us as a society? Northbridge is supposed to be a charming centre between nine and 10 o'clock at night. If we surveyed Western Australians, we would find that most people will not go there any more because they are terrified of the groups that wander there. When I asked police, "Why don't you move them on?" they say, "We have not got any weapons with which to move them on. They say that they are just wandering the streets." We do too much changing the law because we are righteous and good and believe we are doing the right thing.

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

Mr BLOFFWITCH: It is too easy when we come to this Parliament and decide for all the right reasons that we will make such changes. None of us would like to think that a worthy applicant for a job or position is discriminated against. However, the warning I give members in not supporting this Bill is that the other changes we have made for social reasons have had enormous ramifications on our community. We should not have made such changes or thought of making them. We have done so, and now as a community we pay the price.

MS WARNOCK (Perth) [10.03 pm]: I have been very interested to hear what members have had to say in this debate tonight. I must say that the Minister ran a classic conservative view of why society should never change. As someone who was involved in the early days of the equal opportunities legislation and some of the many dramatic changes that have taken place in society over the past 20 years, I recall battling that attitude time and again. If in the nineteenth century that attitude had been more prevalent than it was, women would never have got the vote, been on juries, been able to own properties, been able to practice law or any of the multitudinous things we are able to do in the twentieth century. No doubt some people on the other side would say that that would be a good thing. I have nothing much to say to them, as they would imagine.

I commend the member for South Perth for his intelligent, conservative attitude. He is able to say, "I do not understand homosexuality", but as a result of his conservative or maybe religious background he is also able to say, "This Bill is about equal rights." It is not inventing new rights for homosexual people. It is simply trying to bring their rights into line with the rights of other people in the community. People who are women, black, old or disabled, or who have been seen, for want of a better phrase, as minorities in the community, can expect the same rights as the majority of people in the community. That purely and simply is what this legislation is about. It does not seek to invent new rights for gays and lesbians but seeks to bring them into line with the rights of other people to claim under equal opportunity legislation that they have been discriminated against in simple areas, such as housing, jobs, and

goods and services. It does not seek to change society radically. It is a very mild reform, which might be seen as being long overdue. However, that clearly is not the view of the Government, which I find disappointing.

Last year was the international year of tolerance. On 10 November last year the former Attorney General, now the Minister for Family and Children's Services, announced to the media that she would not amend the Western Australian Equal Opportunity Act to include sexuality as a ground for discrimination. The proposal was simply to exclude discrimination against gays and lesbians in the areas of housing and employment, and in the provision of goods and services. One can conclude that this discrimination continues to be condoned by the present Government. It is worth saying, after what the Minister and others on the other side have said, that Western Australia and Tasmania are the only two States in the country that still condone prejudice by refusing to outlaw this discrimination. We are not trying to do anything wild-eyed or radical which would drag us willy-nilly into the twenty-first century. We are seeking to follow the other States of Australia and stop ourselves being linked with Tasmania as the only other State which still condones this prejudice because it refuses to outlaw this kind of discrimination. This extraordinary decision by the former Attorney General came at the end of four years' investigation and research into the issue of sexual discrimination in Western Australia. The research was carried out by the Human Rights and Equal Opportunities Commission. It found considerable levels of sexual discrimination in this State. The commission's report recommended that the Act should be changed to include sexuality as a ground for complaint, so that we could get rid of this kind of discrimination.

The announcement by the former Attorney General caused outrage and disbelief in many Western Australians. I include among those the President of the Human Rights Commission and Equal Opportunities Commission, Sir Ronald Wilson, who described the decision, as I recall at the time, as extraordinary and deplorable. I, and I believe the majority of my colleagues on this side of the House, share that view. In view of some of the things said by members on the other side, I must point out what we mean by "sexual discrimination". The State's Equal Opportunity Act 1984 already outlaws discrimination in a number of other areas. As I have said, those areas include employment, housing and the provision of goods and services. They are fairly simple, in which case all people in society could expect to have a reasonably fair go and be treated equally.

The grounds for unlawful discrimination include sex, race, religion, marital status, age, political affiliation, disability and impairment. On those grounds we are not allowed to discriminate against our fellow citizens, which seems perfectly reasonable. All we are asking is that people should be treated equally; not better or worse then anybody else and not in a way that would set them apart from other people, but so that they have the same rights as other people in society. What is not covered in that list is sexuality. Discrimination against a person simply because he or she is homosexual or indeed heterosexual - that is covered by the word "sexuality" also - is still condoned in this State under the present law. It means that one can discriminate against people and get away with it on the basis of their sexuality or their perceived sexuality. That is important because somebody who is perceived to be homosexual could fall prey to someone who has a view about homosexuals and as a result can lose a job, is unable to go to a nightclub or a public place, or is subject to one of the many other things that have been mentioned in complaints made to the Equal Opportunity Commission. There is a list of them. If I have time, I will run through a couple so that I can explain the kinds of things that people have problems with because they happen to be born gay or lesbian.

As I said earlier, every State and Territory in this country has outlawed this form of discrimination except for Western Australia and Tasmania. In going back to the genesis of this Equal Opportunity Commission report about which we have spoken, we must go back to 1991, when the then Minister for Justice, the member for Mitchell, directed the Equal Opportunity Commission to assess whether Western Australia needed to amend its Equal Opportunity Act in this way. Why did he decide to do that? It was suggested at that time because other States and Territories were moving in that direction and discussions were being held in the public arena between people such as the Ministers for Justice and Attorneys General. The Equal Opportunity Commission spent about three years looking into this and produced a very thorough and well-researched report. I remember reading it in about October 1994. It asked for submissions. I put in one, as did many other people. The Minister referred to the number of submissions that were put in.

This report was not half-hearted about what it found. It strongly concluded that the Equal Opportunity Act 1984 should be amended to include sexuality as a ground for unlawful discrimination. There was plenty of evidence to show that discrimination was occurring and that it was unfair to people who happen to be gay or lesbian. Therefore, a change was needed in the law to redress this and prevent further discrimination. There was a move then by the Equal Opportunity Commission to suggest a change in the law. However, that met with profound silence at first by the then Attorney General. She then told us that she had no intention of changing the law because, as the Minister told us earlier, she believed it was too contentious and that a sizeable minority, something less than a quarter of the people, were opposed to it and that was a good reason for abandoning it at that stage. I am completely unable to agree with her. Earlier, the Minister gave us an explanation of the former Attorney's view and, as I said, made the classic conservative case for never changing anything.

I refer briefly to a survey on this subject which was done in Victoria in May 1994. This Victorian report is interesting. It is entitled "Not a day goes by". It was financed and researched by a gay organisation in Victoria. Approximately a thousand homosexual people in that State were surveyed and they provided data from anecdotal evidence about discrimination, harassment, violence and so on, and how there were problems for gays and lesbians in Victoria. At the time people who read this report believed a similar case could be made in Western Australia. That was one of the reasons for people in this State supporting changes to the legislation. Among many of the things that the Victorian report discovered was that 70 per cent of lesbians and 69 per cent of gay men reported they had been verbally abused, threatened or bashed in a public place. Bashing alone had been experienced by 11 per cent of lesbians and 20 per cent of gay men. The point of mentioning this Victorian report was that just over a year after the report was released, the Kennett Government in Victoria introduced anti-discrimination laws into that State to address the problem. That is a very conservative government!

I want to speak briefly about violence against lesbians and gay men. I am aware that there are existing laws that deal with assault. I am not suggesting there should be other laws dealing with assault. I am suggesting that, because these people have this rather curious position in society in that they are not protected by legislation of the kind about which we are speaking tonight, they are treated as second-class citizens with no equality under the law and therefore prejudice and bigotry against gays and lesbians can be justified. As someone said recently about our views on differences, Australians do not deal very well with differences, which is a good reason for having such laws.

