



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE ASSEMBLY

Wednesday, 12 November 1997

Legislative Assembly

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

LEGISLATIVE ASSEMBLY - TELEVISION COVERAGE

Release of Footage - Statement

THE SPEAKER (Mr Strickland): I have had a request from television stations for the release of footage of a brief ministerial statement that it has been indicated the Minister for Local Government will make. I have acceded to that request.

PETITION - NURSING HOME CARE

DR GALLOP (Victoria Park - Leader of the Opposition) [11.05 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We the undersigned petitioners believe that nursing home care should be equally available to all Australians on the basis of clinical need, irrespective of a person's capacity to pay for that care. Accordingly we call on the Federal Government to abolish the entry fee and the extra daily fees for those needing a nursing home bed.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 120 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

Similar petitions were presented by Dr Edwards (25 signatures) and Mr Kobelke (86 signatures).

[See petitions Nos 101, 103 and 104.]

PETITION - SHOALWATER MARINE PARK

Petroleum Exploration Permit

MR McGOWAN (Rockingham) [11.07 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We the undersigned, would like to strongly protest against the petroleum exploration permit granted for area W96 - 22 near the Shoalwater Marine Park. We are very concerned at the impact on the Shoalwater Marine Park of surveying and in particular seismic surveying which involves the use of explosive charges to create loud noises within the sea.

We wish to object at the issuing of the permit and seek assurances from the Government that petroleum extraction will not be allowed to occur near or in the Shoalwater Marine Park.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 20 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 102.]

PETITION - SCHOOLS

Swanbourne Primary School

MR BARNETT (Cottesloe - Leader of the House) [11.08 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We the undersigned residents of Western Australia request that you
oppose the relocation of the Swanbourne Primary School

The proposed relocation would not be in the community interest with:

- 1) A new site located not in the heart of the community but at its periphery with the resulting loss of social contact and interaction.
- 2) The loss of public open space used at weekends and after school.
- 3) The loss of the school hall currently used for:
 - a) School - assemblies, class concerts, special guests, visiting education, After School Care etc.
 - b) Community - P&C meetings, voting, church functions, ballet classes, nearby schools, craft fairs, etc.
- 4) The new location is unsafe for children because of the mobile phone tower in the Cottesloe Golf Course which is close nearby.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 489 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See paper No 105.]

PETITION - ROADS

Wanneroo Road Median Strip Upgrading

MR KOBELKE (Nollamara) [11.09 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned request the Minister for Transport to give priority to upgrading the median strip in Wanneroo Road between Morley Drive and Reid Highway. This is a major metropolitan road which has not received the landscaping and upkeep comparable with other roads of equal or lesser significance.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 72 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See paper No 106.]

PETITION - ACTS AMENDMENT (SEXUALITY DISCRIMINATION) BILL

MR BAKER (Joondalup) [11.10 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned, beseech the Parliament of Western Australia to REJECT the Acts Amendment (Sexuality Discrimination) Bill 1997 and any other legislation which will have the effect of:

1. Condoning or permitting the unnatural act of sodomy to be perpetrated upon 16 year old boys;
2. directly or indirectly, legalising paedophilia under the guise of Anti-discrimination Legislation; or
3. directly or indirectly facilitating the promotion of homosexuality in schools;

and we endorse the stance in response to this Bill taken by the Most Reverend B. J. Hickey, Catholic Bishop of Perth.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 26 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 107.]

PETITION - PUBLIC SECTOR EMPLOYMENT

MR BROWN (Bassendean) [11.12 am]: I have the following petition for presentation -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We the undersigned public sector workers and members of the community request that the Legislative Assembly support the amendments to the Public Sector Management Act that provide job security for public sector workers by:

regulating the level of contract workers in the public sector

causing a Standard that would ensure that permanent appointments are made except in those circumstances where the work is not ongoing

requiring adequate reporting for external contracting out of government services and

ensuring public sector employees are not forced into the private sector against their will.

