



WESTERN AUSTRALIA

# Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1997

LEGISLATIVE COUNCIL

Thursday, 13 March 1997

## Legislative Council

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**THE PRESIDENT** (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

### MOTION - CONDOLENCE

*The Late Mr G.E.D. Brand*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [2.31 pm] - without notice: I move -

That this House expresses its deep regret at the death of Mr George Edmund Dowd Brand, a former member of the Legislative Council for the Lower North Province, and places on record its appreciation for his long public service and tenders its profound sympathy to the members of his family in their bereavement.

George Brand, who died a few days short of the age of 86, was the first elected member for the Lower North Province of the Legislative Council. He was a hard working representative of the eastern goldfields and of the scattered communities in the Lower North Province, and a dedicated supporter of the Liberal Party in a traditionally Labor voting region.

George Edmund Dowd Brand was born in Kalgoorlie in March 1911. He was educated in Kalgoorlie and spent the years from 1927 to 1932 working as a clerk in the Western Australian Government Railways. From 1932 he worked in the carrier business George Brand and Son with his father, a business that he continued from his father's death in 1957 until the mid 1970s.

Like so many of his generation he joined the Citizen Military Forces in 1942 prior to enlisting in the Australian Imperial Force in 1943. His war service took him to the Pacific until his discharge in December 1945. Active in sporting clubs and a Freemason, George Brand was elected to the Kalgoorlie Municipal Council in 1955 and served until being elected to Parliament. At the state election of 1956 he stood as the Liberal candidate for the seat of Kalgoorlie and polled just under 30 per cent of the vote against the ALP candidate, the late Mr Tom Evans. This was a time when ALP members were often returned unopposed in these goldfields electorates.

In June 1963 George Brand again represented the Liberal Party in contesting a by-election for the North East Province of the Legislative Council after the death of Hon William Reaper Hall. This three member province consisted of the Assembly seats of Kalgoorlie and Murchison and had not returned a Liberal for the past 15 years. In a poll of 3 593 votes, George Brand gained 48 per cent against the successful ALP candidate, David Dellar, and mounted a very credible challenge.

At this time the Legislative Council was significantly changed, with full compulsory adult franchise, conjoint elections with the Legislative Assembly, and a redistribution of boundaries that saw the North East Province disappear and the creation of new two member provinces, including Lower North. At that time the Murchison seat included a large part of suburban Kalgoorlie so that the Lower North Province had this suburban component in addition to Carnarvon and the small pastoral and mining towns. It was a most challenging electoral contest for the 1965 state election. This time, in a poll of more than 6 000 votes, George Brand gained 52.3 per cent and defeated Hon David Dellar with a margin of 279. It is easy with the benefit of hindsight to talk of the low enrolment of such a seat, but Lower North Province was a seat that could never be taken for granted, as I can testify as a subsequent member.

George Brand worked extremely hard in representing this vast area over the following six years. It was said of him that he made friends everywhere he went. He paid particular attention to the isolated schools in the Gascoyne, Murchison and north eastern goldfields, and he would travel out on the "tea and sugar" train to visit electors in the railway settlements of the Nullarbor. In 1971 when he sought re-election, George Brand was faced with a difficult political climate and boundaries that had changed to remove the Kalgoorlie component from the province. On this occasion, in a poll of 4 000 votes he polled 45.2 per cent and after preferences failed by just four votes to hold his seat against his ALP opponent, Hon Stanley Dellar, the son of David Dellar, whom Mr Brand had defeated. This was the narrowest result in an election where a number of members were returned by the tightest of margins. He was deeply disappointed after the hard work of six years. On these occasions we should reflect that however precarious the hold of members of Parliament on their seats, those who lose such tight contests deserve the most sympathy.

George Brand in his retirement from politics continued to contribute to public life as a member of the Liberal Party, assisting other candidates in the Morley area where he lived. He did his best to help his fellow citizens when out of Parliament as well as in it. He never sought to be other than a good Western Australian member of Parliament and a faithful representative of people living in some of the remotest parts of this State, and he fulfilled his role conscientiously. He should be remembered in politics not for his narrow defeat but for the fact that he gave the

Liberal Party its first Legislative Council success for many years in the north of the State. To George Brand's son, Mel, and to his other family and friends, we convey our sympathy and our appreciation of his public service.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [2.37 pm]: I formally second the motion. On behalf of the Opposition I place on record our sincere sympathy at the passing of George Brand. I am saddened to learn of his death, and I am sure that all members on this side of the House would like me to express our sympathy to George Brand's family, his colleagues, and those who knew him - I did not.

George Brand was elected to this House and served his electorate until 1971. From a quick look at his biography I note that he was another member of this House who had an involvement in the military service. The number of members in this place with an involvement in that area of preparliamentary experience has decreased. Hon George Brand enlisted in the AIF on 8 January 1943 and served in the AASC, and the transport platoon in Moratai. He was a corporal when discharged on 11 December 1945 and took over the family business of George Brand and Son, later known as George Brand and Company. Members' involvement in military service is a matter I mentioned the other day. I mentioned that now only two of our current members in this House can claim such service in their curriculum vitae.

I extend the sympathy of members on this side of the House to George Brand's family and join with the Government in support of the motion.

**HON P.H. LOCKYER** (Mining and Pastoral) [2.39 pm]: When I first went to Carnarvon in 1967 George Brand was a local member of Parliament. He probably had some influence on my being involved with the Liberal Party in Carnarvon at that time. George Brand was a colourful sort of bloke. He was a big bloke who did not mind a cold glass of beer on a hot day, and even on a cold day he could be persuaded to have one. He was liked by an enormous number of people. The Leader of the House said how vulnerable it was in those days to be the member for Lower North Province. To get into Parliament George Brand defeated David Dellar, and six years later was defeated by Dave Dellar's son, Stan. I spoke to Stan Dellar this morning to advise him of George Brand's passing, and he expressed great sadness. I will be in Exmouth on the weekend and will see Stan Dellar. Even though he defeated George Brand in 1971 he always had great respect for George, as members should have.

Some members may remember Hon George Berry who served in this House at the same time as George Brand. They were close friends. George Berry is still alive today and is in his eighties. He always believed that George Brand was a man of the people who tried to do his very best. It was very difficult at times with a small number of electors, because one did not need too much of a swing to be tipped out of Parliament. As George Brand did to David Dellar, in turn he had done to him, by only four votes! It was a remarkable and long drawn out count. Unfortunately, once George Brand was defeated he was not recognised as much as he should have been by his political party. Sometimes that happens; it is a sad fact of life.

I am pleased that this condolence motion has been moved. It gives me the opportunity to convey to George Brand's family my condolences and those of the electorate which he represented, which by and large remains part of mine. To this day, when one goes to the goldfields or to Carnarvon people still remember George Brand as a good member of Parliament and a good fellow. I feel sad today that he has departed this world.

**THE PRESIDENT** (Hon Clive Griffiths): As is normal with such condolence motions, as President I want to add my comments. It seems to me that all the people who have served in this Parliament with me are currently being referred to on the occasion of a condolence motion. It is becoming quite sad that we are running out of people who either entered Parliament with me or were already here when I first arrived.

I want to be associated with this motion in particular, because Hon George Brand came to this Parliament on the same day as I did. We were elected together in 1965. We sat together on the front bench where Hon George Cash is sitting. There were only three seats in that position in those days. I sat on the centre seat, Hon Dr Hislop sat where Hon Barry House is sitting, and Hon George Brand sat on the other end. George Brand was a very humorous person. He was a very down to earth, people's person. He was a grass roots representative of the people. He was not a flamboyant person, nor an orator of any great note. He certainly was not an intellectual person. He was just a hard working and humble man. The small family business that George ran in Kalgoorlie was a modest carrying business, started by his father.

George Brand had a gigantic geographical electorate to represent in the days when the resources available to members in such areas were very meagre indeed. Some members today may think that such shortcomings still exist, but what those early members had to do to get around their electorates was nothing short of extraordinary. George would go out on the "tea and sugar" train to the South Australian border. He would visit the little communities of 10, 15 or 20 people. He even knew their birthdays. He would take their prescriptions to be filled in Kalgoorlie, and return on the next train to deliver them. The things this member did for his people were something to talk about in those days.

I know exactly why George Brand was defeated in 1971. We talked about it prior to the election, and we certainly spoke about it afterwards. I think the Leader of the House mentioned that if a person loses a seat by about four votes it seems to be much more tragic than if it were by several hundred or a thousand votes. George Brand lost his seat by five votes after the initial count. I did the recount for George Brand. The late Frank Wise was there, helping with the recount on behalf of the Australian Labor Party. I was representing the Liberal Party. Frank Wise was a fairly wily, well-informed and tough man. I tenaciously looked at all the votes, and eventually I was able to get 13 votes for George Brand out of the informal votes. I convinced Frank Wise that 13 of the votes belonged to George Brand. That was nice, except that as I have subsequently said to scrutineers during later elections, people should be aware that when a person claims something on a voting paper quite often another voting paper will cause that person to concede the vote to another person. The tragedy was that I successfully claimed 13 votes; however, I had to concede 12. When I reported to Hon George Brand, I said that I had some good news and some bad news. I told him that I had picked up 13 votes but that I had had to concede 12. I had picked up 20 per cent for him, therefore he had lost by only four votes instead of five. That is a little history, but there is good reason for it. George's loyalty to the Liberal Party was part of the reason.

I was very close to George and we spoke about the result afterwards. After the election George had no money because he had spent every cent on servicing his electorate. All George received was the amount he had subscribed to the superannuation fund. Eventually, he was given a job by the Tonkin Government of the day at the State Housing Commission, and he worked there until he retired. I tried to keep in touch with him, although he disappeared a few years ago. He was living in Swan Cottage Homes with his wife, who passed away. George eventually went to the Eastern States where his family live. I received word from one of the family members a few days ago that he had passed away. I was very sad about that. I am pleased that the House will support this motion.

As time goes by one tends not to place the same emphasis on the passing of a member who was not here with one, as on somebody known personally. He was an honourable, hardworking member. I extend to his family my deep sympathy and trust that they will get strong feelings of satisfaction from the knowledge that George Brand did a marvellous job for the people of Western Australia.

I will ensure that members of his family receive a copy of this condolence motion together with the speeches.

Question passed, members standing.

#### PETITION - FAMILY AND CHILDREN'S SERVICES

Hon J.A. Scott presented the following petition bearing the signatures of two persons -

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

We the undersigned residents of Western Australia are concerned that the administration of the Department of Family and Children's Services and the interpretation of its powers under the *Child Welfare Act 1947* creates a lack of accountability within the Department; an inability by the Department to be constructively criticised and scrutinised when procedures are wrong; inequity in the treatment of families; and mismanagement of the needs of clients leading to detrimental outcomes.

Your petitioners therefore humbly pray that the Legislative Council will investigate the administration, procedures and legislative framework of the Department of Family and Children's Services and recommend administrative and legislative changes which will increase accountability, openness, and equity in the functioning of the department and its relationships with the community.

[See paper No 330.]

#### DEPUTY CHAIRMEN OF COMMITTEES

##### *Appointment*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [2.53 pm] - without notice: I move -

That Hon Murray Montgomery, Hon W.N. Stretch and Hon Derrick Tomlinson be appointed Deputy Chairmen of Committees.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [2.54 pm]: I spoke about this matter with the Leader of the House and a couple of his colleagues yesterday. I thought we had an undertaking that it would be dealt with next Tuesday. We will need to adopt new ways of doing business if verbal undertakings are not kept.

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [2.55 pm]: I understand that the Opposition has not decided who its Deputy Chairman will be. The Opposition can make that decision whenever it wishes. However,

as from time to time a Deputy Chairman of Committees is required, I have moved for the appointment of members from this side of the House.

Hon Tom Stephens: What about your undertaking?

Hon N.F. MOORE: I sent a note to Hon Tom Stephens earlier this afternoon stating my intentions.

The PRESIDENT: Unfortunately the Minister has closed the debate. The Leader of the Opposition could have moved an amendment.

Hon Tom Stephens: I do not wish to.

The PRESIDENT: He cannot do that now, but he could have. I questioned this motion when I received it earlier.

Question put and passed.

### **MOTION - SELECT COMMITTEE**

#### *Fisheries Department*

**HON MARK NEVILL** (Mining and Pastoral) [2.58 pm]: I move -

That a select committee be appointed -

- (1) To inquire into and report on alleged illegal activities in the Fisheries Department and the related involvement of the Police Department in these activities.
- (2) To inquire into other matters relating to the Fisheries Department the subject of questions in the Legislative Council which the committee considers have had inadequate responses.
- (3) The committee to have the power to send for persons, papers and records.
- (4) The proceedings of the committee during the hearing of evidence to be open to accredited members of the news media and the public.
- (5) The committee to report by Wednesday, 30 July 1997.

I was first alerted to some issues relating to the Fisheries Department in 1994. Members will recall that I subsequently raised the matter in the House on a number of occasions and asked many questions relating to Fisheries. It is regrettable that it has taken so long to initiate steps to investigate some of these issues. Some of the key players in the matters commented on in this House have retired. They include Fisheries Department officers and police officers.