I believe that in refusing to outlaw discrimination against gays and lesbians by agreeing to support this amendment, the Western Australian Government can be seen to be giving tacit support to those people in the community who have extreme and prejudiced views against homosexual people. The Minister said that we cannot change what is in people's hearts by legislating. We are not asking people to do that; we are asking them to give everybody equal rights. They do not have to change what is in their heart; they have only to treat people equally under the law. That is important because people feel that, because we have legislation that prevents us from discriminating against people unfairly, we have to love everybody. Nobody expects that. However, we expect that people will be treated fairly in their day to day lives and that is all that legislation like this asks for. There is no possibility of our loving everybody. However, we can treat everybody fairly. I thought that is what the Australian fair go was all about. It is disappointing to find that the Government continues to allow this discrimination by ignoring the problem and by refusing to act on the report. I will not go back over the comments made by the Equal Opportunity Commissioner, June Williams, because they were quoted by the Minister. They were profound words. She said that we are not claiming a new set of rights; we are saying that homosexuals should have the same rights as everybody else. That is what this legislation is about.

The Minister has spoken about the number of submissions that were made on this report and mentioned the fact that the majority of the submissions were favourable to a change, but that the then Attorney was concerned about the level of opposition to this change in the legislation and, therefore, believed, because the community would be too polarised by the change, she would not go ahead with it. I find that an extraordinary copout. It is disappointing that the Government has decided not to allow a free vote on this matter or to allow people to express their own views about this legislation. Of course some people oppose this reform. Some people will never agree to ending discrimination. They would prefer to be able to continue to discriminate against people. Some people will never support ending this form of discrimination because they believe they should be allowed to practise their prejudices and discriminate against gay men and lesbians. We cannot change what is in people's hearts. Nobody seeks to do that although a Utopian would seek to bring more love into the hearts of everybody. However, that is not what we are asking people to do tonight. We ask that people be given a fair go under the law even if they feel in their hearts something different. I believe it is precisely because a minority of people hold those prejudiced views that we need anti-discrimination laws and an Equal Opportunity Commission to oversee them. Some people in our community still support discrimination against women. I heard one on the radio this morning. Others support discrimination against Aborigines. That is perfectly obvious otherwise they would not have so many problems. Some people believe we should discriminate against Jews and Muslims. I could go on for half an hour. Does that make it right? Of course it does not make it right. All we are suggesting is that every one of those groups that I have mentioned should have the same rights in this community as everybody else. It would be outrageous to suggest that, because some people hold those prejudiced views, anti-discrimination laws should not be introduced to protect these people. It is precisely because some of us hold these views that we need to protect people from discrimination. Justice Michael Kirby, who is chairman of the International Commission of Jurists, said recently that human rights are at their most important when they are most difficult to accord. It is important to remember that.

This is not a crass game of numbers. It is not a question of how many people agree or disagree about it. It should be a question of doing what is right. I am not suggesting that everyone should agree about how they feel. Neither am I suggesting, as the member for Avon indicated, that we should all be identical in the things in which we believe. I believe it is right to treat people under the law in the same way as we treat our fellow citizens. There is no reason

to treat them differently because they were born with a different colour skin, of a different sex or with different sexuality. There is no reason to discriminate against such people in everyday matters of accommodation, jobs and so on. We should all be protected against that form of discrimination by some form of law, and that is the point of these legal changes. There is no acceptable reason that this discrimination should be allowed to continue only in Western Australia and Tasmania.

I reiterate that the Opposition is not suggesting anything wild and radical. Neither is it suggesting something never before heard of in our fair country. Many other people in Australia are just like everybody in this room, but they have decided to give equal rights to homosexuals and lesbians in the community. The former Attorney General described this issue as extremely complex. In fact, it is very simple. Should people be discriminated against in employment, housing and in the provision of goods and services purely on the basis of their sexuality? No, they should not be, any more than people should be discriminated against because they are black, elderly, male or female. They should have the same rights as every other citizen and taxpayer in this community.

We must change this law. I am extremely disappointed that the Government will not support this legislation. It is important to make this change. The Opposition believes in equal rights and equal opportunities. It opposes discrimination and believes it is the duty of the Government to protect its citizens not to refuse to protect them. The Opposition asks the Government to support this Bill, and hopes the Government will have a change of mind on this matter.

Debate adjourned, on motion by Dr Watson.

JOINT STANDING COMMITTEE ON THE COMMISSION ON GOVERNMENT - MOTION WITHDRAWN

On motion by Mr C.J. Barnett (Leader of the House), resolved -

That Notice of Motion No 1 be withdrawn.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Leave to Sit

On motion by Mr C.J. Barnett (Leader of the House), resolved -

That this House grants leave for the Public Accounts and Expenditure Review Committee to meet when the House is sitting on Wednesday, 4 September and Thursday, 5 September.

SELECT COMMITTEE INTO CHILD MIGRATION

Leave to Sit

On motion by Mr C.J. Barnett (Leader of the House), resolved -

That this House grants leave for the Select Committee into Child Migration to meet when the House is sitting on Wednesday, 4 September and Thursday, 5 September.

BILLS (3) - INTRODUCTION AND FIRST READING

1. Mental Health Bill
2. Mental Health (Consequential Provisions) Bill.
3. Criminal Law (Mentally Impaired Defendants) Bill.

Bills introduced, on motions by Mr Prince (Minister for Health), and read a first time.

BILLS (3) - MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills -

1. Financial Legislation Amendment Bill.
2. Appropriation (Consolidated Fund) Bill (No 3).
3. Appropriation (Consolidated Fund) Bill (No 4).

CENSORSHIP BILL

Returned

Bill returned from the Council with amendments.

ELECTORAL LEGISLATION AMENDMENT BILL

Second Reading

MR SHAVE (Melville - Parliamentary Secretary) [10.28 pm]: I move -

That the Bill be now read a second time.

It is necessary from time to time to review and update the State's electoral legislation. This Bill is about some good, sensible housekeeping. It will formally extend disclosure of political donations and expenditure into this State's Electoral Act. It will bring informality provisions in voting for the Legislative Assembly in line with those for the House of Representatives. I will now turn to those amendments to the Electoral Act which could generally be described as sensible housekeeping. The Government acknowledges the practical advice from the Acting Electoral Commissioner and her predecessor.

Consequently, a new section 15A will formally enable the Electoral Commission to require those people employed as officers under the Electoral Act to make a formal declaration of their political neutrality. This is not a new practice. Over the years, it has been part of the safeguarding of the integrity of the electoral process that such declarations be made. However, it has been drawn to the Government's attention that this innocuous practice contravenes the Equal Opportunity Act and that declarations of neutrality could not be sought for the conduct of the next state election. The Bill also amends the Equal Opportunity Act to ensure that officers employed within the Electoral Act are exempt from this provision of the Equal Opportunity Act.

Section 22 of the Electoral Act is amended so that the electoral rolls supplied for polling day may be printed without the occupation of the elector. This will enable a large font to be used and thus minimise the risk of errors by polling both staff.

Section 63 of the Electoral Act is amended to ensure that the formal office of clerk of the writs is held by the Electoral Commissioner by virtue of his or her office. This will ensure that a situation cannot arise through oversight where an Electoral Commissioner, on retirement, may remain clerk of the writs. At the same time, it is sensible to ensure that the Deputy Electoral Commissioner is also automatically deputy clerk of the writs until he or she ceases to hold the appointment.

A deposit of $100 as a nomination fee has become outdated since it was set by the Tonkin Government in 1973. A deposit should not be so large as to deter any genuine candidate, but it should be large enough to serve as a reminder that standing for Parliament is a serious matter. An increase to $500 is not excessive and makes something of a contribution towards the cost of an election when the candidate has been unable to secure 10 per cent of the vote in a Legislative Assembly seat and 5 per cent of the vote within a Legislative Council region. These hurdles are not altered. The cheque for deposits will now be made out in favour of the Electoral Commissioner rather than the individual returning officer.

The next series of amendments will enable official paper for use in the printing of ballot papers to include not only watermarked paper, but also paper incorporating other security features. This recognises the fact that modern technology enables the same security to be achieved without the need to order vast stocks of expensive watermarked paper. Ballot papers printed on official paper will not require initialling by the presiding officer. This change also involves the removal of obsolete section 127(b), which requires ballot papers to be exhibited, folded by the elector so as to disclose the initials of the presiding officer, to an electoral officer before being placed in the ballot box. I doubt whether members and experienced scrutineers were aware of that provision. An amended section 112 will remove the current requirement for a returning officer to personally sign all copies of the electoral roll to be used in an election. This practice is time consuming and unnecessary.