Furthermore your petitioners respectfully request that the Legislative Assembly in Parliament assembled strongly oppose the introduction of involuntary redundancies for public sector workers.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 34 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 108.]

STATEMENT - MINISTER FOR LOCAL GOVERNMENT

Royal Commission into the City of Wanneroo

MR OMODEI (Warren-Blackwood - Minister for Local Government) [11.14 am]: The Royal Commission into the City of Wanneroo has found in its final report that the excesses of the late 1980s and early 1990s are still evident within the City of Wanneroo. Commissioner Davis said that he is of the view that undesirable attitudes are so entrenched in the culture of the City of Wanneroo that external intervention on the matters referred to in his report, and close supervision on ethics and accountability generally, will be required for some time yet.

In addition to this report, there have been other instances where an investigation has been necessary into matters that have arisen at the City of Wanneroo since the period covered by the terms of reference of the royal commission: First, a report commissioned by me dated 9 September 1997 found that the council's handling of a development approval for lot 560 Manakoora Rise, Sorrento, in 1996 could be described only as grossly incompetent; second, a departmental report dated 8 January 1997 relating to the amendment to the town clerk's contract of employment in 1995 found that due process as established in law had been treated with apparent contempt and that such incidents had a significant implication for the council's overall attitude to accountability.

Having considered the royal commission report and other departmental reports, and having taken the advice of the Solicitor General, I have formed the view that it is inappropriate for the council to continue as the governing body of the city. I have therefore suspended the council under section 8.19 of the Local Government Act.

The Governor has today appointed five commissioners to replace the elected council forthwith. The commissioners are Campbell Ansell, an accountant and company director, as chairman; Harry Morgan, company director, as deputy chairman; Rob Rowell, former President of the WA Municipal Association; Wendy Buckley, a barrister; and Marilyn Clark-Murphy, a lecturer in finance at Edith Cowan University.

I do not have the power as Minister to dismiss a council other than on the recommendation of an inquiry constituted under the Local Government Act. Under this Act, the suspension I now announce must be followed by an inquiry which can recommend reinstatement or dismissal. I will convene the inquiry as soon as possible and I will expect it to report to me before mid-February 1998.

The suspension of the council applies only to elected councillors, and will not interfere with the delivery of services to ratepayers and residents. The commissioners will function in all respects as the council.

Dr Gallop: It is 24 hours too late! Do you want us to take over your job? We are quite happy to do so.

Mr OMODEI: members opposite are not good enough.

Dr Gallop: Congratulations on taking good advice!

Several members interjected.

The SPEAKER: Order! We have yet to conclude brief ministerial statements.

STATEMENT - MINISTER FOR PLANNING

Planning for the Kimberley

MR KIERATH (Riverton - Minister for Planning) [11.18 am]: The Kimberley is a region of opportunity poised for growth and investigations have shown that it is well placed to cope with that expansion. We aim to keep in front of that growth by providing the appropriate planning measures.

The Broome land development program has indicated that sufficient zoned residential land is available to meet demand for 15 to 20 years. However, this is contingent on relocating Broome Airport. Redevelopment of the airport land will provide most of the future residential land and consolidate future growth within 2 kilometres of Chinatown and Cable Beach.

The land development program is supported by the Broome land use survey, which found 267 vacant single residential lots and about 100 hectares of zoned land available for immediate development into some 800 residential lots. Development in the next three to five years will come from the initial stages of the airport redevelopment in the north - the Roebuck estate - and several other proposals including the final stage of Sunset Park at Cable Beach. The report also identified potential tourism development sites at Gantheaume Point and Broome Golf Club.

Government agencies are planning infrastructure to meet Broome's growth. These plans include the expansion of the borefield by the Water Corporation and the construction of additional transfer mains and water tanks. Strategic planning to handle wastewater is expected to be finalised in mid-1998. Western Power is exploring a number of options including connection to the proposed Derby tidal power scheme, and developing a new liquefied natural gas power station. Main Roads' 10-year road program will see the Broome heavy haulage bypass remove road trains from the town centre.