These matters have had a dramatic effect on former employees of the Fisheries Department. One person has had a nervous breakdown. It appears also that the careers of some officers who were reluctant to undertake certain assigned activities, and who raised these matters, were shortened. These allegations have not been satisfactorily answered during my inquiries.

During the past two decades we have received an avalanche of recommendations for improvements in accountability. Accountability has been the buzz word on everyone's lips. Lack of accountability has cost the State tens of millions of dollars; yet we have not seen much improvement in accountability.

The Financial Administration and Audit Act was introduced in the mid-1980s. It is very good legislation that requires government departments and agencies to publish all sorts of information about their activities, and ensures that they follow proper reporting and accounting procedures. The Auditor General carries out investigations and reports on them. He has a battery of people working to ensure that the Government operates within its legislative framework and in a proper manner. The Official Corruption Commission was set up, and was succeeded by the Anti-Corruption Commission. The Ombudsman has burrowed into the nooks and crannies of government administration over the years, with some exceptions. The Freedom of Information Act allows people access to certain documents. Also in operation are the Public Accounts and Expenditure Review Committee of the Legislative Assembly, which inquires into government departments, and the Standing Committee on Government Agencies in this House.

Select committees have looked into different matters over the years. A number of reports have been made by other bodies, including the report of the Commission on Accountability by Sir Francis Burt, QC. Many of his recommendations have been implemented. A major royal commission inquiry was held into government business dealings, and at the end of the day its report contained no findings of corruption or illegality, but some findings of improper conduct. It was an expensive exercise costing approximately \$40m. However, in the past two or three years it has still been difficult to obtain proper answers to questions asked in the Parliament. That was probably the

main cause of the problems in the 1980s; that is, proper answers were not given in this House to questions asked by members. That problem was experienced not only by opposition members but also by government backbenchers. Therefore, it is absolutely essential when questions are asked in the Parliament, particularly in this place, that members be given proper answers. Over the years many methods have been employed for not providing proper answers to questions. Answers were delayed, and some questions were never answered at all but fell off the Notice Paper at the end of the session. Some Ministers extended the courtesy of writing directly to members and answering their questions, but others did nothing once the parliamentary session finished. The answers to some questions were evasive and often members were provided with material which could be described only as misinformation.

As a Parliament, we must draw the line, especially with the bureaucracy, and insist that when reasonable questions are asked - I do not believe in asking for information that will take six months to collate - proper answers are provided. If a breakdown occurs at the bureaucratic level, it should not be protected at the political level by a Minister. That clearly happens from time to time. It is the duty of the Minister to provide information. The standing orders contain protection in certain circumstances for the answering of questions. For example, members can ask only questions of fact and cannot ask for legal or other opinions. There are many constraints on the types of questions members may ask.

This proposed select committee, most importantly, will send a clear message to the bureaucracy, both now and in the future, that when questions are asked, proper answers must be provided within a reasonable time. It is not the job of Ministers to protect public servants who perhaps have not handled a matter as well as they might. None of us is perfect and we all make mistakes. Most members will make allowances for mishandling of issues or for any other reasonable explanation.

With regard to the Fisheries Department it appears that the Minister has not demanded proper answers to many questions. I make that assumption, although I acknowledge that a department may provide an answer for the Minister but the Minister is not obliged to present that answer to the Parliament. The Minister may write his own answer. The Minister may have received proper answers from the Fisheries Department and may have chosen to provide his own answers.

In the Eucla inquiry the Minister refused to answer straightforward letters from the committee. I do not know why, because the evidence I saw indicated that he had nothing to fear in doing so. As long as the request is reasonable, Ministers would do better to provide the information.

I have been investigating the fisheries matter for more than three years. Two and a half years ago I applied for a copy of a police report into alleged illegal activities in the Fisheries Department. Initially I was refused access to that report but after 12 months, following appeals to the Information Commissioner, I received a copy of the report which had been heavily edited. It was clear from the material remaining in the report that my worst fears were realised. There had been illegal use of listening and tracking devices. More of that report has been deleted than remains. When I received the report in February 1996 it was clear that it did not cover all the areas I was led to believe it covered. One of the glaring omissions was the Kendrick-Dixon matter. That was the subject of press reports back in August 1993. This police report, although completed in 1993, only covers the period up to 1990. Numerous assurances were given that all the matters referred to in those press reports of August 1993 were covered by the police inquiry, yet the Dixon matter, the most serious issue of them all, was not covered by that inquiry.

Questions asked in this House revealed that fisheries officer Kendrick, who was in charge of the special investigations section, was interviewed by police along with a dozen or so other fisheries officers. However, he was the one officer from whom a statement was never taken, yet I would have thought his was the most critical statement to the whole inquiry.

Hon E.J. Charlton: What was his name?

Hon MARK NEVILL: Phillip Kendrick. Last year when we raised this matter the Minister for Transport tabled in this House a document headed "Comments on Issues Raised in the Legislative Council" - tabled paper No 509. In respect of Mr P. Kendrick there is an explanatory note which reads -

Mr Phil Kendrick was a Supervising Fisheries Officer with the Fisheries Department. Latterly he was responsible for the supervision of the Department's Special Investigations Unit and Fisheries Officer training. His investigative and supervisory activities were subject of complaint by some fisheries officers through the Civil Service Association in the late 1980's.

This matter was certainly one of the subjects of complaints by fisheries officer. The document states that they were investigated by fisheries officers and by the police. An internal investigation was conducted, but I have my doubts about the thoroughness of that investigation and whether the action that was taken was appropriate. Certainly, there was no investigation of that matter by the police.

A mass of other contradictory information is revealed by the questions and material that I have accumulated over the years. One of the most interesting documents is the minutes of the 1991 Fisheries Officer Conference held at the Fremantle Sailing Club, Success Harbour, Marine Terrace, Fremantle on Thursday, 7 November and Friday, 8 November 1991. These minutes, under section 28, make very interesting reading. I do not have the previous page here but these points relate to the behaviour of fisheries officers and what was acceptable practice. In respect of the use of tracking devices, item 28(vi) reads -

Officers are not to exercise their right of entry and power to search any premises without warrant without the knowledge of the occupier unless prior approval has been given by the respective Operations Manager.

That is fairly amazing. One would think that entry was permitted only when someone was at the premises. To do otherwise would require breaking into premises. Nevertheless, they had to obtain the approval of their operations manager before gaining the right of entry and search without the knowledge of the occupiers!

I now turn to the answer I received to question on notice 3622, which asked -

- (1) On how many occasions is the management of the Fishery Department aware of fisheries officers having entering suspect homes on questionable circumstances since January 1, 1990?
- (2) What were the questionable circumstances?

The answer provided was -

The Minister for Fisheries has provided the following response -

- (1)-(2) The department is aware of two occasions since 1990 where fisheries officers entered suspect homes without the knowledge or consent of the owner/occupier. The events in question occurred during the term of the previous Government.

Clearly, the conference minutes indicate that officers are allowed to make such entry as long as they have the permission of their respective operations manager! That may include breaking into premises, which is clearly illegal.

Hon E.J. Charlton: What was in the Act? Did you check?

Hon MARK NEVILL: They could have obtained a warrant, but they did not. Usually, entry without a warrant is when someone is in hot pursuit. Question on notice 3265 asked -

Has the management of the Fisheries Department ever condoned any unlawful conduct by fisheries officers when conducting investigations into possible breaches of the Fisheries Act?

The answer was as follows -

I am advised that the management of the Fisheries Department has not and does not condone unlawful conduct by fisheries officers when conducting investigations into possible breaches of the Fisheries Act.

That does not tally in any way with the instructions given to fisheries officers in the conference minutes.

Regarding the use of listening devices, I quote from item 28(vii) of the minutes -

Use of discrete electronic listening devices is discouraged . . .

It is not prohibited, just discouraged. The minutes continue -

. . . officers who feel that they have a need to use any such device must have the approval of their branch manager.

Approval is required not of the Director of Fisheries, but only the branch manager! This was back in 1992. It was highly illegal.

Hon E.J. Charlton: Anything went on then.

Hon MARK NEVILL: I know; that is why I asked the questions. I made it clear to the Minister concerned that this was a problem in the bureaucracy, which perhaps the Minister did not know about. If the Minister knew about it, people should pay the consequences. I doubt they knew about it. I am sure the Minister is not aware of everything which goes on in his portfolio, especially illegal activities; he would be the last to know.

Hon E.J. Charlton: I certainly do not know what went on in 1991.

Hon MARK NEVILL: I am saying that something could be going on which the Minister would like to know about.

Hon E.J. Charlton: Except building many roads!

Hon MARK NEVILL: That is an amazing admission. Members should compare that point with the answer I was given to question on notice 3261. The question stated -

On how many occasions is the management of the Fisheries Department aware of fisheries officers having used discrete electronic listening devices?

The answer was as follows -

The Fisheries Department is aware of allegations in respect of fisheries officers using discrete electronic listening devices. The Fisheries Department cannot determine how many different alleged instances these allegations refer to.

The second part of the question was as follows -

Has the management of the Fisheries Department past and present, ever condoned the use of discrete electronic listening devices and electronic tracking devices?

Here we are talking about listening devices in particular. The answer stated -

No in respect to discrete electronic listening devices. Yes in respect to electronic tracking devices.

That is a direct contradiction to the condoned use of them described in the minutes. The first part of question 3623 which referred to listening devices stated -

Has the Fisheries Department or fisheries officers ever had in their possession the equipment listed in (a) and (b) above?

The equipment referred to in (a) was discrete electronic listening devices and in (b) electronic tracking devices. The answer stated -

The Fisheries Department has never owned discrete electronic devices or approved its officers having possession or use of such equipment in the course of their duties.

I did not ask whether they had owned them; I asked whether they had ever had in their possession such equipment. However, that is a direct contradiction of the instruction in the minute.

Hon E.J. Charlton: In the answer you quoted did they say no they did not own them and no they did not approve their use?

Hon MARK NEVILL: They said they have "never owned discrete electronic devices or approved its officers having possession or use of such equipment in the course of their duties". That contradicts directly the instruction to officers, "Use of discreet electronic listening devices is discouraged." It states that officers who feel they have a need to use any such device must have the approval of their branch manager. It would be interesting to know where the devices came from; whether they are private devices or whether they were supplied by the police. Question on notice 3625 stated -

Has the management of the Fisheries Department ever condoned any unlawful conduct by fisheries officers when conducting investigations into possible breaches of the Fisheries Act?

The answer was as follows -

I am advised that the management of the Fisheries Department has not and does not condone unlawful conduct by Fisheries Officers when conducting investigations into possible breaches of the Fisheries Act.

One of the other instructions that was given to fisheries officers states -

It is permissible to place an electronic tracking device on a suspect's car when it is necessary to follow such a vehicle, provided the installation of the device does not involve any unlawful interference with the parts of the vehicle concerned.

There is quite clear evidence that some of the tracking devices had to be wired into the vehicle. The second paragraph of that instruction states -

Under no circumstances may officers interfere with the electrical wiring of a vehicle or boat to wire in any tracking device without the specific approval of an Operations Manager.



It is clearly illegal to tamper with vehicles and boats. These practices were going on before 1991 and for some time after 1991, presumably until 1993 when questions were asked.

Hon E.J. Charlton: In moving this motion for a select committee, are you concentrating on the period prior to 1993 or do you believe it is still going on?

Hon MARK NEVILL: I doubt whether it is still going on in the Fisheries Department. I would not be that confident about the Police Department. I would be surprised if it would take that risk given the public criticism that has been directed at that area. It would be excessively foolish.

These examples go on and on. In answers to parliamentary questions we were told that entry to a place in North Lake was effected through a sliding door. Two different Fisheries Department documents that I have show that entry was gained through a window, and that the window screen was broken during that entry and was taken back to Ellam Street in South Perth and disposed of. Clearly, the answer I have to that question in Parliament and the information from Fisheries Department documents are quite different.

Hon E.J. Charlton: When was that? When did that happen?

Hon MARK NEVILL: I might come across the piece of paper. That is referred to in an answer to a question.

Many other aspects of this issue are disturbing. The two people who were in control of activities at the time, a Mr Ernie Little, the operations manager, and Detective Inspector Les Ayton, who was in charge of police internal affairs or whatever it was, were in charge of these two groups at the time. When the report was done in 1993, both of those people were supervising the inquiry. That does not give me any great confidence that this inquiry was done thoroughly. I believe those two people were far too close to it. We need to re-examine how thoroughly that was done in respect of the matters that it addressed and also in respect of the matters it has not addressed.

There are many other issues in that report that should be examined, including fisheries officers undertaking lock picking courses, the breaking and entering of a number of premises, and the use of listening devices by the Fisheries Department. That is very important in terms of accountability. We have layers and layers of accountability. However, if we cannot get proper answers to questions in this House, I do not believe we have much chance of getting to the truth of many of these issues. If public servants are required to answer these questions, we can bet our lives they will not get up to mischief. We will end up with far better management. I urge members to support this inquiry, particularly for the integrity of the system. We should get to the bottom of the issues and to see how thoroughly this joint police-fisheries inquiry into the illegal activities was undertaken. The inquiry should not take very long. One of the first things it must do is answer the questions it refused to answer. Previously the answer has been that it happened under a previous Government or that we should talk to the Director of Fisheries. When we ask questions of fact we must be given the answers. I urge members to support the motion.