The new section 140A of the Electoral Act will follow the change to the commonwealth Electoral Act made in 1984 which enables votes to be counted as formal when a mistake has been made in numerical sequence. Currently, a number of electors in the Legislative Assembly, especially those disdaining the use of a how-to-vote card in a situation where there are several candidates, have had their votes invalidated through errors in numerical sequence even though their first preference was totally clear. The greater the number of candidates on a Legislative Assembly ballot paper, the greater the incidence of these genuine errors. The new provisions for informal votes in the Legislative Assembly follow exactly those applying in elections for the House of Representatives. This change should not be confused with optional preferential voting which operates in Queensland and New South Wales.

Electors will still be required to fill in all squares, or all but one square, as is the case at present, otherwise their vote will be informal. However, some votes will exhaust as they will cease to be valid once a break in numerical sequence occurs. This liberalised provision for formality will apply only for the Legislative Assembly.

Electors have the option of ticket voting for the Legislative Council and therefore have no need to risk making an error by numbering the whole regional ticket. The Western Australian Electoral Commission already employs computerised counting for ballots that it conducts for various organisations where large numbers of candidates nominate and proportional representation applies. The keying in of each ballot makes the task of filling subsequent casual vacancies through count-backs far easier. It makes sense to apply this technology to elections for the Legislative Council, where the counting of ballots is a slow and laborious process, and where ballot papers must be stored and recounted when a casual vacancy occurs. It is therefore proposed through the amendment of section 146 of the Electoral Act to enable the counting of votes by "automated means". This is specified as "involving the use of a computer". The amendments guarantee the right of scrutineers to inspect the keying-in process just as they would witness the counting of ballot papers.

The Western Australian Electoral Commission will no longer need to make provision for the storage of ballot papers, as the information from the count will be stored on disk and be available for recounting any time casual vacancies occur. It is hoped that members will recognise the value of the savings that will result when the time for counting Legislative Council results is significantly reduced from the current three weeks, and staff costs are reduced for later recounts. Candidates will be under less pressure to find scrutineers for a long counting process. It is simply responsible to make use of technology that is effective, and that will put the Western Australian Electoral Commission in a leading national role in the use of electoral technology.

A series of amendments to section 156 of the Electoral Act will streamline the process of collecting fines from those people who fail to vote on election day and who do not wish to dispute this but to pay their fine as quickly as possible, as indeed they would pay a parking fine. Here also we are following the example of the commonwealth Electoral Act. Electors will no longer have to go through a process of offering an excuse and then subsequently being fined. They will simply send in their $20, saving time and postage costs. I emphasise that those voters who believe they had a valid reason for failing to vote, such as illness, will still be able to state why they should not incur a fine. Those people with a principled objection to compulsory voting will still have their day in court, if this is what they want. This Bill in no way canvasses the principles of voluntary versus compulsory voting. The Government believes that while we have a system of compulsory voting, its penalties should be administered in the simplest and most efficient form.

The Government has looked again at the Electoral Amendment (Political Finance) Act as the basis for a sensible disclosure regime. It has not been practical to proclaim this legislation in its current form. The Act contains separate provisions dealing with government travel and publications. Part 3 of this Bill commences with an amendment to section 2 of this Act enabling the section of the Act dealing with disclosure to be separately proclaimed from those dealing with publications and travel. The priority in this legislation is to ensure that those sections of the Electoral Amendment (Political Finance) Act dealing with disclosure are made workable. The other sections are under review, but do not necessarily belong with amendments to the Electoral Act.

Although no official disclosure legislation operates under the Western Australian Parliament, a strict disclosure regime already operates on the political parties that contest Western Australian elections. This is because these parties operate under the commonwealth Electoral Act with its comprehensive disclosure provisions. These provisions received a major overhaul in the last Commonwealth Parliament, consequent on the report of an all party committee, and are unlikely to face major change for some time. The amendments in part 3 of this Bill bring the political finance Act provisions in line with those of the commonwealth Electoral Act. They also ensure that all candidates, including those running as Independents or for any purely state-based political party will be subject to disclosure. It must be remembered that this entire part of the Electoral Amendment (Political Finance) Act is simply a mechanism for amending the Electoral Act.

Section 4 of the Act is amended to ensure that definitions are compatible with those in the commonwealth Electoral Act, and that there is greater clarity so that expenditure after a state election may be disclosed. The Act now recognises an "associated entity", an "election period", and a comprehensive definition of "electoral expenditure". References to trade unions are deleted as a spent provision, as they have no relevance to the remainder of the Act. These definitions had been included in the 1992 legislation through oversight.

Following section 175A(6) of the Electoral Act, further definitions of advertising and expenditure are added, again for the purpose of facilitating disclosure after state elections.

In order to remove an anomaly whereby the reporting periods for this Act and the commonwealth Electoral Act regarding the disclosure of gifts and other income received by political parties are out of step, section 175N(1) is

altered so that the annual reporting date of political parties becomes 30 November. This prevents a doubled compliance burden on entities that are already fulfilling an annual disclosure commitment. Subsections (3), (4) and (5) of section 175N are amended so that the details of gifts follow the same pattern as the commonwealth Electoral Act, specifying in subsection (5) that the return submitted under section 314AB of the commonwealth Act also satisfies the requirement of the Electoral Act.

A new section 175NA then deals with disclosure of gifts and income received by the associated entities of political parties, following the same pattern of regulation as for the political parties themselves. This seals a possible loophole under the existing Act. Similarly, section 175Q, covering electoral expenditure by other persons, and section 175R, prohibiting acceptance of gifts from unidentified donors, have minor amendments in order to recognise associated entities.

A new division 4 is inserted after section 175S. Its purpose is to enable the specific disclosure of expenditure after a state election. Under the commonwealth Electoral Act, such expenditure would ultimately be disclosed, but not until November. That is an unacceptably long time after elections that are traditionally held in the late summer. Therefore, under section 175S, parties, candidates, groups and other persons will all have a 15 week period after a general election to submit expenditure returns, or a return stating that no expenditure was undertaken. This section closely follows the process of the commonwealth Electoral Act. It also has the effect of fulfilling recommendation 144 of the Commission on Government, calling for expenditure disclosure after state elections.

Section 175SF ensures that when two or more elections occur on the same day, one approved form will suffice so that a person otherwise required to lodge separate forms will not need to do so. This will ensure a practical administrative simplicity. Subsequent amendments deal with the consequent renumbering of following sections.

In section 175W, a new subsection 14, dealing with investigations, is inserted to ensure that the Electoral Commissioner and his authorised officers in undertaking this audit function shall as far as possible ensure that there is no duplication under the similar section 316 of the commonwealth Electoral Act. This will prevent unnecessary public expenditure and prevent a pointless doubled compliance burden from being imposed upon those bodies which are already complying with established political disclosure mechanisms. Section 175Y covers the period for the lodging of annual returns and is amended so that again 30 November is the relevant date in line with the commonwealth provisions.

A new section 175Z states that information required in returns to the Electoral Commissioner will be verified in accordance with the regulations. This provides a greater necessary flexibility than the current wording. A similar mechanical amendment occurs with section 175ZB so that the correcting of a form may be done by the registered agent of a political party. Previously only the individual lodging the form could correct it. In regard to the making of regulations in section 175ZF, subsection (1)(b) is replaced so that there is reference to associated entities as well as political parties and reference to actual electoral expenditure. Again the regulations of this Act under a new clause (ba) specifically enable returns prepared under the relevant sections of the commonwealth Electoral Act to meet the requirements of this Act.

The new section 199A of the Electoral Act is amended to add the reference to an associated entity following the inclusion of political parties under the definition of gifts. This will ensure that a donation to a lobby group is also protected from any intimidation. Part 4 of this Bill takes us back to its commencement, amending the Equal Opportunity Act to complement the earlier amendment to section 15A of the Electoral Act. As I explained previously, officers within the meaning of the Electoral Act 1907 are now specified under this Act so that they can be exempted from a particular provision. Finally, part 5 of this Bill amends the Referendums Act 1983 in tandem with the Electoral Act so that ballot papers may also be printed on paper with approved security devices in addition to watermarked paper. This Bill aims for common sense and efficiency. I commend the Bill to the House.

Debate adjourned, on motion by Mr Ripper.

RESERVES BILL

Second Reading

Resumed from 3 September.