The Department of Land Administration is conducting the Waterbank Station study which provides opportunities to locate several future key infrastructure assets, including the airport, to the north of the town. A needs review of the north west health service during 1997-98 will provide future direction for service delivery, staffing and accommodation for health services across the Gascoyne, Pilbara and Kimberley. Also, the Education Department has closely monitored enrolment levels and is giving consideration to future primary school needs. A new primary school site is earmarked in the airport redevelopment.

The Broome land use survey showed the availability of limited light industrial land but about 200 ha of vacant general industrial and port-related land. Light industrial land would be available in the Blue Haze area on Tanami Drive when the local government development program was finalised.

The Broome land development report is part of the Western Australian Planning Commission's country land development program which monitors land supply and provides direction to government infrastructure agencies for coordinated land development across the State.

ROYAL COMMISSION - CITY OF WANNEROO

Final Report - Standing Orders Suspension

MR COURT (Nedlands - Premier) [11.20 am]: I move, without notice -

That so much of standing orders be suspended as is necessary for me to move a motion on the final report of the Royal Commission into the City of Wanneroo.

Several members interjected.

The SPEAKER: Order! I formally call the Leader of the Opposition and the Minister for Fair Trading to order for the first time. Members, it is highly disorderly to interject while I am on my feet. It is absolutely unacceptable that before the motion has even been read members interject in such a manner.

Mr COURT: I want to speak briefly to this motion for the suspension of standing orders. I find it quite interesting

that the Leader of the Opposition on radio today said that we are bringing on a motion to debate the Wanneroo City Council issue too quickly. He ran around yesterday asking why we have not acted quicker on these matters and why have we not done something about it. Yesterday, the Leader of the Opposition suggested that we should dismiss the council when he had not even read the report.

Several members interjected.

The SPEAKER: Order!

Mr COURT: This issue has been debated extensively in this House over the past five or six years. A debate on the royal commission is appropriate. I seek the support of the House for the suspension of standing orders.

MR BARNETT (Cottesloe - Leader of the House) [11.23 am]: I second the motion to suspend standing orders. This report has been tabled. Again, I make it clear to the House that although the commissioner concluded his report some time ago and although the Premier and the Minister for Local Government have had time to read it, it did not go to Cabinet until it was tabled in the Parliament. The report is long and detailed.

Dr Gallop: Why are we debating it today?

Mr BARNETT: We are debating it today because it is a matter of importance to the community. This is the first opportunity for the member for Kingsley to respond to the royal commission report.

Dr Gallop: You want to sweep it under the carpet so that people forget about it.

Mr BARNETT: Certainly not. We want to bring it right out here and put it on the carpet. More importantly, over the past few years while this debate has been raging, on repeated occasions members opposite walked into this House and suspended standing orders without notice and moved motion after motion on almost a weekly basis. At no stage did they say that they needed more time for preparation; it did not stop them. The report of the royal commissioner has been tabled in the Parliament. The Parliament will now debate it. I hope members opposite enjoy it.

MRS ROBERTS (Midland) [11.25 am]: I oppose the suspension of standing orders. We have seen right from the start this Government attempt manipulation on the issue of the City of Wanneroo. We are seeing a rush to bring the debate forward today.

Several members interjected.

The SPEAKER: Order!

Mrs ROBERTS: This is yet another example of the Government's trying to use its muscle and numbers in this House to control the House and the Parliament along party lines. This is a continuation of the Government's effort to sweep the City of Wanneroo saga under the carpet. There are lessons to be learned in the four volumes of the report.

Several members interjected.

The SPEAKER: Order!

Mrs ROBERTS: The lessons of the sorry saga of Wanneroo Inc are for all public officeholders. That much is clear from any cursory reading of the report. The lessons are for members of Parliament, elected members of councils and paid officers of local government and government authorities. I ask this House, what would the people whom we collectively represent in this House expect of us as a result of these four volumes?