[Resolved, that debate be continued.]

Debate adjourned, on motion by Hon Bob Thomas.

#### ADDRESS-IN-REPLY

##### *Motion*

Resumed from 12 March.

**HON A.M. CARSTAIRS** (North Metropolitan) [3.32 pm]: Mr President, the Leader of the House, Hon Norman Moore, the Leader of the Opposition, Hon Tom Stephens, and honourable members of the House: I support the motion thanking the Governor, Major General Jeffery, for his speech which he delivered on opening day and I thank this Chamber for the opportunity to address this distinguished arm of government.

Although I will be in this place for only a short time I hope it will be a memorable time and one upon which I can reflect with affection. I have always been interested in politics, but more as a backroom person helping others to enter Parliament in various Houses, be it State or Federal. However, due to tragic circumstances surrounding one of the members of this House I find myself at the coalface in this House and it is somewhere I certainly did not expect to be. I feel humbled that I am here because of the sudden death of a distinguished person some three years ago.

I have had personal contact with many members of this House, particularly those on this side, and they have given me some background to what politics is all about. They have also given me background to what should happen in Parliament and public life. Rather than be too political I will outline from where I have come and what I have done in public life.

I came north to the city of Wanneroo some 34 years ago to captain-coach the Wanneroo football team after it had been admitted to the expanded Sunday football league, which is now operating as the Sunday Football League of Western Australia. Having left East Perth to play football for a club which was so far out in the sticks I found it quite an experience and fell in love with Wanneroo and have lived there ever since. My ties to Wanneroo go back to the turn of the century. I have always had a great affinity with the area. Some of the residents of the area were friends of mine before I moved there.

My grandfather, Mr Tom Simpson, once owned 3 154 acres of land which is now known as the suburbs of Whitford, Hillarys, Kallaroo, Craigie, Padbury and North Shore. It is a pity he did not hang onto the land a little longer; if he had, I may not be here today. However, the area known as Mullaloo beach where the Mullaloo Surf Life Saving Club is located was not fenced by my grandfather because in those days one had to use a horse and dray to fence one's property. The then roads board asked my grandfather to fence it and rather than do that he donated the land to the council on the condition that it became public open space for recreation. It is the grassed area in front of the Mullaloo surf club.

When I was elected to the council I was fortunate enough to have the park named after my grandfather and I am very proud about that. He was a great member of the community and without being too one-eyed I will say a few words about him. I hold him in very high regard and there are few others I hold in such high regard. My grandfather was very community minded and spent 39 years as a founding member, president and vice-president of the Western Australian Trotting Association. He was honoured with life membership for his achievements and his foundation of the Golden Mile Trotting Club, of which he was a member for 10 years. He was also instrumental in founding the Pinjarra Trotting Club. I am proud of his work in the community and I have followed the same family tradition.

My involvement in sport gave way to a strong desire to give something back to sport and the community. I was president of the Wanneroo Junior Football Club and am proud to be a life member of that club. I was President of the Wanneroo Boy Scouts and Wanneroo Football Club, which is now in the Sunday Football League, and I was a member of the local ratepayers' association. I am also an honorary member of the Mullaloo Surf Life Saving Club with which I have been associated for many years. I was instrumental in the club getting the building from which it now operates. It is one of the better surf clubs in Western Australia.

Due to my involvement at a grass roots level in the community I became interested in and sought a position as a councillor of the City of Wanneroo. I served on the council for three years. I spent one year on the town planning and community services committee and I was chairman of the technical services committee for two years. My term on the council made me aware of the needs of the local community. This led me to become involved in groups such as the Burns Beach Ratepayers and Residents Association and I became a delegate to the Swan Regional Fire Protection Committee, the Bush Fires Advisory Board, the Wanneroo Junior Council and the Local Government Association as a member of the policy and resources committee and the environmental committee.

My current involvement in the community is deputy chairman of the aged persons home trust in the City of Wanneroo. I am a past charter member of the Joondalup Lions Club and currently I am vice president of the Wanneroo Agricultural Society. We all know the story about numbers and if they are right tomorrow night I should become the president of that organisation.

I have been a justice of the peace for five or six years and I used to do duty roster at the Joondalup courts once a week. Unfortunately my wife and I were involved in a head on car collision on 13 August last year. My wife was gravely injured and I did not come out of it very well. I have taken my name off that roster and do not intend to put my name back on it until I leave this House.

My service to the community has been fulfilling, but could not have been achieved without the support of my family and friends. I take this opportunity to thank some of these people. First, I thank my wife for her tireless effort in supporting me in my endeavours. I commend her for her record of nine years as President of the Moore Women's Division of the Liberal Party. Without her support our participation in the local community could not have been achieved. Shirley is a rare person.

I thank my three children: Alan Charles, who is at present in the Northern Territory working in the mining field, my daughter Leanne and my son William for their patience and understanding of the times I was absent from my home while volunteering my time to the local community. They have turned out to be upstanding citizens of the community. I thank other members of my family, particularly my brother Tom, who served on the council of the City of Wanneroo for six years and has been involved in community affairs for over 20 years. Tom is currently the President of the Connolly Residents Association and he is doing a good job.

I cannot continue without saying thanks to mum. My mother is in her eighty-fourth year and finds it rather difficult to get about. Until a few years ago, when this affliction came upon her, she was always there for me, especially in

my sport. I have a great interest in sport. I love all types of sport. Mother was always present at any event in which I participated. The only time I was ever beaten in a backstroke event at school was the one day that mother did not turn up. That makes a point somewhere along the line. As a young woman my mother was an outstanding sportswoman and a natural leader, and she passed some of that to all of us in one way or another.

I also compliment my aunty, Dr Elsie Simpson, for her public spirited work in the Fremantle area as a general practitioner, for her involvement in community affairs and other things. For many years she was the honorary doctor not only of the Fremantle Trotting Association, but also the East Fremantle Football Club. Although I am an East Perth supporter I will not hold that against her. I thank my Aunty Sylvie and her husband Charlie for taking it upon themselves to take in our family when the four of us were only young children. Unfortunately, a brother and a sister in my family died tragically. However, when we were young they took us into their home despite having a family of their own. They looked after us until such time as we could look after ourselves. Sylvie is still serving the community of Geraldton through her heavy involvement in the Red Cross. I commend her for the work she does there.

I would also like to thank those people who supported Shirley and me in the northern suburbs, particularly Mr Wayde Smith, JP, and his wife Diana. In his four years as the member for Wanneroo he was a strong supporter of the Liberal Party in that area. My only regret is that he is not still a member. If all politicians worked as hard at the grassroots level as he, Parliament would be a better place. As I look around this place, I would like to include the name of Hon Graham Edwards. Although he comes from the opposite side of politics, Hon Graham Edwards works hard and everybody at the grassroots level admires him.

I would like also to thank John Pitsonis and his wife Julie for their advice and assistance over many years; Merv and Jan Grubisa; Ken and Kaye Whitehead; Dianne Bennett; Dawn and Bob Fyfe, Trevor Johnson and others probably too numerous to mention. To try to mention them all and to forget some of them would be an unfortunate mistake. I thank them for their invaluable support.

The Liberal Party has been large part of my life. Holding office in various capacities in the Liberal Party for the past 20 years has shown where my commitment lies. I am currently the President of the Quinns Rock branch of the Liberal Party and the immediate past president of the Moore division. It is with this experience that I come to this Chamber. I hope this will enable me to contribute in the next few months that I serve in this place.

Wanneroo is the fastest growing city in Western Australia and it has been the main focus of my endeavours in the past 20 years. Horticulture, market gardening, limestone kilns and horses, particularly trotting horses, play a large part in the activities of the people of Wanneroo. With a population of approximately 210 000 and growing by approximately 10 000 a year Wanneroo is a sight to behold for those people who do not frequently visit the area. It is big, and it is growing bigger. The City of Wanneroo is so large that consideration is being given to breaking it into smaller councils. I support this as I would like to see the Wanneroo township and its surrounds returned to the rural horticulture and market gardening type of council it was some 10 years ago or more. That is not to say that the present council is not doing a good job. However, local government wards that are as large as those in Wanneroo are serviced by four to five councillors, so members can appreciate the task that Wanneroo councillors are faced with, and the time they give unselfishly to the community for so little reward.

*Sitting suspended from 3.45 to 4.00 pm*

Hon A.M. CARSTAIRS: I return to a family matter and say thank you to my daughter, who was not here previously when I thanked her for her help. She has travelled from the country to be here. I appreciate that she has made it here, although she was delayed.

The service provided by volunteer organisations to the Wanneroo City Council and the State makes Wanneroo a great place to live. I thank the volunteer fire brigade, the State Emergency Service and the many other volunteer groups that operate in Wanneroo.

I am a great believer that a healthy body has a healthy mind. I hope that children are encouraged to become involved in sporting and community projects. The friends they make in those projects are often friends for life. I congratulate the Premier and his colleagues on their great victories at the last two elections and for the increase in the number of seats won at the last election. I thank also all those who work for candidates in the northern suburbs. It has been noted in this House and in another place that they do so much voluntary work for so little. Often the member for whom they work is not even elected, but they still come back for more. I am sure members on both sides of the House convey their best wishes to those who do that work and who sometimes receive no reward.

The Liberal Party is fortunate to have a full complement of Legislative Assembly members in my region. That is not an easy accomplishment and it would not have been achieved without the support of North Metropolitan members of this Chamber. I thank Hon George Cash, Hon Max Evans and Hon Ross Lightfoot for their great effort in

supporting us and for the work they have done carrying the flag in that area. I am sure coalition and opposition members know what volunteer work is all about and recognise the contribution those volunteers make towards the House - a contribution that we never see.

I thank members on both sides for their indulgence. I wish them all good health and godspeed for their term in Parliament. I hope the spirit of the Chamber continues after 21 May and that members let the Assembly govern to the mandate it now has from the people and the Council continues to cross the t's and dot the i's so that we are not a rubber stamp, but a true House of Review.

[Applause.]

**[Questions without notice taken.]**

**HON N.D. GRIFFITHS** (East Metropolitan) [4.40 pm]: I support the motion moved by Hon Barbara Scott on opening day. In doing so, I wish to first welcome to the House Hon Paul Sulc, Hon Edmund Dermer, and Hon Alan Carstairs. I have known Hon Paul Sulc for a number of years. I know him as a very active and sincere member of the Australian Labor Party. I was very moved by the speech he made last night, and I wish him well and look forward to the contributions I am sure he will make during this period of his life as a member of this House.

Hon Ed Dermer and I have had a fairly long association. We have a similar point of view on many matters, as I am sure the House will come to appreciate from time to time as we go through this term and, I trust, succeeding terms. When we approach matters, Hon Ed Dermer and I look at them from a point of view which we trust reflects the mainstream traditions of the ALP. Certainly when the ALP goes along with those traditions it has had a great degree of success.

Hon Alan Carstairs and I first met on 6 March 1997, but I know of him by reputation. Some decades ago I lived in the shire of Wanneroo and I saw his name from time to time on ballot papers. I think I may have assisted the occasional candidate who campaigned against him, but when I did so I certainly bore him no ill will.

Hon Graham Edwards: Did you vote for him?

Hon N.D. GRIFFITHS: Hon Graham Edwards would know that in Australia we have secret ballots. He can ask me how I voted but I will not tell him. He should know how I voted.

In his speech today Hon Alan Carstairs has informed the House of what I consider to be a very distinguished record of service to the community. I am very pleased that he will continue that record by paying us the honour of being a member of this House.

Three members who were with us before the election are no longer here. Their resignations caused the three members to whom I have just referred to become members of this House. I refer to my close colleague from East Metropolitan Region, the then Hon Alannah MacTiernan and now member for Armadale. I refer also to the then Hon Iain MacLean and now member for Wanneroo; and Hon Sam Piantadosi - and I suspect still Hon Sam Piantadosi. Each of those members resigned to contest a Legislative Assembly seat. The first two were successful in winning seats. It may be fairly said of all three that they achieved what they set out to do.

In commenting on the resignations of those three members I pay tribute to what they did in this House. I did not avail myself of the opportunity to deal with matters of retirement when the Parliament did so just before the election was announced. I did not do so because I had a suspicion there would be another occasion when I could comment particularly with respect to members who will retire on or before 22 May 1997.

I will first comment on my close colleague, the member for Armadale. She and I share a constituency. The people of Armadale are very important to the Australian Labor Party particularly because they had the good sense to return my colleague who used to sit over here, and in the latter part of 1996 sat where Hon Kim Chance now sits. Hon Alannah MacTiernan, as she then was, made a significant contribution to this Chamber. She was often controversial. She was and I think remains well liked by members on both sides of this House. I note the interesting relationship she had for some time with "senator to be" Hon Ross Lightfoot. Hon Alannah MacTiernan was never short of something to say. Without mentioning what happens in the other place, I understand that she continues with that view of the world. Whatever she says is tinged at the very least with controversy. She is a breath of fresh air. She was a breath of fresh air to this House and I have no doubt she is a breath of fresh air to the other place. I wish her well in her career in the other place.

Hon Derrick Tomlinson: She could be better described as a blustering gale.