MR RIPPER (Belmont) [10.46 pm]: I will speak in particular about the subject matter covered in clause 10 of the Bill, which provides for the excision from the D'Entrecasteaux National Park to allow the Jangardup South mine to proceed. That is one example of the competing interests in land use which have affected at least five national parks in Western Australia in recent years. On the one hand, we have conservationists and other people who would like to see national parks entirely protected from disturbance, and, on the other hand, we have the mining industry, which due to historical anomalies has had the right to explore and mine in national parks. The conflict is illustrated in this

case, where we have, on the one hand, two million tonnes of contained heavy minerals worth about $250m in export income and $11m in royalties to the State, and, on the other hand, the near pristine area of Lake Jasper, which is the largest freshwater lake in the south west of Western Australia.

The previous state Labor Government was faced with these competing land use claims from the conservation movement and from the mining industry. It is not only a matter of responding to the different interests of vested interest groups. It presents a dilemma for any policy maker, because there is a value in the protection of national parks from disturbance; there is equally a value for our community in the income and growth that will result from the exploitation of identified mineral deposits. The outcome for the previous state Labor Government was the resolution of conflict policy. I will summarise that policy, because it defines our attitude with regard to this Bill. That policy determined that there should be no mining in national parks, with five exceptions where there had been particular conflicts with regard to land use. For those five national parks which were exceptions, the policy provided for excisions to allow mining to go ahead on the basis of stringent environmental protection procedures, on the basis of compensating areas of equal quality and size being added to the national park affected by the excision, and on the basis of parliamentary approval.

With regard to the D'Entrecasteaux National Park, the policy had some further conditions: No more than 1 per cent of the park was to be excised for mining purposes. The excision had to be accompanied by a commitment from the proponents of the mine to invest in secondary processing. There was also a condition, which would have been pleasing to the conservation movement, for a doubling of the D'Entrecasteaux National Park to 115 000 hectares. That resolution of conflict policy adopted by the previous Government was a very carefully considered and sensible compromise, given all the circumstances. Essentially it provided for the protection of disturbance of our national parks once some conflicts arising from the history of the parks and mining and exploration rights had been resolved. I do not think the conservation movement accepted entirely that compromise position put forward by the previous Government. In fact, the conservation movement maintained its view that there should be absolutely no mining in any national park. That is still its position.

We on this side of the House maintain the policy decision we developed in that resolution of conflict policy. It means that we will accept excisions from national parks in very limited circumstances, provided those excisions meet the requirements that were specified in the resolution of conflict policy document. This proposal to make the excision from the D'Entrecasteaux National Park for the Jangardup south mine represents the last excision that could be considered under the resolution of conflict policy.

I now turn to some of the details of this excision. A land swap is proposed under clause 10 with 368 ha being excised from the D'Entrecasteaux National Park and 39 ha from land currently held by the Executive Director of the Department of Conservation and Land Management. In return, Cable Sands (W.A.) Pty Ltd, the proponent of the Jangardup south mine, proposes to add to the park eventually 1 083 ha of land which it privately owns. If it is allowed to mine, when that operation is finished the 368 ha and the 39 ha that will be excised from the park and CALM will also go back into the park.

On the face of it, Cable Sands is offering the national park considerably more land than it is asking to be excised. However, the quality of the land must be looked at. The land to be excised is covered with natural vegetation; whereas that owned by Cable Sands is partly cleared, agricultural land. The 1 083 ha of land cannot be said to be uniformly of the same quality as that to be excised from the park. Nevertheless an equivalent area of the property owned by Cable Sands is covered with vegetation. It might be said that there is an equivalence between the land that is to be added to the park and that to be excised from the park.

Other matters must be considered. For example, some of the land Cable Sands proposes should be added to the park will be required for mining and ancillary operations. Not all of the 1 083 ha will go straight into the park without their being affected by mining. Environmental issues also must be considered. The land to be added to the park will constitute a buffer between agricultural lands to the north of Lake Jasper and the lake itself. On one side of the ledger, a problem can occur when nutrients run off from agricultural lands into freshwater lakes, and that is a positive factor in the ultimate protection of Lake Jasper. On the other side of the ledger, the land to be excised from the park is not entirely pristine. It is affected by dieback, thus its environmental values to a certain extent are already compromised.

Mr Omodei: There is a lot of dieback there.

Mr RIPPER: That is so, regrettably. That is a reasonable summary of the bargain that Cable Sands and the Government have reached. It is a fair bargain; the swaps are reasonable, although perhaps not as good from the point of view of the national park as they might have looked upon first inspection.

The problem with this proposal is the situation of Lake Jasper. It can be fairly described as one of the jewels of the D'Entrecasteaux National Park. It is the largest freshwater lake in the south west of Western Australia. It is in almost pristine condition. It is host to 25 species of waterbirds. Uniquely it also contains underwater Aboriginal sites that are of great importance to Aboriginal people living in the area. Lake Jasper has been described as an expression of the ground water system in the area. A mineral sands mine has the potential to interfere with the ground water system, and thus to interfere with Lake Jasper. There is a great fear that the mine could potentially lower the watertable in the area, thus lowering the level of Lake Jasper. Were that to occur, there would be a reduction in the depth and extent of nearby wetlands. Therefore, those areas would become less suitable for the waterbirds that use them for breeding, and that might have a significant impact on a number of the species of waterbirds that might be found in the area.

A mine also potentially has the capacity to contaminate surface water flows from the area that might lead to pollution of Lake Jasper. There is also the potential for contamination of ground water and consequently its effect on Lake Jasper, which is very closely related to the ground water system in the area. Those are significant problems. I have already indicated that the Opposition is prepared to contemplate an excision from the D'Entrecasteaux National Park, provided it is in conformity with the resolution of conflict policy adopted when we were in government. We do not say, as does the conservation movement, that this land is in a national park and therefore mining cannot go ahead. We do not take that ideological view. Were the excision proposed for virtually any other area of the D'Entrecasteaux National Park, the Opposition would probably find it much easier to support clause 10 of this Bill.

Mr Blaikie: If you were in government, you would have brought the Bill before the House anyway - in a responsible way.

Mr RIPPER: We would stick to the resolution of conflict policy we had in government. The difficulty we have with this clause is the sensitivity of, and the need to protect, Lake Jasper. There are significant conservation and Aboriginal values associated with Lake Jasper and if mining will at all affect Lake Jasper, the Opposition will not support the excision. If it can be shown that no harm is likely to be caused to Lake Jasper, the Opposition will be prepared to support the excision. The Opposition considers that Parliament should be assured, first, that no harm will be caused to Lake Jasper before approval for the excision is given. It is a question of timing.

I have some sympathy for the views of the proponent, Cable Sands (WA) Pty Ltd, as it has already spent a significant sum on exploration in order to prove up the deposit and to satisfy environmental assessment processes. It would need to make a further significant investment, and it does not want to make that investment if politicians will say, regardless of the environmental assessment and assessment of the deposit, the mine cannot go ahead in the national park. It would like that point, principle or ideology cleared up before it goes ahead with the investment. I appreciate that view.

However, this side of politics would like environmental concerns cleared before we give approval for the excision. In the Committee stage of this debate the shadow minister for the environment, the member for Maylands, will move an amendment which will not allow clause 10 to come into effect until certain environmental assurances have been given to both Houses of Parliament. If those environmental assurances are provided to the Parliament, the Opposition will then support the excision; that is, as long as the excision is in accord with the resolution of conflict policy and that environmental assurances are given to the Houses.

Mr Omodei: You must admit that your upper House colleagues supported the clause and the Bill - stop the nonsense!

Mr RIPPER: I am surprised that the Minister said that, as our upper House colleagues moved exactly the same amendment as that I have foreshadowed.

Mr Omodei: They voted for the excision.

Mr RIPPER: The Opposition will support the Bill at the second reading stage. When it comes to the Committee stage, the Opposition will move the amendment which I hope the Government will support - I do not think it will. I place on record our position, which is completely in accordance with the resolution of conflict policy we adopted in government. It said that an excision may go ahead only after stringent environmental protection procedures.

Mr Omodei: That is exactly what will happen.

Mr RIPPER: We propose with this amendment that those stringent environmental protection procedures outlined in the policy be followed.