Hon N.D. GRIFFITHS: Hon Derrick Tomlinson has the marvellous gift that when he seeks to describe others he actually describes himself, and he can do it better than anyone.

Hon Iain MacLean came to this House following the death of Hon Bob Pike. That unfortunate event occurred almost three years ago. During his period in this place Hon Iain MacLean sought to make a contribution to the workings of this House. Apart from his first speech, I remember the occasion when Hon Phil Lockyer and I were attending to parliamentary business in the north of the State visiting police stations, and the like, when we were somewhat surprised to hear that a certain debate had been gagged. However, Hon Iain MacLean went on from there and spoke on many occasions. When he spoke I more often than not disagreed with what he had to say but, to use the words of a member of this House who is away on parliamentary business elsewhere, no doubt briefly, it was refreshing to hear him say it. He contested the seat of Wanneroo and was successful. I regret that he was successful from the point of view of my party but I wish him well and I trust he enjoys his career in the Legislative Assembly, although I suspect it will be for only one term despite the best endeavours of Hon Alan Carstairs.

Hon Sam Piantadosi and I sat next to each other for many years - in fact, for most of the period that elapsed from June 1993 when I was sworn in until the latter part of 1996. He provided me with a great degree of encouragement and assisted me in many ways. In one way he was like Hon Alannah MacTiernan in that he was never short of something to say when it came to matters to do with the water supply. He does owe me quite a bit because I have lost a significant part of my hearing in my right ear. Mr Deputy President (Hon Barry House) you will recall that he sat on my right side. However, I wish it to be placed on the record that I enjoyed his company very much when he sat next to me. I wish him and his family well, and I regret the circumstances of his leaving this House. I think that at the end of the day no doubt he will as well.

I wish each of those retiring members well in their endeavours, particularly Hon Iain MacLean. He may wish to try to follow in the footsteps of Hon Ross Lightfoot, whom members will recall started in the Legislative Assembly. He is still with us and it is always great to see him. Hon Ross Lightfoot, as we understand it, is seeking a career in another House. Perhaps Hon Iain MacLean will also seek a career in another House. I note from what he said that he is a good friend of a former Western Australian senator with a hyphenated surname; therefore in due course he may have every chance of becoming one of the wise men from the east! I wish him well in that endeavour.

Hon Bob Thomas interjected.

Hon N.D. GRIFFITHS: Hon Bob Thomas suggests that Hon Iain MacLean should not follow in the footsteps of Hon Ross Lightfoot but that they should maintain their present degree of balance and he should contest the federal lower House seat, perhaps under the slogan "MacLean for Moore". I wish him reasonably well in that. However, I expect that the Australian Labor Party will win the seat of Moore when Mr Howard's economic policies fail, as they no doubt will.

This is the first occasion on which I have had to speak at relative length since the recent election. The election results saddened me. It was a bad result for my party and the values that my party espouses. It was a very bad result for the people we represent and the people whom we seek to represent. Unfortunately, many of them decided to vote for the other side. They will regret that choice. I hope their regrets are not too deep, because at the end of the day I am here to achieve outcomes. The bottom line is that I do not care who delivers them as long as they are delivered. I know from history that members opposite, together with whatever hotchpotch of a coalition they may have with other groups, are incapable of achieving the best outcomes for the people of Western Australia.

Hon B.K. Donaldson interjected.

Hon N.D. GRIFFITHS: I look forward to being in this House with Hon Bruce Donaldson in the year 2009. No doubt we will have a few chats about a number of matters over the duration. I will be seeking Hon Bruce Donaldson's advice on many matters that will come to pass.

In dealing with the election results I note that much has been made of Independents. Often on talkback radio an ill-informed character telephones a controversial radio announcer saying that we need Independents. People who espouse the cause of Independents have no real understanding of how democracy functions. There is no such thing as a functioning democracy anywhere in the world unless it enjoys a democratic party system. I note that no Independent won a seat in the election on 14 December 1996 in this House. The people of Western Australia said to Independents that they did not want them in the Legislative Council. I am not being disrespectful to Hon Reg Davies; I am pointing out what happened. He and I get on reasonably well; we have worked on a committee together, something on which I will comment in due course.

The election of members in the Legislative Council resulted in a drop of 18 to 17 coalition seats. That is a pretty trite drop, but it may have great ramifications. We must wait and see what happens, but it is not much on a percentage basis. The really significant point is that no newly elected Independent will sit in this House from 22 May - unless there is a rat in the ranks. This will be a House of parties. I am pleased about that.

Although I have met a number of Independents - I am not having a go at them as persons - I do not think they belong in the efficient, reasonable, democratic functioning of the State of Western Australia. As a general rule I say that Independents are rats from one party or another, except for Hon Reg Davies, who was genuinely elected as an Independent. People have also been elected as Independents in the other place. When they are elected as Independents, so be it. However, it is different if people take the Senator Colston approach and rat on their party. They should obey their conscience and leave the Parliament straightaway, because they came to the place to which they were elected under false pretences.

When I consider what I will say in an Address-in-Reply I turn my mind to what has happened over the past year. In that context I have reflected on what I raised in the Address-in-Reply last year and on the words of Hon Barbara Scott on opening day. She made the point that a member of Parliament can make a difference. She gave a good, considered speech and put forward propositions which I found appealing. For the most part, those propositions were not party political in the sense of Labor values versus Liberal values. They dealt with themes which are common to both our values. Should members be fortunate enough to travel overseas, they will find that what we have in common is more important than what divides us.

It has occurred to me on many occasions that if all of us from this Chamber found ourselves in a State in the United States, more likely 80 per cent to 90 per cent would find ourselves in the one political party such are the fundamental differences in the body politic of Western Australia. However, that is changing significantly because of the views of some people in the Liberal Party on the trade union movement. It used to take more of a live and let live approach. These days it is causing great cleavage; therefore I qualify my comments accordingly.

In dealing with the Address-in-Reply last year I brought before the House three issues: The first was Re: K funding for the Legal Aid Commission; the second was de facto property law reform legislation; and the third was reform of the Police Act, particularly with respect to offences. It was recommended by the Law Reform Commission with particular reference to section 50. I make these comments in the context of members of Parliament making a difference. You are no doubt aware, Mr Deputy President (Hon Barry House), that on the Notice Paper is a motion in my name dealing with legal aid funding, so I trust my comments will not transgress standing orders.

Last year I pointed out the material aspects of the Re: K case, namely those categories of children that the Full Court of the Family Court of Australia said needed separate representation. I drew to the House's attention that we then had two new Attorneys. Hon Peter Foss became the Attorney General of Western Australia in December 1995 and, in March 1996, Hon Daryl Williams had just become the federal Attorney General.

I pointed out the problems that the Re: K decision was causing to the resource allocation of the Legal Aid Commission and their ramifications. I suggested that in the light of those problems - there was no contradiction of the evidence I presented - the two new Attorneys should get together and see what they could do to resolve the matter. It is patent that my proposal was not acted upon and I regret that. If it had occurred, much of what has taken place and is the subject of the second notice of motion on the Notice Paper, could have been avoided. When two Liberals, both new Attorneys General, and both from Western Australia, cannot discuss a matter of great importance to the people concerned - it is capable of affecting anyone in the sense that it can potentially affect any child - something must be wrong with the way this country and this State are being run. There is no reason that one or the other could not have picked up the telephone, arranged a meeting and sorted out the mess before it occurred. I pointed out an area of real need and, on the evidence, each of the Attorneys ignored me and everyone in the community who said it was a problem about which something needed to be done.

The next area I raised in the Address-in-Reply debate last year was de facto law reform. When I dealt with the matter last year I pointed out the number of questions I and others had asked, particularly my then colleague in another place, Dr Judyth Watson. I said that every year we were promised, first by Hon Cheryl Edwardes and then by Hon Peter Foss, that some legislation would be introduced. I pointed out that early in the last Parliament Dr Judyth Watson, the then member for Kenwick, introduced legislation which was defeated by the Government. However, at that stage Hon Cheryl Edwardes said the Government would introduce its own legislation and we should go for the best piece of paper. Nothing has been forthcoming.

I was interested to note that on opening day Hon Cheryl Davenport raised the same issue. I hope she is more effective than I have been over the past four years. I have raised the matter with great regularity and nothing has happened. I hope her questioning of Hon Peter Foss bears greater fruit than my questioning over four years. I do not want Hon Alan Carstairs to think I am pessimistic about these matters, but I hope he gets the impression that from time to time I am persistent.

The third area raised in my Address-in-Reply speech last year was the Law Reform Commission's recommendations in relation to the police. The Law Reform Commission made specific recommendations. I referred specifically to section 50 of the Police Act. I note the new Liberal Party Minister for Police, my colleague in the East Metropolitan

Region, Hon John Day, the member for Darling Range, has canvassed in the media that a new Police Act will be forthcoming. His predecessor also canvassed a new Police Act. I hope the matter moves along in this Parliament. It did not move along in the last Parliament. It is desirable that it be given a high priority because we have been waiting for this new Act for several years. It is also desirable that it be given a high priority because in this House are members who are well qualified to deal with police matters. I refer specifically to Hon Graham Edwards, who was formerly Minister for Police, and Hon George Cash, who for a number of years was shadow Minister for Police. In the course of the Address-in-Reply debate last year, Hon George Cash made reference to a model of legislation, namely the United Kingdom police and criminal evidence Act. I recall that I thought we should consider and debate something along those lines. I looked forward to that early in the piece, but it did not happen.

With respect to those three matters I raised in the Address-in-Reply last year, as the Government has the wherewithal to provide the outcomes, I give it zero out of 10. It has promised two out of three, but it has been doing that for years. I hold no great hope for effective outcomes, but I would love to be proved wrong.

The next issue I shall canvas with regard to the effectiveness of the work of members of Parliament, is select committees. They are a mixed bag. For the most part their recommendations are ignored by the Government. A primary purpose of these select committees is to keep opposition members of Parliament bogged down dealing with an area of policy which they cannot discuss in the media - if they behave properly and they do - because it would be a breach of parliamentary privilege. I look forward to being proved wrong on that point. It is a means of preventing opposition members from getting on with other work that might damage the Government's point of view, and it keeps otherwise restive backbenchers quiet. Perhaps I am being cynical, and I am not entirely correct.

One select committee on which I served was effective, namely, the select committee dealing with professional and occupational liability. We are still awaiting the results. The committee was set up on a motion moved by Hon Joe Berinson in the previous Parliament. On that select committee were four members: Hon Peter Foss, Hon Max Evans, Hon Fred McKenzie - my predecessor in the East Metropolitan Region - and Hon Mark Nevill. A substantial amount of work was carried out by that committee in the previous Parliament. Following the 1993 election and the swearing in of new members, in June consideration was given to the issue and a committee with the same terms of reference was re-formed in September 1993. The members of that committee - it was unusual because it included two Ministers - were Hon Max Evans, Hon Peter Foss, Hon Mark Nevill and I. I replaced Hon Fred McKenzie, who was engaged as a consultant because he had done a great deal of work on the matter and brought to the committee his own special skills.

I had the good fortune to be involved with that committee in the latter stages, and the committee presented a substantial report which I trust has been read by many. I understand from the Attorney General that it will form the basis of legislation that will be presented to this House fairly soon. The work of that committee was significant, not only for Western Australia but also for New South Wales. It played a major role in the professional standards legislation now in operation in New South Wales. From all reports and the comments of professional bodies in Western Australia, the legislation appears to be working well. I trust that is the case and I look forward to dealing with that legislation when it arrives. That select committee appears to have produced an outcome, albeit so far in New South Wales, not Western Australia.

I had the honour - I was going to say good fortune, and in many respects that is true - to be a member of the Select Committee on the Western Australian Police Service. That select committee worked hard and long and produced a number of outcomes, particularly in respect of pre-empting in a sense the changes made in the area of training, recruitment and matters of that kind.

However, when I look at the matter overall, I regret to say that the work of the select committee was a waste of time. When I make that comment, I am not being disrespectful to my colleagues - I refer to the substantive outcomes. Also, the waste of time to which I refer was not a couple of minutes here or there.

I now refer to the report on term of reference (3). I know some members have had a look at the report. Appendix B outlining committee meetings on that term of reference covers almost three pages. I smile when I see the word "travel", but I must have a balanced view. I will not say what happened at these meetings as that would be a breach of privilege, but I selectively pick out some pretty long days of hearings. I do not know whether Hon Derrick Tomlinson remembers these long days. Before a committee sits, if a member takes his or her work seriously, one does some reading and thinking and has a chat with committee members, particularly the chairman.

The committee met on Tuesday, 15 November 1994 from 9.30 am to 3.40 pm; and on Wednesday, 16 November 1994 from 10.20 am to 4.55 pm. One would not find many judges of the Supreme Court sitting these hours. We met on Thursday, 17 November from 9.25 am to 10.05 am - that puts some balance in my list. Here is a lovely day: We sat on 6 February 1995 - the second anniversary of the election which caused members to be elected to the

Parliament - from 9.25 am to 5.00 pm. I have picked out some of the longer days to indicate that a lot of time was spent on this work.

Nevertheless, nothing happened with term of reference (3) as the committee was pre-empted. A lot of time was wasted. We know that because the evidence is contained in *The West Australian*, in which the Minister for Police was reported as saying that the matters raised by the select committee were not a matter of concern; he had been advised as such. I paraphrase his words. He admitted to not even reading the report. I refer here to the Liberal Party Minister for Police, the member for Darling Range. I bet the member for Wagin, the former Minister, read the report even though he and his Government did not act on it.

This report was brought down by five members of Parliament. Their party affiliation is irrelevant. It is not a plot by the Australian Labor Party or some anti-government body. Who are its members? Hon Derrick Tomlinson, Liberal, was the chairman; Hon Reg Davies, Independent, was deputy chairman - and he first came to the House as an elected Liberal; me, Labor; Hon Phil Lockyer, Liberal; and Hon Murray Montgomery, National.

Perhaps the report is trite. It certainly was not welcome. I remember the worth of recommendation 4 under the heading "Need For a Royal Commission"; page 111 of the report reads -

The committee has found that corruption and serious misconduct within the WAPS is far greater than has previously been acknowledged, even though it is and has been known by its Senior Executive.

The Committee has cited specific cases where a judicial inquiry is required in the public interest. Some submissions provided to the Committee may give rise to further instances where a judicial inquiry is required.

The Committee's recommendations give direction for positive action. If they are not implemented the only other course available is the establishment of a Royal Commission into the WAPS with wide terms of reference.

The work of that select committee on term of reference (3) was an absolute waste of time. Perhaps when we set up select committees, we should restrict them to dealing with discrete areas of policy. In looking back at the Select Committee on the Western Australian Police Service, I believe a mistake was made in giving the committee very wide terms of reference; that is apart from the obvious mistake of members giving it their best shot with the public interest in mind with no consideration whatever to the Liberal, Labor or National Parties. These very wide terms of reference made the job of the committee huge. The committee had 10 terms of reference, although only the first seven deal with specific matters. Reference (8) relates to any other matter arising; (9) was the usual reference to powers to send for persons and travel from place to place; and reference (10) was a reporting provision.

The terms of reference had seven substantive terms for consideration by one body. The committee has not reported to the House on six terms of reference; namely, (1), (2), (4), (5), (6) and (8). The committee provided an interim report relating to term of reference (3), but that has been ignored. The record shows that that consideration required a great deal of time. The committee provided an interim report on the appropriateness of police recruiting, training and promotion structures, and the interim report was a worthwhile measure.

If we establish a select committee, we should restrict its terms of reference to a discrete item and nothing further. The bottom line is that we do not have the time to deal with wide-ranging terms of reference. They can take years. A weakness of the work of the police committee was that it went on for years. I mean no disrespect to anyone engaged in resourcing. The fact is that committees such as this need greater resources than have been provided to date. On the other hand these committees need the members of Parliament with the time and acumen to use those resources, and time is at a premium.

There are many unfortunate things about this select committee. However, the most unfortunate aspect is not the Government's failure to adopt a set of recommendations on term of reference (3). At the end of the day people can always argue the toss about matters of public policy. One of the really unfortunate aspects was our failure to bring down a report on term of reference (1), because that term of reference goes to the heart of that buzz word "accountability" on police matters. I will read out term of reference (1) so that the point I am making is better understood by the House. It states -

What should be the relationship between Government, Parliament and the Police Service to ensure -

- (a) independence in operational matters;
- (b) governmental input into and ministerial responsibility for policy matters;
- (c) proper accountability to Parliament, in particular, through Parliamentary questions;



- (d) some form of operational supervision and check, free of political input, and whether the appointment of a Board, the defining of the powers of the Minister of Police, a Standing Committee of the Parliament or some or all of these or other measures may address the matter.

To be fair to the committee, when we dealt with term of reference (3), we put forward recommendations which dealt with some aspects of term of reference (1), particularly the proposal for a standing committee. However, we did not provide the House with a report dealing with that specific question. It is a crucial question because those members who note what goes on will recall that during the life of the last Parliament the Commissioner of Police whinged about the fact that members of Parliament had had the audacity to ask questions of the Minister for Police because the police bureaucracy had to provide resources to answer those questions. On one occasion he went to the media, or someone on his behalf went to the media, and spelt out who asked what and gave details without referring to the quality of the questions and over what period they were asked. That was a blatant denial of accountability. In the light of that the select committee had a term of reference to examine that.

Towards the end of the last Parliament I asked a couple of questions about police matters, because I was not put off by the publicist acting on behalf of the commissioner. I trust that the commissioner's publicist got his lines wrong, because the Minister for Police was always happy to answer questions asked by members of Parliament! I say this with a smile. I asked a couple of questions about something that I thought was interesting. It concerned a reference in *The West Australian* on a day in October 1996 to the effect that a police spokesman had commented on an investigation - no charges had been laid. The investigation related to a member of Parliament. I do not want to go into that issue. I want to deal with the question of accountability. I refer to question without notice 968, which appeared in *Hansard* on 22 October 1996 at page 6921. The question I asked was as follows -

- (1) Is the report in *The West Australian* of October 1996 that a police spokesman commented on investigations -

I referred to a person -

correct?

- (2) Who is the spokesman?  
 (3) Is the matter an operational matter?

The newspaper report did not refer to the police officer; it referred to a police spokesman who commented on investigations. The answer stated -

- (1) Yes.

That aspect was correct; a police spokesman made a comment and the matter was an operational matter. That was interesting given the Minister for Police's failure to answer questions on operational matters. I put a question on notice the following day. That question was not answered before the election. However, the member for Wagin was a courteous Minister and he provided me with an answer following the prorogation of the Parliament. I asked question on notice 909 on 23 October 1996. It will not appear in any *Hansard* because the answer came out when the Parliament was not sitting. I referred to the question to which I have made earlier reference. I asked what guidelines, if any, were in existence for police officers to make statements to the media about operational matters. The answer was illuminating. It stated that the Commissioner of Police had provided the advice. It would have been a fascinating answer if it had been given in this House. The answer states that the guidelines are contained within the commissioner's operational procedures, the media procedures manual and the media relations guide. That really answered my question! That is being accountable to the Parliament! That tells members of Parliament how the police are allowed to relate to the media!

The next part of the question related to whether the officer concerned was in breach of the guidelines. The answer given was that he was not. I then asked whether any action would be taken against the officer and the answer was that no action was necessary because the comments were within the guidelines. I thought I should get hold of the guidelines because the Minister for Police would want members of Parliament to be properly advised about what goes on in the world. Therefore, rather than go to the public library I asked the Parliamentary Library to get them for me. It eventually did, although it had difficulty. Hon Derrick Tomlinson knows where it went to get them - a certain place in Maylands. Eventually I was provided with the guidelines. I do not think the police should be embarrassed about these matters. The librarian was advised that all these guidelines were under review and was told not to place any credence on them. Apparently the police were found out and had decided to review the guidelines!

I want to share with the House some aspects of these guidelines. The document is headed "L200 Media (news services)". The paragraph headed "L203 prohibited information" states -

The following types of information must not be released: Information that:

does not relate directly to the area of responsibility of the member;

The next one is the one that I like, bearing in mind the answers to which I have referred. The document continues - refers to the member releasing the information as a "police spokesman or spokesperson";

On the very first page of this document it states that it is a breach of the guidelines to have the member releasing the information as a police spokesman or spokesperson.

Hon Derrick Tomlinson: Can I infer from that that the police officer should be named when releasing information?

Hon N.D. GRIFFITHS: It states that the police officer acting as a media spokesperson dealing with the media should be named. The answer to the member's question is, yes. It is not a matter of inference, it is what the policy document states.

Members may find one aspect delightful. A police officer is prohibited from releasing any information that -

criticises existing or proposed legislation, any court decision, Parliament, any Government department or authority, departmental policy or police procedure;

. . . divulges specific causes of an accident;

I draw the attention of the House to that aspect of this guideline. It sets out in summary form the sort of information that can be released. One guideline which is a bit loose states -

any other information which it may be necessary to release under instruction from a senior officer.

I do not know whether that is particularly helpful if it is interpreted as information that is expansive in content.

The next document the answer invited me to look at was the "Western Australia Police Media Relations Guide". On page 2, under the heading "Restrictions", it states -

A member shall not release any information to media representatives which:

. . . (2) will refer to the member releasing the information in terms such as a 'police spokesman' or spokesperson, (such terms reduce the credibility of both the member and the information released.) Members releasing information are to identify themselves correctly;

The third document that this illuminating answer by the Minister invited me to seek out and obtain is the "Media Procedures Manual". I do not want to refer to it at any length but on page 7 it states -

Only authorised information is to be released.

That is fair enough. Here is one I like -

Do not give confidential or unauthorised information to the media.

Perhaps there are aspects of these documents which the Police Department may find embarrassing, but I am not concerned to embarrass the police. I am concerned to ensure that there is in place a proper accountability procedure and that when police officers make statements to the media they act according to their guidelines. When they breach them the Commissioner of Police should discipline them. The reason for that is that members have a right to ask questions and have them answered provided they do not impinge on a proper operational imperative. When it comes to operational matters there comes a time when an operation has ended for the most part. It is interesting to compare that view of the world with the Director of Public Prosecutions' view of the world. I refer members to the comments under the heading "Media Policy" on pages 64 and 65 of the DPP's annual report for 1995-96. Under the subheading, "Comments on investigations or operational matters", it reads -

Advise press that we do not make comments about investigations or operational matters and if appropriate refer the request to the DPP.

There should be consistency with the administration of the Police portfolio. Members are aware of the terms of the Director of Public Prosecutions Act under which the DPP has an obligation to advise a Minister so that appropriate questions can be answered. I use that word "appropriate" without defining what answers he can or cannot go into. There is almost a discretionary standard employed in dealing with the question of operational matters. On the face of it the Police Department has been more forthcoming with the media, contrary to its guidelines. When it comes to answering questions from members of Parliament it appears it says, "They had better not know. They are not members of the media. They are only people elected by the people of Western Australia and do not have a right to

know at all." When we talk about accountability, the commencement for accountability is not a royal commissions; it is answering parliamentary questions. If the Minister does not want to answer the question he should say so but he should not fob members off by saying, "The answer can be found in a few documents - look it up yourself". It is not on. He also should not say that "The Commissioner of Police advises", because that is not on either.

There were a couple of further matters I wished to deal with but they would require a substantive development so I do not propose to go into them now, notwithstanding the fact I have a few minutes left. In question time today I asked the Minister for Transport three questions dealing with matters I considered to be, on the face of it, a breach of the caretaker conventions. The caretaker period I am referring to is not an open-ended caretaker period that Hon Peter Foss seemed to suggest in answer to a question by Hon Tom Stephens on opening day did not exist. The caretaker period I am referring to is from 14 November 1996 to, I regret to say, about 7.00 pm on 14 December 1996. During that time no significant appointments should have made. I gave examples of appointments in three areas. If the Minister is suggesting that those points are not significant he is living in a different State to the one I live in. I conclude my comments and in doing so I reiterate my support for the motion.

Debate adjourned, on motion by Hon Bob Thomas.

### **REPORT - CONSULTANTS ENGAGED BY GOVERNMENT**

#### *Amendment*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [5.39 pm] - by leave: In the report on "Consultants Engaged by Government for the Six Months Ended 30 June 1996", tabled in this House earlier today, under the Heading of "Ministry of Premier and Cabinet" on page 1 the amount of \$53 852 for Dover Consultants Pty Ltd was inadvertently excluded. This omission subsequently affects the subtotals on pages 1 and 4 and also the grand total on page 47. I now seek leave to substitute amended pages.

Leave granted.

### **SEA-CARRIAGE DOCUMENTS BILL**

#### *Introduction and First Reading*

Bill introduced, on motion by Hon N.F. Moore (Leader of the House), and read a first time.

#### *Second Reading*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [5.40 pm]: I move -

That the Bill be now read a second time.

The legal process associated with the international transport of goods is centuries old and remarkably efficient. There are three major characteristics in all jurisdictions around the world -

- (1) A document of title to the goods which enables transfer of property in the goods by delivery of the documents;
- (2) a policy of insurance covering the goods so that the transferee has the assurance of receiving either the goods or their worth; and
- (3) a uniform regime of liability for loss governed by international treaty so that contracts for sale and insurance tie into that regime wherever the goods may travel.

Historically the negotiable document by which goods were transferred was the bill of lading. Bills of lading legislation is contained in various state Statutes dealing with the sale of goods and applies to bills of lading issued in Australia. The reason that documentation ostensibly dealing with international trade is enacted by the State is that the law of transfer of property is, under private international law, the law where the property is situate at the time of transaction. The rights under a bill of lading are usually created when goods are delivered on board ship. At that time the goods are situate within the State and state law applies.

Western Australia, by an ordinance - 20 Vict No 7 (1856) - adopted the Bills of Lading Act 1855 (UK) concerning the law relating to bills of lading. For example, section 1 of that UK Act provides -

Every consignee of goods named in the bill of lading, and every indorsee of a bill of lading, to whom the property in the goods therein mentioned shall pass upon or by reason of such consignment or endorsement, shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the bill of lading had been made with himself.