An interesting lesson can be learned from this debate; that is, that a credible environmental protection authority is in the interests of the resources development sector. If one has an environmental protection authority which is at all compromised and its legitimacy in the public eye is weakened, it is to the detriment of the resources development sector. In this debate people have been saying to the Opposition, "Do not approve the excision now because we

cannot rely on the Environmental Protection Authority to conduct a proper assessment of this project." It would have been a good thing if people felt they could rely on the EPA to make that assessment. It is because people do not feel that the Environmental Protection Authority has credibility and legitimacy that they want to see these additional requirements applied. These requirements will be encompassed in the amendment to be moved by the shadow minister for the environment. If the EPA were to have the legitimacy in the public eye that it has had in the past, the Opposition would not be moving this amendment. As the EPA cannot be relied upon absolutely to deal with the necessity for protecting significant natural features such as Lake Jasper, the Opposition must take the position which the shadow minister has outlined, and which I support.

Debate adjourned, on motion by Mr Omodei (Minister for Local Government).

House adjourned at 11.06 pm

QUESTIONS ON NOTICE

PREMIER AND CABINET, MINISTRY OF THE - POLICY COORDINATION UNIT

1121. Mr GRAHAM to the Treasurer:

(1) What is the role of the policy coordination unit of the Ministry of the Premier and Cabinet?

(2) How many people are employed in the unit?

(3) What are the names of the people employed in the unit?

(4) At what pay level are the people employed in the unit paid?

(5) Which members of the unit are entitled to cars at taxpayers' expense?

(6) To whom does the unit report?

(7) To whom does the unit report in its day to day activities?

(8) What is the budget allocation for the unit?

(9) Are all the members of the unit full time public servants?

(10) If not -

(a) which members are on term of government contracts;

(b) which members are on other contracts?

Mr COURT replied:

(1) To manage policy development and administration with a government-wide perspective and to ensure consistency with the objectives and priorities of the Government.

(2) Eight full time; two part time.

(3)

J. Bacich	L. Bungey	J. Markham
F. Morel	D. Newman	G. O'Dwyer
C. Porter	R. Stranger	T. Streitberg
S. Walton		

(4) Levels 2 to 9.

(5) A/director participates in the executive vehicle scheme. Manager, parliamentary liaison home garages a "pool" vehicle.

(6)-(7) A/chief executive, policy office.

(8) $812 000.

(9) No.

(10) (a) J. Bacich; L. Bungey; D. Newman; C. Porter
(b) T. Streitberg; S. Walton.

SMALL BUSINESSES - NEW; CLOSURES; INSOLVENCIES; EMPLOYMENT STATISTICS

1598. Dr CONSTABLE to the Minister for Small Business:

(1) How many small businesses have been established in Western Australia in each of the last five financial years?

(2) How many small businesses -

(a) closed down; or

(b) became insolvent,

in Western Australia in each of the last five years?

(3) How may people were employed by Western Australian small businesses in each of the last five years?

Mr COWAN replied:

(1) No statistics are available on the number of small businesses established in Western Australia each year. The Australian Bureau of Statistics is the most reliable source of total figures for the number of small businesses in Western Australia -

1995-96	Not yet available
1994-95	83 700
1993-94	76 500
1992-93	74 000
1991-92	72 600

New business names registered each year are an indication of prospective new businesses -

1995-96	30 800
1994-95	31 200
1993-94	30 000
1992-93	26 300
1991-92	23 400

(2) There is no measure of the number of small businesses closing down in Western Australia each year. This is primarily because there is no formal registration process to record the cessation of trading as a small business. The number of businesses becoming insolvent in Western Australia is provided in the annual report of the federal Attorney General -

1995-96	Not yet available
1994-95	313
1993-94	360
1992-93	475
1991-92	559

No small business breakdown is available on those figures. It is estimated that business insolvency may account for just 25 per cent of total business closures each year.

(3) The Australian Bureau of Statistics provides the most accurate employment figures for Western Australian small businesses -

1995-96	Not yet available
1994-95	267 600
1993-94	262 600
1992-93	256 200
1991-92	243 200

SUBIACO OVAL - LIGHTS INSTALLATION, LEASE CONDITIONS

1611. Dr CONSTABLE to the Premier:

(1) With reference to the article in the *Subiaco Post* of 22-23 June 1996 regarding the lease between Subiaco Oval and the WA Football Commission, can the Premier confirm that the terms of the lease effectively mean that Subiaco City Council has the ultimate right to determine whether night football, or any other activity after sunset, will take place at Subiaco Oval?

(2) If yes, what effect do the terms of the lease have on the installation of lights at Subiaco Oval, the conditions attached to the operation of the lights, and the general use of Subiaco Oval after sunset?

(3) If no, under the terms of the lease between Subiaco Oval and the WA Football Commission, or otherwise, is the Subiaco council able to influence the decision to hold night football at Subiaco Oval, or the conditions attaching to night football?

Mr COURT replied:

This question should be directed to the Minister for Lands as it does not fall under my jurisdiction.

BUDGET (COMMONWEALTH) - CUTS; SAVINGS, COST CUTTING MEASURES

1741. Mr BROWN to the Deputy Premier:

(1) Has the Deputy Premier asked any of his departments or agencies to identify savings, cost cutting or other measures that will enable the Government to cover the $90m cut imposed on the State by the Howard Commonwealth Government?

(2) Have any savings, cost cutting or other measures been identified which will save some or all of the shortfall?

(3) What savings, cost cutting or other measures have been identified?

(4) What measures does the Government intend to implement?

(5) When does the Government propose to implement these measures?

Mr COWAN replied:

(1) Western Australia was required to make a contribution to the Commonwealth's deficit of approximately $87.4m in 1996-97. Agencies were asked to identify areas to achieve these savings without impacting on the provision of services to clients.

(2) Some agencies have identified potential savings.

(3)-(5) The process is continuing. Announcements will be made at the appropriate time and only when the necessary budgetary negotiations are complete.

PUBLIC SERVANTS - UNDERTAKING OTHER PAID EMPLOYMENT, PROCEDURES

CEOs, Declaration of Company Directorships

1802. Mr McGINTY to the Minister for Public Sector Management:

(1) Are procedures in place, regulations or guidelines, for example, to ensure that public servants do not undertake any other paid employment which may conflict with their responsibilities as public servants?

(2) What are these procedures?

(3) Are all chief executive officers aware of these procedures and are they reminded on a regular basis?

(4) When was the last occasion the procedures were brought to the attention of all the CEOs?

(5) Do these procedures apply to CEOs themselves?

(6) If the answer is no, what equivalent procedures apply to CEOs to ensure accountability?

(7) Are CEOs required to declare the directorships of companies?

Mr COURT replied:

(1) Yes.

(2) Administrative Instruction 726. Public Sector Management Act 1994, section 102 - "Employees not to engage in activities unconnected with their functions". Public Sector Code of Ethics.

(3) Yes, they are aware of these provisions.

(4) The code of ethics was launched to the sector during June 1996 and involved a comprehensive information dissemination process by the Public Sector Standards Commission. The code of ethics became operative from 1 July 1996. The current administrative instructions applicable to public service officers were advertised in the 12 June 1996 edition of the "Intersector", a public sector wide publication.

(5) Yes.

(6) Not applicable.

(7) Yes.

ETHNIC GROUPS - NON-ENGLISH SPEAKING BACKGROUND (NESB) PEOPLE, PROGRAMS MEETING NEEDS; LANGUAGE SERVICES, FUNDING ALLOCATIONS

1835. Mrs ROBERTS to the Minister for Seniors:

(1) What funds have been allocated, within the Minister's portfolio, for programs which are aimed at specifically meeting the needs of ethnic groups and individuals of non-English speaking background?

(2) To which/what programs have these funds been allocated?

(3) What amount has been allocated for language services?

Mrs EDWARDES replied:

(1) No specific funds have been earmarked in 1996-97; however, the Office of Seniors Interests has a community consultative strategy in place with ethnic communities in Western Australia.

(2) Not applicable.

(3) No amount has specifically been set aside for language services; however, the 1996-97 senior's card discount directory will incorporate costs associated with translation.

ETHNIC GROUPS - NON-ENGLISH SPEAKING BACKGROUND (NESB) PEOPLE, PROGRAMS MEETING NEEDS; LANGUAGE SERVICES, FUNDING ALLOCATIONS

1836. Mrs ROBERTS to the Minister for Women's Interests:

(1) What funds have been allocated, within the Minister's portfolio, for programs which are aimed at specifically meeting the needs of ethnic groups and individuals of non-English speaking background?