A bill of lading is a formal document issued by, or on behalf of, a carrier of goods by sea to the person - usually known as the shipper - with whom the carrier has contracted for carriage of goods. At common law, based on the doctrine of privity, the buyer of the goods, being the consignee or an indorsee of the bill of lading, is not a party to the contract of carriage and shipper or consignor. However, the bill of lading legislation provides that every consignee of goods named in a bill of lading and every indorsee of a bill of lading to whom the property in the goods covered by the bill passes "upon or by reason of consignment or indorsement" has the same rights of suit and is subject to the same liabilities in respect of such goods as if the contract contained in the bill of lading had been made with such person. There were and continue to be sound policy reasons for that qualification.

Since the bills of lading legislation was introduced in the middle of the nineteenth century, legal, commercial and technological conditions have substantially altered. For example, bulk cargoes were largely unknown in the 1850s. There now exist a number of circumstances where the buyer does not acquire rights envisaged in the bills of lading legislation. In addition, ordinary practices have altered within the shipping industry and different documentation and method of communication are used.

Legislative inadequacies should be removed to accommodate the new circumstances so that the consignee or indorsee of a bill of lading has the same contractual rights as those entered into between the carrier and the shipper and to accommodate these other documents such as sea waybills and ship's delivery orders.

The Standing Committee of Attorneys General has agreed to the provisions of a model Sea-Carriage Documents Bill 1996 and agreed to implement that proposed legislation as soon as practicable. The object of the draft Bill is firstly, to allow the transfer of contractual rights from the shipper to the lawful holder of the bill of lading and for such transfer to occur irrespective of whether property has passed upon or by reason of consignment or indorsement of the bill of lading so as to accommodate changes in the legal and commercial environment. Secondly, to extend contractual rights to persons to whom delivery of goods is to be made under a sea waybill or a ship's delivery order which are becoming increasingly used in carriage of goods by sea. Thirdly, to provide functional equivalence to paper and electronic bills of lading to recognise technological advances being made by industry in this area. Fourthly, to improve the evidentiary status of a bill of lading.

Amending the bills of lading legislation in Australian jurisdictions will have at least three advantages. Firstly, it will have a beneficial impact on the shipping industry generally, including carriers, shippers, freight forwarders and buyers of goods moving under sea-carriage documents, including financial institutions involved in such transactions. Secondly, it will improve the legal environment for Australia's international trade. Thirdly, it will be similar to reforms by the United Kingdom and New Zealand and a number of Australia's other trading partners, including Japan, the People's Republic of China, Thailand and Taiwan. That is, enactment of this Bill by this Parliament, and other Parliaments, will facilitate and therefore assist overseas trade.

Members may wish to note that the law regulating the substantive obligations of the principal parties to a contract of carriage by sea under which a bill of lading is issued is governed by the federal Carriage of Goods by Sea Act 1991. That commonwealth legislation implements an international regime to govern maritime cargo liability by adopting the International Convention for the Unification of Certain Rules Relating to Bills of Lading as amended by the Brussels Protocol of 1968 and the "SDR" Protocol of 1979 - the Hague-Visby Rules. This regime limits the circumstances in which a carrier may exclude liability under a contract of carriage. I commend the Bill to the House.

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

## **GENDER REASSIGNMENT BILL**

### *Introduction and First Reading*

Bill introduced, on motion by Hon N.F. Moore (Leader of the House), and read a first time.

### *Second Reading*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [5.47 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to enable persons who have undergone reassignment procedures to obtain a recognition certificate indicating that they have undergone a reassignment procedure and are of the gender stated in the certificate. People suffering from gender dysphoria and who have completed medical procedures to alleviate their condition will gain legal recognition of their reassigned gender under this proposed legislation. It is estimated that at least 250 people in Western Australia suffer from gender dysphoria, of whom about 80 have undergone gender reassignment procedures.

Presently in Western Australia the law which determines the gender of a person is the biological - that is, chromosomal - identity of a person. Gender reassignment does not alter the chromosomal identity of a person. Therefore, such a person, who has undergone reassignment surgery, retains - for the purposes of WA law - their gender of birth.

The Bill has three main purposes. Firstly, to establish a gender reassignment board which will be able to issue recognition certificates to persons who have undergone, whether in Western Australia or elsewhere, gender reassignment procedures. Secondly, to enable the Registrar General to register the reassignment of gender as indicated on the recognition certificate and to issue a new birth certificate showing the person's gender in accordance with the altered register. Thirdly, to provide protection from discrimination on the ground of gender history where a person has undergone reassignment procedures.

Gender reassignment legislation was enacted in South Australia in 1988, and recently in the Australian Capital Territory, New South Wales and the Northern Territory. Similar legislation also exists in other countries, including Germany, Greece, Italy and Holland, and at least 25 jurisdictions in the United States allow for the issue of new birth certificates, as do a number of Canadian provinces.

The Commonwealth has also, in some instances, recognised the reassigned gender of a person - for example, the Department of Foreign Affairs and Trade has provided Australian passports showing the person's gender as the gender of their reassignment. However, such passports are not to be interpreted as indicating the Commonwealth Government's view of that person's general legal status. However, for the purposes of the Social Security Act a gender reassigned person is recognised as a person of their reassigned gender.

The proposed legislation does not deal with questions relating to marriage. The legal status of persons for the purpose of marriage is governed by the Marriage Act of the Commonwealth Parliament. This Bill does not intend to alter or overturn the provisions of the Marriage Act and, for example, in that regard the Bill provides that a recognition certificate cannot be issued to a person who is married.

The Bill will establish a Gender Reassignment Board which, before issuing a recognition certificate, must be satisfied that the person believes his or her true gender is the gender to which the person has been reassigned; has adopted a lifestyle and has the gender characteristics of a person of the gender to which that person has been reassigned; and has received proper counselling in relation to his or her gender identity.

If the applicants had the reassignment procedure carried out in Western Australia or their birth is registered in Western Australia or they are and have been resident in Western Australia for not fewer than 12 months and the board is satisfied in relation to those criteria, a recognition certificate may be issued.

The recognition certificate will be conclusive evidence that the person to whom it refers has undergone a reassignment procedure and is of the gender stated in the certificate. The Bill also proposes that an equivalent certificate issued under a corresponding law will have the same effect as a Western Australian recognition certificate.

Where a recognition certificate is produced to the Western Australian Registrar General, that reassignment of gender must be entered on the register and the Registrar General must, unless otherwise requested by the person, issue a birth certificate showing the person's gender in accordance with the register as altered.

The Bill also proposes that appeals against the decision of the board lie to the Supreme Court. The Bill also proposes to amend the Equal Opportunity Act. The Bill will protect persons who have obtained a recognition certificate and who are discriminated against in, for example, work, education, accommodation and sport on the ground of their gender history.

The provisions in the Bill deal with this discrimination in the same areas as covered by other grounds of discrimination in the Equal Opportunity Act. This gender reassignment legislation will assist persons who have undergone reassignment procedures by clarifying their legal status and rights. I commend the Bill to the House.

Debate adjourned, on motion by Hon E.R.J. Dermer.

#### **ADJOURNMENT OF THE HOUSE - ORDINARY**

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.52 pm]: I move -

That the House do now adjourn.

*Adjournment Debate - East Perth Redevelopment Authority Chairman*

**HON JOHN HALDEN** (South Metropolitan) [5.53 pm]: I will take a little of the time of the House to comment on an answer to a question in the other place yesterday about the suggestion that the current Minister for Planning may

be considering appointing his predecessor, Hon Richard Lewis, as chairperson of the East Perth Redevelopment Authority. I do not necessarily object to the appointment of former members of Parliament to jobs - or to sinecures as others might see them - however, I suggest this is a fairly plum job. I ascertained from the annual report of the authority that Mr Lewis was likely to enjoy benefits in excess of \$20 000 a year and be involved in 11 formal meetings a year.

Some people may consider this to be a job for the boys arrangement or perhaps that Mr Kierath is paying back his mate. Whatever the reason, in terms of that cynicism, some other matters must be considered about the potential of this appointment. In all honesty, the next thing we will find is that Mr Kierath wants to appoint Mr Lewis to the Western Australian Planning Commission in June when the term of Mr Holthouse expires. Mr Lewis's time as the Minister for Planning was characterised by some of the most unbelievable behaviour ever known by a Minister for Planning. He successfully managed to antagonise most local government authorities in the State. His time as Minister was further characterised by his despotic behaviour towards, principally, local government authorities, and also to the Town Planning Appeals Tribunal. He was erratic, secretive, petulant and definitely unaccountable for his actions. He was overwhelmingly pro-development, confrontationist and arrogant. Those criteria are not particularly good for the appointment of someone to the East Perth Redevelopment Authority.

Before rising to speak in this debate I took the opportunity to look at the second reading speech made by Mr Lewis on the East Perth Redevelopment Bill which states -

The Bill will create a unique and powerful authority.

We most definitely did. It goes on to say -

. . . this Bill -

now the Act -

would virtually create a small kingdom within the City of Perth with very similar powers to those of the WADC. Furthermore, the authority could create its own plan, approve that plan, become the developer, and then approve its own development control.

Mr Lewis did not have that sort of control when he was the Minister. He will now be provided with unbelievable latitude to run amok somewhere else - and run amok he did as the former Minister for Planning. He said that the East Perth Redevelopment Authority would have the power to bring down its own town planning schemes. The Minister attempted to do that from time to time. If he did not agree with anybody else, he definitely applied the iron fist to any local government authority that dared to get in his way. A long list of local government authorities were glad to see the end of his reign as the Minister. On page 1365 of *Hansard* on 7 May 1991 the Minister went on to say that the success of what occurs at East Perth would rest with the skills of the persons appointed to that authority - and I agree totally with that sentiment. The difficulty is that that appointee should never be the former Minister for Planning, Richard Lewis.

Hon Derrick Tomlinson: What page are you quoting from?

Hon JOHN HALDEN: From 7 May 1991.

Hon Derrick Tomlinson: What about Mr David Smith?

Hon JOHN HALDEN: He was the shadow Minister then. We must realise the significant location of the area of the East Perth Redevelopment Authority. It is the eastern approach to the city. We have seen some significant developments and improvements in that area. We know the significant power of that authority as granted to it by the Act. However, there is still a necessity to liaise with the City of Perth, and with the City of Stirling on its other boundary. Can members imagine what will happen if the behaviour of Mr Lewis, when Minister for Planning, towards those local authorities is carried forward as the chairman of this authority? Yet again we will have war within the planning portfolio; this time not with Richard Lewis as Minister, but as the chairman of this authority.

I tell the current Minister for Planning, Richard Lewis's mate, his Liberal Party factional colleague, that we on this side await with interest to receive the list of appeals and decisions made by the former Minister for Planning during his caretaker capacity from 14 November to 20 December, something the present Minister promised to table in this place, promised to make public, but has not. We also await with interest to be notified of his other decisions leading up to 9 January as the then caretaker Minister, but not a member of Parliament. We have also been promised the details of these decisions, but we do not have them yet. I wonder why? Is it because the Minister is waiting to make this appointment without scandal, without concern and without due scrutiny?

I will give one classic example of the outrageous behaviour of the former Minister for Planning in planning matters. There was an appeal regarding a development at Hamelin Bay. The Minister asked the Augusta-Margaret River Shire Council to comment on the appeal. That is an appropriate process. However, there was only one problem with it - the Minister refused to provide the local authority with the grounds for the appeal. The shire was expected to comment on nothing. That is the sort of behaviour, intemperance and nonsense we had to put up with from the previous Minister for Planning. At least when he was in Parliament there was some scrutiny of the nonsense he performed as Minister. Can members imagine putting Dracula in charge of the blood bank and making him the chairperson of a related independent statutory authority? What will be done next?

There may be grounds upon which Richard Lewis should be appointed chairperson, but we want the questions answered. We want to know about those decisions. We want to know the process through which he will be appointed, not because he was a former member in the other place but because we believe in appropriate scrutiny and at this stage we do not believe that former member has the right credentials to carry out this job. So that members are under no illusions about this matter, for the record I say this: If such an appointment is made by this Government and the current Minister for Planning, it is incumbent upon this place to ensure the bona fides of that appointment are made public.

That would be appropriate. If they are not, I am sure that after 22 May I will have the support to move for a select committee of this place to be set up to ensure that those bona fides are established and that the dealings of the former Minister while in a caretaker role are carefully scrutinised. That is not an unreasonable request.

Mr Lewis' behaviour in four years was erratic. He was lucky on many occasions to conform to the law. I do not suggest that he went outside it, but he was lucky to stay within it, based on that sort of behaviour, his attitude to local government, and also that time and time again he looked for conflict with local government and his stance was pro-development. We have much to be concerned about with such a suggestion. Members opposite should talk to their colleague, the current Minister for Planning, and suggest that the Government is taking a potentially dangerous tack.

Richard Lewis is not an appropriate person to take on that role. If the rumours are true that he is about to take a role in the Western Australian Planning Commission in or about June or July this year, that will be even more outrageous. Local government and the planning community throughout the State would be horrified at the suggestion that this lunatic should be allowed to be involved any more in planning processes in this State.