(2) To which/what programs have these funds been allocated?

(3) What amount has been allocated for language services?

Mrs EDWARDES replied:

(1)-(3) No funds have been specifically allocated. The women's policy development office does not operate any service delivery programs. In its policy advice to government it considers the needs of special interest groups including women from culturally and linguistically diverse backgrounds.

FAMILY AND CHILDREN'S SERVICES - BUDGET ALLOCATION EXPENDITURE

1874. Mr BROWN to the Minister for Family and Children's Services:

In the 1995-96 financial year, what percentage of the budget allocated to Family and Children's Services was spent on -

(a) administration;
(b) services delivery;
(c) advertising?

Mrs EDWARDES replied:

(a)-(b) The department does not subdivide its budget between administration and services delivery.
(c) Staff advertising - 0.1 per cent; advertising other - 0.4 per cent.

YOUTH EMPLOYMENT - GOVERNMENT DEPARTMENTS; APPRENTICESHIPS; TRAINEESHIPS; CADETSHIPS

1879. Mr BROWN to the Minister for Family and Children's Services; Seniors, Fair Trading; Women's Interests:

(1) How many -

(a) apprenticeships;
(b) traineeships;
(c) cadetships

were made available to young people -

(i) under the age of 21 years;
(ii) between 21 and 25 years

during the 1995-96 financial year by each department and agency under your control?

(2) How many young people not employed on apprenticeships, traineeships or cadetships were employed by each agency and department under your control in the 1995-96 financial year?

(3) How many young people described in (2) above -

(a) under 21 years of age;
(b) between 21 and 25 years of age?

Mrs EDWARDES replied:

Women's Policy Development Office
(1) Nil.
(2) One.
(3) (a) Nil;
(b) One.

Department of Family and Children's Services
(1) (a) Nil.
(b) (i) Two.
(ii) One.
(c) Nil.

(2) 152.

(3) (a) 28.
(b) 124.

Ministry of Fair Trading
(1) Ni
l.
(2) Six.

(3) (a) Three.
(b) Three.

Office of Seniors Interests
(1)-(3) Nil.

HOMESWEST - GOBBLES NIGHT CLUB, SOUNDPROOFING, FINANCIAL ASSISTANCE

1907. Ms WARNOCK to the Minister for Housing:

(1) Has Homeswest provided any financial assistance to Gobbles Night Club in order to facilitate soundproofing of the club to solve noise problems?

(2) What level of financial assistance has been made to Gobbles Night Club?

(3) Does Homeswest intend to provide any financial assistance to Gobbles Night Club to facilitate soundproofing of the club?

(4) Has Homeswest made a study of the soundproofing requirements of inner city Homeswest accommodation?

(5) If not, why not?

(6) If so, what is the title of the report and when was it completed?

Mr KIERATH replied:

(1) Homeswest shared costs of $8 771.42 with the Gobbles Night Club to facilitate the soundproofing of the club.

(2) $4 385.71.

(3) As above.

(4) No.

(5) All properties are constructed to the requirements of the relevant local authority and statutory bodies.

(6) Not applicable.

CHILD CARE CENTRES - COMMONWEALTH FUNDING DISPUTE

1910. Mr KOBELKE to the Minister for Family and Children's Services:

I refer the Minister to *The West Australian* newspaper dated 24 November 1995 and the article headlined "Dispute robs WA Parents" and ask -

(1) Will the Minister advise whether the commonwealth funding dispute for approximately 20 new child care centres has been resolved?

(2) If not, why not?

(3) If yes to (1), will the Minister advise -

(a) the amount of funding approved;
(b) when the funding will be made available; and
(c) how the Minister intends to spend the money?

(4) Has the change of Federal Government altered the level of funding available to the State?

Mrs EDWARDES replied:

(1) Yes.

(2) Not applicable.

(3) (a) $10 067 400 in capital funding and $87 420 in recurrent funding.

(b) As services become operational.

(c) The funds were approved for the provision of 940 long day care places.

(4) Yes with regard to community based long day care centres. The Commonwealth proposes to remove operational subsidies as of 30 June 1997.

HOMESWEST - KEYSTART, BUILDERS CONTRACTS

1964. Mr BROWN to the Minister for Housing:

(1) Is the Government aware of the builders used to provide housing under the Keystart scheme?

(2) Is it true to say that one or two builders dominate the amount of work obtained under Keystart?

(3) Which builders obtain a reasonable portion of the work generated by Keystart?

Mr KIERATH replied:

(1) Yes.

(2) No.

(3)

Homestart	Summit Homes
Pacesetter Homes	Artisan Homes
WA Housing Centre	Dale Alcock Homes
Collier Homes	J-Corp
Commodore Homes	National Homes

PRODUCTIVITY AND LABOUR RELATIONS, DEPARTMENT OF - "WORKPLACE FOCUS"; MERENDA, SANTO, INTERVIEW

1969. Mr BROWN to the Minister for Labour Relations:

(1) Did the Department of Productivity and Labour Relations produce the publication "Workplace Focus" issue No 16.

(2) Does page 3 of the publication deal with an interview with Munster businessman Santo Merenda?

(3) If so, did the article report "Mr Merenda said he had also been keen to replace the award system because it was not possible to reward an employee who was better than another but completing the same task"?

(4) Did the Department of Productivity and Labour Relations advise Mr Merenda that it is not illegal to pay over-award payments?

(5) Is the statement made by Mr Merenda factual?

Mr KIERATH replied:

(1)-(3) Yes.

(4) No, Mr Merenda was being interviewed about his company,s not seeking advice.

(5) In the context of the interview, Mr Merenda is correct in believing that workplace agreements are more flexible than awards.

QUESTIONS WITHOUT NOTICE

HOSPITALS - HARVEY; YARLOOP

Management Services Contract, Payments

452. Dr GALLOP to the Minister for Health:

I refer to the Minister's statement last night in which he revealed that payments for the delivery of management services at Harvey-Yarloop Hospital had gone to a company other than the contractor -

(1) Who authorised this process?

(2) What justification was given for the transfer?

(3) For how long were the payments made?

(4) Is the Minister satisfied no impropriety was involved?

(5) Will he release all documents associated with the administration of the contract?

Mr PRINCE replied:

(1)-(5) The authorisation was in relation to only one of the hospitals - namely, Yarloop - not both of them. I understand that it was authorised by the board of the hospital or by the chairman of the board. I understand that it was the board, but I can verify exactly what authorisation was given. I am not able to answer the justification question. I am not sure for how long the payment was made, but I understand that it was a matter of some months. It has ceased now and I can find out the exact time and let the member know.

Dr Gallop: Are you concerned about the matter?

Mr PRINCE: I am concerned, and that was part of the reason for my asking the department to look into the matter a few weeks ago. As the member is aware, a number of senior officers from the Health Department conducted a form of audit to see whether matters were in order. Matters are in order at present. I have no problem with respect to the situation, certainly not regarding the quality and nature of the service provided in the administration and management of both hospitals.

Dr Gallop: What will you do to the board if you find it does not have ample justification for making that transfer?

Mr PRINCE: It is a hypothetical question. I do not know what my options are in that regard. If I find that impropriety has occurred, I will have to take advice.

HIGH COURT - DECISION ON FEDERAL INDUSTRIAL RELATIONS LAWS

453. Mr OSBORNE to the Minister for Labor Relations:

Can the Minister inform the House of a decision of the High Court regarding the constitutional validity of current federal industrial relations laws?

Mr KIERATH replied:

I thank the member for the question. I am pleased to announce to the House that a lengthy 127-page decision was handed down by the High Court in relation to the challenge the Government made against Brereton's legislation, in which I am proud to announce we punched major holes. In fact, we will be reviewing the full decision in the next few days, but the area in which we had victories were the three areas about which we had complained all along. One of those areas was the issue of using external affairs power to override state law, and we had a victory in that regard. It also determined that the Commonwealth cannot interfere with the size and nature of the state public sector work force. Again, we had a major victory. We will overturn those redundancy and redeployment awards and allow the State Government to manage its work force in the manner it has always contended.