*Adjournment Debate - Eastern Bypass*

**HON J.A. SCOTT** (South Metropolitan) [6.10 pm]: I will correct a few statements that were made earlier by the Minister for Transport in answer to a question about a meeting in Fremantle last night on the eastern bypass. I attended that meeting and I have a good understanding of what was said and what that meeting was about. The situation was a little different than the Minister stated. Many invitations were sent out for that meeting, including one to the Minister for Planning. The Minister, however, was unable to attend due to a prior engagement. Representatives from Main Roads WA attended the meeting. They were not forbidden from speaking, but it was pointed out that the meeting was to facilitate discussion by those who did not want the eastern bypass to go through Fremantle.

Hon E.J. Charlton: I was not referring to Main Roads people being denied the opportunity to speak.

Hon J.A. SCOTT: People who support the bypass were present at the meeting - the same five who consistently attend such meetings. One of those people did speak and he contributed more than his fair share to the debate. Those people were not prevented from speaking. There was, of course, a time limit on the meeting and many people were present. One of the reasons that meeting was called was the establishment of the community group to which the Minister referred that was set up to liaise with the community over the eastern bypass plan. That committee does not have the confidence of the community because it is loaded with pro-bypass people, including the most outspoken person pushing for that bypass through Fremantle - Bob Pokrant.

I met Bob a long time ago when the Fremantle City Council initially opposed the bypass. It has changed its position a couple of times since then. It is currently opposed to the bypass, as is the East Fremantle Town Council, following a resolution that was passed by the council last night. Before the council first struck a position on that issue, and before I was a member of this place, I addressed the council, as did Bob Pokrant. At that meeting Bob expressed the reasons he wanted the bypass through Fremantle. It was because he lived in Fothergill Street, which adjoins Hampton Road, and if traffic calming measures were added to Hampton Road, trucks might try to escape those measures by travelling along Fothergill Street. That is a most unlikely scenario. Minutes of the community liaison group's meetings indicate that Bob constantly talks about keeping traffic out of Fothergill Street. He is very much about looking after his own interests and is concerned with little else. When I pointed out to Bob that the bypass would

direct more cars along Hampton Road in the medium to long term than travel along there at present, he said that he did not care about the long term; he would not be in Fremantle in 10 years' time.

Another person who was to be included in the liaison committee, Councillor Deegan, opposes the bypass. She was suddenly shifted off the committee without notice. The only person on that committee who was opposed to the bypass was Councillor O'Neill from East Fremantle, who resigned because he gave up on getting real community consultation from that group.

The committee has been an abject failure. Very few in the community, apart from two or three residents of Hampton Road who want to move their traffic problem to someone else, are happy with that committee.

Hon E.J. Charlton: What do you think should happen?

Hon J.A. SCOTT: The Minister knows my view. The electrified railway should be established, initially south to Cockburn, which the Cockburn City Council wants.

Hon E.J. Charlton: Do you think that will be able to carry the product from the port to Kewdale?

Hon J.A. SCOTT: Stock Road does that successfully. First, Leach Highway must be upgraded to get rid of some of the traffic lights. That road has been such a nightmare that truck drivers do not use it and instead use Canning Highway. There are far too many sets of traffic lights on that important and major link to Kewdale. All the roads around Moolyean Road are staggered. The situation is impossible.

Hon E.J. Charlton: Would you support just left hand in-lanes from some of those side roads?

Hon J.A. SCOTT: There is a lot of room at the intersection of Leach Highway and North Lake Road. An overpass and underpass and approach road should be built there so that trucks can go straight up the hill. That would make it a much more usable road for truck drivers. I am not sure how the botch-up from Riseley Street through to the east can be fixed. I refer to the appalling way the roads are staggered, with traffic lights at every intersection. For example, traffic lights were not required at the new housing development at Winthrop because there were approaches at either end from Riseley Street or North Lake Road. It is a crazy plan. The people responsible for that want to put a road through Fremantle to counteract their terrible mistakes.

Hon E.J. Charlton: The lights on Leach Highway have nothing to do with the eastern bypass.

Hon J.A. SCOTT: The Minister is over-concerned about truck traffic and does not appreciate that there will be another 240 000 people in that area in the next 30 years. We cannot afford to have just a car transport route going south from Fremantle: It will choke Fremantle with cars. Public transport must be included in the plan to take the weight off that road system.

The southern extension of the Kwinana Freeway is causing severe problems because the Narrows Bridge cannot cope with the extra traffic. The Minister is now planning to join Roe Highway to Kwinana Freeway and extend it further south. That will simply move the bottleneck further south. We need better public transport systems to get people off the roads.

Hon E.J. Charlton: I totally agree, but first we must build the roads, because we cannot improve public transport without roads.

Hon J.A. SCOTT: Instead of spending money on a light rail route, the Minister is spending it on more and more highways. The Minister keeps talking about bigger roads improving the environment. That argument was put by a road lobby group in the United States. The issue was taken to court and the court found that one cannot say that building a major road will improve the environment. The evidence from all the studies shows that the converse is true: Building major roads ruins the environment and causes more pollution. That is why we have more pollution in Perth today than we have ever had previously, and about half of that is generated by private motor cars. That is the problem.

The Minister must change his views; he is out of date. He should address the real problems and stop thinking about his transport and trucking mates. We should be looking to the future, not the past, to solve our problems.

Question put and passed.

*House adjourned at 6.11 pm*

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**QUESTIONS WITHOUT NOTICE****GOVERNMENT APPOINTMENTS***Caretaker Period***53. Hon N.D. GRIFFITHS to the Minister for Transport:**

- (1) Is the Minister aware of the guidelines or conventions issued by the Premier governing the caretaker role of government following the issuing of the writs for an election?
- (2) Do these conventions provide that senior or significant appointments should not be made in the caretaker period, and that when the proper function of a public sector agency requires a significant position to be filled, acting or short term arrangements should be used during the caretaker period?
- (3) Did the Minister cause the following appointments to be made to Stateships on 3 December 1996: Anne Nolan as commissioner and vice-chairperson for a term expiring on 14 November 2001 and Mr Reece Waldock as commissioner for a term expiring on 30 November 2001?

**Hon E.J. CHARLTON replied:**

- (1)-(3) The member should know that those appointments are part of a continuing operation until the discontinuation of Stateships under the legislation.

**GOVERNMENT APPOINTMENTS***Caretaker Period***54. Hon N.D. GRIFFITHS to the Minister for Transport:**

Did the Minister cause the following appointments to be made to the Fremantle Port Authority on 3 December 1996: Ron Aitkenhead as chairman for a two year term expiring on 31 December 1998; Ernie Strahan and Michael O'Callaghan as commissioners for a two year term expiring on 31 December 1998; and Joe McKay as commissioner for a three year term expiring on 31 December 1999?

**Hon E.J. CHARLTON replied:**

All appointments for not only the Fremantle Port Authority but all port authorities now fall due in a coordinated way on 30 June or 31 December each year. The term of the previous chairman had expired. He did not seek reappointment to that position. I appointed a member of the board as chairman. I am sure Hon Nick Griffiths will acknowledge that the new member, Mr O'Callaghan, is a person of high integrity in the shipping industry. Those appointments were not made while the Government was in a caretaker mode; they were approved by Cabinet prior to the announcement of the election. That is the time line so far as my responsibilities are concerned. All those people have demonstrated a significant managerial accountability and success in the changes and the benefits they have brought to Fremantle Port and the users of that port. One need only look at its balance sheet to see that.

**GOVERNMENT APPOINTMENTS***Caretaker Period***55. Hon N.D. GRIFFITHS to the Minister for Transport:**

Did the Minister cause the following appointments to be made to the Port Hedland Port Authority on 3 December 1996: Mr Roger Richardson, as a member for the period expiring on 30 June 1998, and Mr Geoffrey Roe as Mr Richardson's deputy for the same period?

**Hon E.J. CHARLTON replied:**

Those people are appointed by the Act, representing the company by which they are employed. They were already on the board. The option and alternative is that if we do not appoint someone in December we have to wait until this time of the year, and all those organisations would not have memberships.

**PORT KENNEDY - LAND SALES****56. Hon J.A. SCOTT to the Minister representing the Minister for Planning:**

- (1) Is the Minister satisfied that the developers of Port Kennedy satisfy the financial requirements of the Port Kennedy Development Agreement Act 1992; specifically, have they furnished the Minister with evidence

demonstrating the "availability of finance necessary for the carrying out and completion of the whole of the project"?

- (2) Has Port Kennedy Resorts Pty Ltd or its agents received any payment for the sale of land at Port Kennedy?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) Deposits for the conditional sale of house and land packages are held in trust by solicitors acting for Port Kennedy Resorts Pty Ltd.

EXMOUTH BOAT HARBOUR - TENDERS

**57. Hon TOM STEPHENS to the Minister for Transport:**

- (1) Does the Minister now accept that he stated in December last year that his department had not had an opportunity to discuss the offers with the respective contractors when that department had been negotiating with Thiess since August about the Exmouth boat harbour project?
- (2) If yes, why did the Minister mislead Parliament?

**Hon E.J. CHARLTON replied:**

- (1)-(2) I do not accept that at all.

EXMOUTH BOAT HARBOUR - TENDERS

**58. Hon TOM STEPHENS to the Minister for Transport:**

- (1) What are the official tender assessment criteria applied for the awarding of government contracts as recommended by the State Supply Commission?
- (2) Was Civcon assessed according to these criteria in relation to the Exmouth boat harbour project at the initial time of tender? If so -
- (a) how many of these criteria did Civcon satisfy;
  - (b) which criteria were they;
  - (c) how many of these criteria did it not satisfy;
  - (d) which criteria were they; and
  - (e) when were these criteria applied to Civcon's tender?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question.

- (1) I have been informed that the State Supply Commission does not recommend selection criteria for building and construction contracts. It is normal for these criteria to be determined on a contract by contract basis by the contract manager.
- (2) Not applicable.

EXMOUTH BOAT HARBOUR - TENDERS

**59. Hon TOM STEPHENS to the Minister for Transport:**

Will the Minister please list the preferred tenderers for the Exmouth boat harbour project at the time of the initial tender, in order of preference. If not, why not?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question.

At the time of the initial tender, given that on the basis of the information supplied the Civcon tender was acceptable, the remaining tenders were not ranked other than by price. On the basis of price only, the order of tenders was -

Civcon Pty Ltd  
 Adelaide Civil Pty Ltd  
 Thiess Contractors Pty  
 Multiplex Constructions Pty Ltd  
 Charles Hull Contracting Co Ltd  
 Italia Limestone Company  
 Henry Walker Contracting Pty Ltd  
 Simto Australia  
 Vicme Investments Pty Ltd

EXMOUTH BOAT HARBOUR - TENDERS

**60. Hon TOM STEPHENS to the Minister for Transport:**

When did the Department of Transport start negotiating with Thiess its completion of the Exmouth boat harbour project after Civcon had abandoned the project?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question.

Civcon suspended the works on 20 August 1996. On 29 August 1996, Thiess was approached by the department to determine its availability to complete the project.

EXMOUTH BOAT HARBOUR - TENDERS

**61. Hon TOM STEPHENS to the Minister for Transport:**

- (1) Was Thiess Contractors assessed according to the official tender assessment criteria applied for the awarding of government contracts as recommended by the State Supply Commission in relation to the Exmouth boat harbour project at the initial time of tender? If so -
- (a) how many of these criteria did Thiess satisfy;
  - (b) which criteria were they;
  - (c) how many of these criteria did it not satisfy;
  - (d) which criteria were they; and
  - (e) when were these criteria applied to the Thiess tender?
- (2) Was Thiess Contractors assessed according to these criteria in relation to the Exmouth boat harbour project when it won the tender recently? If so -
- (a) when was it assessed according to these criteria;
  - (b) how many of these criteria did Thiess satisfy;
  - (c) which criteria were they;
  - (d) how many of these criteria did it not satisfy;
  - (e) which criteria were they; and
  - (f) when were these criteria applied to the Thiess tender?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question.

- (1) The State Supply Commission does not have legal coverage over building and construction contracts. Furthermore, I have been informed that the commission does not have tender assessment criteria for building and construction contracts.
- (2) Not applicable.

The job is now completed and looks magnificent.

## EXMOUTH BOAT HARBOUR - TENDERS

**62. Hon TOM STEPHENS to the Minister for Transport:**

- (1) Does the Minister now stand by his statement on the Exmouth boat harbour project that the contract was awarded to the lowest tenderer following a normal tender assessment process?
- (2) If not, does he accept that he misled the Parliament on this matter?

**Hon E.J. CHARLTON replied:**

It is worth repeating what I have said in this place on previous occasions: The selection process was done in the appropriate manner. Civcon was chosen as the preferred tenderer and the contract was signed. Civcon's tender price was the lowest. I hoped that that contractor would be successful in carrying out that task. It brought no joy to anyone that Civcon was not able to carry on. Certainly it was in everyone's interests, especially the contractor, to complete the contract.

In retrospect, one could say that we should not have awarded the contract to that company. I am sure the Leader of the Opposition would have been quite right if he said there was evidence that the Government did not award the contract to the lowest tenderer, that these other people were capable and had a track record of accomplishment and that the Government was wasting taxpayers' money. That would have been quite proper. However, contracts do not always go the way that people expect and hope they will. Perhaps in this case this had nothing to do with this situation. Obviously financial issues can affect organisations and companies for all sorts of reasons. The honourable member would do himself and Civcon a favour if he acknowledged that it deserved to win the contract and it is unfortunate that it did not see it through.