Also, the Government argued that many of the ambit claims were fictitious and did not involve a genuine industrial dispute. Again, the High Court ruled in our favour and said that a federal award cannot be changed unless sufficient connection is made with an actual industrial dispute, not a fabricated one. Most importantly, in the area of unfair dismissal where the most outrageous situation existed in which the employer was guilty until proved innocent, that onus of proof is reversed; that is, the employer is innocent until proved guilty. The Government won on the three major issues it challenged. It did not win in a number of other areas, but it won on the big issues.

I had approval for in excess of $100 000 to wage this campaign in the High Court, and I am proud to announce that for the paltry sum of $10 500 this State had a major victory in the High Court. This has sunk the Brereton flagship - some might say by a peashooter - for less than the cost of a second-hand car. We had a major victory enshrining our state rights in covering industrial relations legislation.

REAL ESTATE INDUSTRY - LETTING FEES LEGISLATION

454. Mr McGINTY to the Premier:

(1) Has the Premier recently met with representatives of the real estate industry regarding the abolition of letting fees charged by real estate agents and, if so, when?

(2) Has the industry advised the Premier that a $1m political campaign would be waged over the issue of letting fees?

(3) When did Cabinet approve the "de-proclaiming" of the letting fee legislation, and why did it act so soon after the legislation was passed by Parliament and proclaimed by the Governor if not for the prospect of a $1m campaign to be waged against the Government at the next election?

Mr COURT replied:

(1) Yes. I met the industry representatives at Parliament House. I will provide the exact date to the Leader of the Opposition, but it was a week or so ago.

(2) No. They did not mention anything to do with -

Mr McGinty: They never said to you that there was a $1m campaign?

Mr COURT: It was not mentioned to me. From memory, I raised the matter at the meeting. I said, "We have heard that you people are talking of a fighting fund." They certainly did not raise the matter.

(3) Again, I will have to check the dates. I think it was two weeks ago at a party meeting.

Mr McGinty: Why did you decide to "de-proclaim" the legislation after it was recently passed and proclaimed?

Mr COURT: A proposal was put forward which was presented to Cabinet and the party room in relation to the difficulties which would arise in trying to transfer extra costs through to landlords which would end up in rents. Concern was raised that this would pull people out of investing in the public housing stock. The Government is prepared to seek advice over the next few months in relation to its possible effects. I can easily provide the precise dates and times to the member, but I do not know them off the top of my head.

REAL ESTATE INDUSTRY - LETTING FEES LEGISLATION

455. Mr McGINTY to the Premier:

I ask the Premier to confirm what he has just told the House; that is, that at no time has the real estate industry told him that it will be mounting a $1m campaign against the Government if the legislation remains in force.

Mr COURT replied:

The member asked me a question about when I met with the representatives, and whether they raised that point. I said that they did not. Whether the matter has been raised through correspondence and the like, I will make inquiries to find out.

Mr McGinty: Let me tell you that they did. I am surprised that you do not know.

Mr COURT: If the Leader of the Opposition had given me notice, I would have found out. If the member wants to know about correspondence, I am only too willing to find out for him.

MUNDARING WEIR - OVERFLOW; WALKWAY REOPENING; WATER RESTRICTIONS

456. Mr DAY to the Minster for Water Resources:

With the overflow of the Mundaring Weir imminent, if it has not occurred already, I refer firstly to a letter in yesterday's *The West Australian* which called for water restrictions not to be lifted this summer and, secondly, to the fact that the walkway over the spillway is closed at present. Will the Minister advise the House of the situation regarding water restrictions this summer, and when the walkway will be reopened?

Mr NICHOLLS replied:

I thank the member for some notice of this question. I heard some of the experts opposite interject that water had gone over the top of the weir.

Mr Thomas: We will find out by the weekend.

Mr NICHOLLS: That is correct. It is not the case that the water level has increased over the top of the weir, but that the wind pushed the water over this morning. I expect that if it rains in the next few days, the weir will overflow for the first time in 22 years.

The restriction on watering gardens during the year will remain in place. I announced earlier this year that those garden water efficiency measures will remain in place permanently. It is important for the House and the wider community to understand that Mundaring Weir is primarily used to supply water to the goldfields. The dams which feed the metropolitan area are collectively just on half-full; therefore, all our dams are not overflowing. It would be responsible to continue those restrictions. The member for Swan Hills and other members who have been to the weir will be aware that the walkway over the dam has been closed for some time. I am happy to inform the House that the tender for the work to upgrade the walkway will be called for in the next week or so. It is expected that the tender will be let in October. I expect that the work will be completed by the end of this calendar year. I hope the public not only will enjoy the sight of the weir overflowing, but also in the future will be able to safely walk over the dam.

PILBARA-KALGOORLIE GAS PIPELINE - WESTERN POWER, LOSSES

457. Mr THOMAS to the Minister for Energy:

I refer to the imminent arrival of gas in the goldfields, via the privately owned Pilbara-Kalgoorlie gas pipeline. That gas will be taken up by goldfields' industries for power generation at the cost of electricity currently supplied by Western Power via its Muja to goldfields transmission line.

(1) Will the reduction of some $70m a year in goldfields' electricity sales, especially given the commitment to paying $40m for continuing lease payments on the electricity transmission line, result in losses to Western Power?

(2) What are Western Power's expected annual losses on this transmission system?

(3) Who will pay for these losses - Western Power's other customers?

Mr C.J. BARNETT replied:

(1)-(3) It is true with the near completion of the goldfields gas pipeline and the associated power station infrastructure which has been built that Western Power will lose in the order of $100m in sales revenue to competition. That has been well known and it is what competition is all about. The total generating capacity in the goldfields has been substantially boosted by four by 40 megawatt power producers - Western Mining Corporation Limited, the Normandy Poseidon Limited plant and others in the north. That is what competition is about and members opposite should be focusing on the cost of power generation to mines and mineral processing operations in the goldfields, the north eastern goldfields and the Pilbara falling by 35 to 60 per cent because of that initiative. It is all about development, new investment and jobs. When Western Power was trying to provide all the power supply to the goldfields from power generation in the south west grid, the system was heavily loaded and there were line losses of up to 30 to 40 per cent. The goldfields is expanding and the Government is about to finalise arrangements for the reticulation of gas in the goldfields. It is also looking at a scenario for power generation in Kalgoorlie to service Esperance. It is yet to be determined whether it will be economical. I do not think anybody has a pessimistic view of the goldfields. It is a terrific opportunity for the State.

ROADS - SOUTH WESTERN HIGHWAY, ARMADALE-BUNBURY, UPGRADING

458. Mr BRADSHAW to the Minister representing the Minister for Transport:

(1) Is the Minister aware of the extremely poor state of the South Western Highway between Armadale and Bunbury?

(2) What action will be taken in the short and long term to bring this highway up to a satisfactory standard?

Mr LEWIS replied:

I thank the member for some notice of this question. My colleague the Minister for Transport has given me advice on this matter.

(1) Yes.

(2) The South Western Highway, between Armadale and Bunbury, will receive ongoing normal maintenance to maintain a standard which obviously is not adequate at this time.

Mrs Roberts: Are you saying you will maintain an inadequate standard?

Mr LEWIS: The member should not be so silly.

Mrs Roberts: That is what you said. You are the silly one.

Mr LEWIS: Substantial upgrading has been planned for that section of the road. The 10 year road program of Main Roads Western Australia provides for $29m to be allocated to the Armadale to Bunbury section. Included in the works is the reconstruction of 8 kilometres of road between North Dandalup and Pinjarra and 17 km between Pinjarra and Waroona. In addition 13 passing lanes will be installed between Armadale and Harvey and a further nine south of Harvey.

COCKBURN CEMENT LTD - SHELL SAND DREDGING, COCKBURN SOUND ASSESSMENT

459. Dr EDWARDS to the Minister representing the Minister for the Environment:

I refer to the inordinate five month delay by the Environmental Protection Authority in finalising its assessment of Cockburn Cement Ltd's shell sand dredging of Cockburn Sound, following the state Full Court decision which overturned the original assessment.

(1) Why has the public been precluded from making submissions to this new assessment by the EPA?

(2) What is the cause of the delay?

(3) Is it true that about a dozen drafts of the bulletin for this assessment have been prepared by the Department of Environmental Protection?

(4) If not, how many times has the document been redrafted?

(5) Who are the most senior position holders who have seen these drafts and who outside the department has seen these drafts?

Mr MINSON replied:

I thank the member for some notice of this question. The answers are very specific and with your permission, Mr Speaker, I will read some of them.

Mrs Hallahan: What's new?

Mr MINSON: If the member checks the record, she will find that I generally do not read the answers to questions.

(1) This is not a new assessment and the public has not been excluded from making submissions to this new assessment. It is the continuation of an assessment which was released for public review between 22 November 1993 and 27 January 1994.

(2) The Supreme Court decision raised several issues of interpretation of the Environmental Protection Act and the authority is using this assessment to review and define its assessment and to report procedures in line with the court's decision. It is a painstaking process because the ramifications of that court decision have not been lost on the EPA board.

(3)-(4) A number of drafts have been prepared by officers of the Department of Environmental Protection and the EPA members, which is normal in developing such reports.

(5) The most senior departmental officer who has seen those drafts is the chief executive officer. Outside the department various drafts have been seen by the chairman and other members of the EPA board.

MIDLAND WOMEN'S HEALTH CARE CENTRE

460. Mrs van de KLASHORST to the Minister for Health:

The Women's Health Care in Midland recently tendered to continue its excellent service to the local Midland women. Will the Minister advise the outcome of this tender?

Mr PRINCE replied:

I thank the member for some notice of this question. The member has been most diligent in putting forward the case of the Women's Health Care place in Midland. On more than several occasions she has told me in great detail about the excellent work it does. I am pleased that the Women's Health Care place was successful in its tender for the provision of the women's health service in Midland.

Mrs Roberts: It was about two months ago.

Mr PRINCE: It was not. It was awarded a two year contract - for 1996-97 and 1997-98 - and the actual document is being drafted. I trust that after it is formally accepted the document will be signed as soon as possible.

POLICE SERVICE - FREMANTLE POLICE LOCKUP, ASSAULT BY OFFICER ON A YOUNG MAN ALLEGATIONS

461. Mr CATANIA to the Minister for Police:

Last night Channel 9 reported on allegations of an assault by a police officer on a young man at the Fremantle police lockup.

(1) Who made the allegations and what are the full details?

(2) Is there a videotape of the incident?

(3) What action is being taken to get to the truth?

Mr WIESE replied:

I have no details of the incident. If the member puts the question on notice, I will be very happy to supply him with an answer.

UNIONS - OFFICIALS WITH CRIMINAL CONVICTIONS, ELIGIBLE FOR UNION OFFICE

462. Mr JOHNSON to the Minister for Labour Relations:

Is the Minister aware of any organisation which allows officials to remain eligible for union office even after being convicted of a criminal offence?

Mr KIERATH replied:

Most decent union members would be alarmed that a union continued to employ an official who, in the course of his duties, committed a criminal offence. Despite a criminal conviction, this person is still eligible for union office. I imagine that will be of grave concern to the Opposition, which has suddenly claimed to be interested in law and order. A Construction, Forestry, Mining and Energy Union official was convicted of using threats with intent to gain a pecuniary benefit for another person. On checking the union rules, it was found that only fraud and dishonesty can make an official ineligible. It seems that under the union's rules threats are okay.

The CFMEU may change its policy. As luck would have it, the union's federal president, Stan Sharkey, when talking about the disgraceful attack on the Federal Parliament said that if officials were found guilty, they should be sacked. That is a pleasing change at the top. Let us hope the CFMEU in Western Australia will also support those sentiments and take action against this particular union official.

I hope the Leader of the Opposition in his statements on law and order and his sudden zeal for punishing criminals will join this Government in condemning the retention of a union official who has been found guilty of using threats to gain pecuniary benefit. I hope the Opposition will distance itself from such actions. If it does not, it will show why many people are leaving the union movement.

FAMILY PLANNING ASSOCIATION - COMMONWEALTH BUDGET CUTS, SHORTFALL FUNDING

463. Dr WATSON to the Minister for Health:

As the Federal Government has slashed the budget of the Family Planning Association by 10 per cent, will the Minister explain -

(1) Whether the State will fund the shortfall of $150 000?

(2) How the 1 700 clients of the Mirrabooka clinic and those of the Saturday morning Perth clinic will have their reproductive health needs met?

(3) Whether the State plans to force the closure of any other clinics by not providing needed funds?

Mr PRINCE replied:

I thank the member for some notice of this question.

(1)-(3) I visited the Family Planning Association's main office in Northbridge a couple of weeks ago and spoke to many of the staff. That was just after the federal Budget. The executive officer and I discussed the possible effect on the association, which was not then accurately known. The association was engaged in planning on how to handle the cuts. It was made clear to me that no specific request was being made at that time to the Government or to the Health Department for any form of increased funding to make up for that which it was apparently going to lose through the commonwealth budgetary procedure. The Family Planning Association has not made a request for extra funding. If it does, I will treat that on its merits with everything else. It must be part of any priority judgment in the allocation of the health dollar across the State. It will not be a question at all of the State cutting anything; this is a commonwealth funded program. If the Commonwealth chooses to cut the funding, that is a commonwealth decision.

EDUCATION DEPARTMENT - CLEANING SERVICES CONTRACTS

Complaints

464. Mr KOBELKE to the Minister for Education:

(1) Is the Minister aware how many schools continue to suffer unacceptably poor cleaning services following the reduction in cleaning staff hours required under the Government's contracting out program?

(2) Will the Minister take immediate action to put an end to substandard school cleaning and guarantee proper standards of school cleaning for the health and welfare of students and staff in government schools?

Mr C.J. BARNETT replied:

(1)-(2) I am unable to give an exact figure of the number of schools. If the member for Nollamara had given me some warning, I would have provided it. There have been some continuing cases, particularly complaints around the Melville district. I am aware of that. Complaints are handled on a case by case basis. Once the contracts have run for six months I will implement a full review of contract cleaning services. It is evident that a number of things can be done to improve the situation. However, I restate that the contracting out of cleaning or gardening services is saving in one full year the cost of one primary school; therefore, I will continue to pursue that policy. The complaints are nowhere near the level that the member for Nollamara has suggested publicly.

WORKPLACE SAFETY - RELUCTANT GROUPS

465. Mr BOARD to the Minister for Labour Relations:

As workplace safety was highlighted in occupational safety and health week last month is the Minister aware of any group that seems reluctant to assist the Government in achieving its objectives of safer workplaces?

Dr Watson: It is the mining industry.

Mr KIERATH replied:

I thank the member for some notice of this question. The member for Kenwick is right; it is an element of the mining industry. How could anyone object to an initiative that would protect the lives and limbs of workers? However, someone does object to that. Western Mining Corporation began a campaign to improve workers' safety. It came under fire from a trade union. The Western Mining initiative encouraged workers to report their safety concerns anonymously. They did not have to put their name to a report, so there would be no fear of retribution or discrimination. That was the sentiment behind the scheme. Western Mining's only concern was for a safe workplace for workers. The President of the Australian Workers Union called this "dobbing in". He should not judge the workers by his own standards.

The President of the AWU had no idea this was a workers' initiative. When talking with management the workers said that they were scared to report safety issues for fear of how they might be treated. Western Mining reacted positively to these concerns of the work force, and implemented a system where people need not identify themselves. That should have been encouraged by everyone interested in workplace safety; however, not this group of small minded people. That shows how some people in the trade union movement are simply losing touch. Western Mining was trying to achieve a safer workplace through employer and employee working together. The only person preventing that from happening is an out of touch union official.

CORONERS ACT - PROCLAMATION DELAY

466. Dr WATSON to the Minister representing the Attorney General:

I refer to the Government's new Coroners Act which was passed by the Parliament in March.

(1) Why has the Government chosen not to proclaim the Act until April next year, more than 13 months after it was passed?

(2) Is the Minister aware that such an excessive delay is a further gross betrayal of the Government's promises to the relatives of deceased individuals who lobbied so hard and effectively for that legislation?

(3) Is the delay the result of the Government's failure to provide funding in this year's Budget for a new coronial system?

Mr PRINCE replied:

I thank the member for some notice of this question. I have information from the Attorney General to answer the member's question.

(1) The Coroners Act 1996 was assented to on 24 May this year. The proclamation will be made after the State Coroner has been appointed and has prepared coronial guidelines. I am aware that appointment is imminent.

(2) The appointment of a State Coroner and the preparation of guidelines is crucial for the successful implementation of the Coroners Act.

(3) No, an appropriate level of funding has been provided in the Budget to establish the state coronial system.