## EXMOUTH BOAT HARBOUR - TENDERS

**63. Hon TOM STEPHENS to the Minister for Transport:**

The Minister would do the House a favour if he were to answer some questions on this matter. I will rephrase the question. In reference to the Exmouth boat harbour project, when the Minister passed it on from Civcon was it then awarded to the lowest tenderer?

**Hon E.J. CHARLTON replied:**

My recollection is as a result of the assessment carried out. Those responsible came to a decision on Theiss as the second preferred tenderer.

## WESTRAIL - SECURITY GUARDS

*Sworn and Unsworn***64. Hon TOM STEPHENS to the Minister for Transport:**

- (1) How many Chubb Security staff who were sworn officers providing security services for Westrail have left their employment in the last three months?
- (2) How many unsworn security guards are being employed by Chubb Security at Westrail at the current time?
- (3) Does the Westrail contract with Chubb Security stipulate what percentage of its security staff must be fully trained sworn officers and, if so, what is the term of that provision?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question.

- (1) 12.
- (2) 10.
- (3) No.

To enlarge on my answer, I am deeply concerned about the security on our public transport system, including stations. A couple of years ago we decided we had to provide the travelling public with improved security. We had a demarcation problem between unions in the coverage of customer care being given. We had 19 true security people on our trains and our stations. As a consequence, we decided to combine all facets of customer care and security into one group of people. We now have over 80 properly trained people to carry out that task. In recent days we have advertised for approximately 20 additional people. I want to ensure that the travelling public of this State will be put

first. That is why we went into this matter in the first place. The whole debate was about the personnel who had those positions and the poor innocent travelling public counted for nothing. That has changed, as a consequence of which passengers are in a far more secure and safe position. That is as a result of Chubb Security winning the contract, the training at Edith Cowan University and the police personnel who assist in the training. In recent times I have told Westrail and Chubb Security that I want to leave no stone unturned to ensure that the public can travel with absolute confidence. I have asked that they initiate action to ensure that safety prevails and not wait for measles to start or for people to be in a violent situation before security people intervene. In recent times a number of security people have been injured as a consequence of actions by dissident groups of people in our community.

The PRESIDENT: Order! I suggest to the Minister that all that is pretty interesting but answers are supposed to be concise and relevant. Sometimes one can give too much information.

#### ROAD - FREMANTLE BYPASS

##### *Opposition*

#### **65. Hon TOM STEPHENS to the Minister for Transport:**

- (1) Given that over 500 residents of the Fremantle area rallied last night to oppose the Fremantle bypass, will the Government reconsider this folly?
- (2) Is the Minister aware that the practice of demolishing established urban areas has been discredited and abandoned by planners throughout the western world?
- (3) If the Government is so determined to create new access to the port, why does it not reinstate the original Stephenson plan and take traffic from the north through Dalkeith and directly across the river to the major designated truck route, Stock Road?

#### **Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question.

- (1)-(3) The Government is committed to construction of the Fremantle eastern bypass as an essential element of the metropolitan arterial road network. Extensive consultation is being undertaken to address concerns of people affected by the project. The consultation period was recently extended by three months to provide further opportunity for concerns to be raised. A community liaison group, consisting of representatives from the local governments involved and people from the area, has been established to resolve broad community implementation issues associated with the project. The committee has been meeting regularly since late last year and I am told it is working well. I am also told that my office received calls today from people at the meeting who were denied the opportunity to speak because they happened to be in favour of the project.

Hon John Halden: It must have been a Liberal Party meeting.

Hon E.J. CHARLTON: On the contrary, I am told that it was a Labor Party convened meeting. Anybody else who had a different point of view was not allowed to speak. The member would know something about that of late it would seem from what I read in the Press. Lack of democracy is a terrible thing, is it not?

The PRESIDENT: Order! Let us get back to answering the question.

Hon E.J. CHARLTON: I have invited those people to come and discuss the issues and I look forward to that discussion taking place.

#### PORT KENNEDY - LAND SALES

#### **66. Hon J.A. SCOTT to the Minister representing the Minister for Lands:**

- (1) Who has requested that the Minister for Lands issue crown grants to Port Kennedy Resorts?
- (2) Can Port Kennedy Resorts make contracts to sell land at Port Kennedy to which it does not have freehold title, and if so why?
- (3) Is the Minister for Lands aware that land at Port Kennedy has been sold by the developer, who does not yet have freehold title?
- (4) Were proceeds from the sale of this land passed on to the proprietor - the Crown - or are they being held by the developer or its agents?
- (5) Is the Minister satisfied that the developer at Port Kennedy has complied with the Sale of Land Act 1970?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) The Minister for Planning, pursuant to clause 10 of the Port Kennedy Development Agreement.
- (2) At this time it is understood that there is no reason why Port Kennedy Resorts Pty Ltd cannot enter into conditional contracts to sell land at Port Kennedy the subject of the Port Kennedy Development Agreement to which it does not yet have freehold title, provided that the contracts do not breach the Sale of Land Act. Clause 20 of the agreement may affect the position.
- (3) No. However, a verbal complaint has been made to the Department of Land Administration alleging that land to which the company does not have freehold title has been sold by or on behalf of the company.
- (4) The sale of land from the Crown to the developer and from the developer to third parties are independent financial transactions.
- (5) The matter will be investigated.

TRANSPORT - BUS

*Tender Process*

**67. Hon JOHN HALDEN to the Minister for Transport:**

- (1) Did the Department of Transport seek some mediation from the State Supply Commission about the Department of Transport's handling of bus tenders in 1995 or 1996?
- (2) Did the Department of Transport follow the State Supply Commission's requirements with regard to the same tender process and, if not, why not?
- (3) Was the complainant MetroBus and, if not, who was the complainant?
- (4) What was the nature of the complaint?
- (5) Did the Minister receive a State Supply Commission report in regard to this matter?
- (6) In summary, what did it conclude and what action, if any, did the Minister take?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question.

- (1) No.
- (2) Yes.
- (3) There was no complainant.
- (4)-(6) Please refer to answers to questions (1) and (3) above.

ROADS - ROAD WORK SIGNS

*Removal*

**68. Hon TOM HELM to the Minister for Transport:**

In view of the campaign being run advising drivers to slow down at road work signs or risk incurring a penalty, is the Minister prepared to instruct Main Roads Western Australia to have those signs removed when roadworks are suspended or ended, or is the Minister unable to instruct Main Roads because -

- (a) he is not aware of the problems because he does not travel on country roads; or
- (b) because almost all road works on major highways are performed by contractors over whom he has no authority?

**Hon E.J. CHARLTON replied:**

The only reason we use contractors is that we like the job done cheaper and better. That is why all those roadworks are being undertaken in the member's area, works which were denied when the member's party was in government. I am sure he is pleased about that.

Several members interjected.

The PRESIDENT: Order! I will run the show.

Hon E.J. CHARLTON: I am aware of times when signs are inappropriate as a consequence of work not being done. That is a continual issue that must be recognised. Along with that a greater awareness is required by motorists to acknowledge and respect road workers on the job. For too many years, people have regarded roadworks as an impediment to their travels; as a consequence, people have lost their lives. We have had a very strong campaign and have come up with innovative ideas about different signage to alert people. For example, one sign reads: "These people are working for you" - that is, the motorist. I am aware of these things, and it is a very good question. Any suggestion that the member or anyone else has about improving the safety of road workers will be appreciated. It is a symptom of the fact that many people on our roads do not respect other road users.

#### ROADS - HEAVY HAULAGE VEHICLES AND ROADWORKS

##### *Government Policy*

#### **69. Hon P. SULC to the Minister for Transport:**

- (1) Which government policy recommends the carving up of suburbs with heavy haulage routes and major roadworks?
- (2) Does the Minister accept that this policy increases vehicular traffic, noise and photochemical smog, and disrupts the amenity of these suburbs?
- (3) Is this a government plot to drive people out of the suburbs and into country areas so that they can regain the quality of life that the Government has destroyed for them, and thereby increase the National Party constituency?

#### **Hon E.J. CHARLTON replied:**

- (1)-(3) If I thought it would work, I would do it! That is something I had not thought of. Perhaps it is a new line we can take, because it would reduce the number of police in the city and also reduce the enormous cost to country people of keeping people in the city in the standard of living to which they have become accustomed!

A number of major additional roadworks need to be done. These are not my ideas; the communities which the member represents are demanding that these works be done. They want the Tonkin Highway extended through to the southern part of the State. They want a road linking Brookton, Albany and South West Highway so that all that heavy traffic does not come into Armadale. We need heavy haulage because the community demands it. All the building products that are manufactured have to be delivered, and all the products that come off our ports have to be transported to various parts of the metropolitan and country areas. We have introduced plans, and I look forward to the member in his time here responding to the local government authorities in his area who are demanding that the Government put in these additional roads. It needs to be acknowledged that it will not be at the expense of the community. There will be a cost benefit for the community, and the environment will be improved. That is not appreciated by people like Hon Jim Scott, who deserted the country a number of years ago to live in the city.

#### POLICE - LICENSING CENTRES

##### *Closure*

#### **70. Hon TOM STEPHENS to the Minister for Transport:**

- (1) Which police licensing centres are earmarked for closure?
- (2) Within what time frame will these police licensing centres be closed?
- (3) How many public servants are likely to lose their jobs as a result of further closures?
- (4) Which licensing centres will remain open and what increases in staffing levels will be allocated to these centres to accommodate their increased workload?

#### **Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question. I presume the member is referring to the Department of Transport's vehicle licensing centres.

Hon Tom Stephens: Yes. I remembered the old name.

Hon E.J. CHARLTON: The answer is -

- (1) The Subiaco, Kalamunda and Mundaring licensing centres closed on 3 March 1997. No other centres are earmarked for closure.
- (2) Not applicable.
- (3) Nil.
- (4) The Warwick, East Perth, Fremantle, Midland, Welshpool, Kelmscott and Rockingham licensing centres will remain open. An additional three staff members will be allocated to the Warwick licensing centre; an additional three staff members will be allocated to the East Perth licensing centre; and one additional staff member will be allocated to the Fremantle licensing centre. All licensing centres will be monitored to ensure that a high level of customer service is maintained. The question implies that this will be at the expense of customers, or, more importantly, that the people who work in those licensing centres will be disadvantaged.

Hon Tom Stephens: Have you seen the queues?

Hon E.J. CHARLTON: We intend - I hope it happens quickly - to have a range of outlets across the metropolitan area, operated not by government but by people who are already in the area of providing service to the motoring public and who will be accredited to supply these services in addition to the licensing centres.

The PRESIDENT: Order! I remind the Leader of the Opposition that it is out of order for questions to contain inferences.

Hon Tom Stephens: I will keep that in mind, Mr President.

#### NATURAL DISASTERS - SHIRE OF ASHBURTON FLOODS

**71. Hon TOM STEPHENS to the Minister for Transport:**

Following the floods that devastated the Shire of Ashburton in February, what funding will the State Government supply to the Shire of Ashburton to assess the cost of damage in the area, what funding will the State Government supply to the Shire of Ashburton for the rebuilding of roads and infrastructure damaged by the floods, and when will each of these fundings be made available?

**Hon E.J. CHARLTON replied:**

I do not have the answer to that question.

Hon Tom Stephens: You had it before.

Hon E.J. CHARLTON: I did not have the answer. I had a question of a similar type.

The whole flood area from the Kimberley south is being monitored, as it always is, by Main Roads WA and the local government authorities, and together they will work out the funding requirements. As soon as those reports come in, we will deal with them.

#### ALCOHOL AND DRUG AUTHORITY - RESIDENTIAL DETOXIFICATION STATISTICS

**72. Hon JOHN HALDEN to the Minister representing the Minister for Health:**

I refer the Minister to his answer to question without notice 44 asked yesterday by Hon Kim Chance regarding the Alcohol and Drug Authority. With regard to the residential detoxification service, I ask -

- (1) What was the decline in average stay of clients in residential detoxification from 1993 to 1996?
- (2) How many staff were employed in the running of this program in 1996, 1995, 1994 and 1993?
- (3) What specific measures have been taken to determine client satisfaction with this program since the reduction in length of stay in residential detoxification?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Average stay of clients in 1993 was 10.9; average stay of clients in 1996 was 5.9.



- (2) Staff employed in residential detoxification: 1996, 28.7; 1995, breakdown of figures not readily available; 1994, 42.2; 1993, 47.25.
- (3) Client satisfaction with the program is measured by a client survey. Client survey 1995-96, client satisfaction was 96.3; client survey 1994-95, client satisfaction was 95 per cent.

HOSPITALS - ADMISSIONS

*Heroin-related*

**73. Hon JOHN HALDEN to the Minister representing the Minister for Health:**

How many patients were admitted to Western Australian hospitals displaying symptoms of heroin overdose or abuse in the years 1993, 1994, 1995 and 1996?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. Hospital admissions for the whole of Western Australia for symptoms of heroin overdose-abuse were as follows -

	Overdose	Dependence	Abuse
1996	105	441	9
1995	60	418	3
1994	37	189	2
1993	25	59	3

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