Several members interjected.

The SPEAKER: Order!

Mrs ROBERTS: They would expect something much better than what is on offer today. They would expect from us sensible, reasonable, rational and considered debate. They would have the vain hope that their politicians might learn something from a close reading of these four volumes. They would expect an awful lot more than more of this manipulation and childish point scoring. These four volumes have been one and a half years in the making and contain over 1100 pages. They were lobbed in this House by the Premier and the very next day he says, "Let us have the full debate on them right now."

That is okay for the Premier who has had a copy of the report for at least six weeks and has vast numbers of staff and media advisers. However, I must ask what the Premier has to fear from closer scrutiny and a little more time. Why does he want to have this debate so quickly? It is a continuation of his effort to sweep it under the carpet.

Several members interjected.

The SPEAKER: Order! Members, I get the feeling that this debate will engender a fair bit of emotion. My job in this place is to make sure that people can have their say and be heard. It is not in order for members all over the place to start interjecting.

Mrs ROBERTS: In considering the suspension of standing orders, we should also consider that this Premier and his Government voted against the publication of the first Kyle report that was tabled in this House. They set the very narrow terms of reference. This Premier wanted to table the report three weeks ago before the trial of Wayde Smith. If the Director of Public Prosecutions had not sent a letter to media outlets, I am sure that the Premier would have gone ahead with that plan. He would have out manoeuvred the Opposition, the public and the media. Some of the possible outcomes would have included curtailing discussion of the Wanneroo report because of sub judice concerns, or even scuttling or delaying Wayde Smith's trial.

That is what the Premier was up to only three weeks ago. This Premier believes that the Parliament is here to serve him and his party and not the people. He seeks to manipulate processes to his own advantage. What is to his advantage today? It is obviously not a close reading or full and detailed scrutiny of the report into the City of Wanneroo. I believe that he wants to close as quickly as possible this sad and sorry Liberal Party saga in Wanneroo. Having lobbed four volumes in here yesterday, he wants to close the book on Wanneroo, never to be revisited.

We do not want a long delay on this issue, but we want a reasonable time in which to consider these four volumes. I suggested yesterday to the Leader of the House that we debate it next Tuesday.

Mr Barnett: You can bring it on in private members' time tomorrow or next week. You can have an hour and a half tomorrow and another hour and a half next week.

Mrs ROBERTS: An hour and a half!

Several members interjected.

The SPEAKER: Order! I was quite happy to allow the Leader of the House to interject because the interjection was pertinent to what is being debated. We then had the member for Collie joining in, and then the member for Armadale and other members. That is just not acceptable. When people are moving motions and speaking in the debate, I will give some tolerance to interjections but not to rabble rousing from all around the Chamber. It is simply not acceptable.

Mrs ROBERTS: The Leader of the House is showing himself to be no better than the Premier when he suggests that we could have a little confined debate in one and a half hours of private members' time next week. I put it to him: Give us a full debate next Tuesday in government time.

Mr Barnett: You have it today.

Mrs ROBERTS: He is not prepared to do that because he wants to sweep it under the carpet, never to be revisited. The Premier, the Leader of the House and all government members are well and truly exposed in this matter for the way in which they are seeking today yet again to manipulate the processes.

Question put.

The SPEAKER: To be passed, this motion requires the concurrence of an absolute majority. There being a dissentient voice, it is necessary for the House to divide.

Division taken with the following result -

Ayes (36)

Mr Ainsworth
Mr Baker
Mr Barnett
Mr Barron-Sullivan
Mr Bloffwitch
Mr Board
Mr Bradshaw
Dr Constable
Mr Court
Mr Cowan
Mr Day
Mrs Edwardes

Dr Hames
Mrs Hodson-Thomas
Mrs Holmes
Mr House
Mr Johnson
Mr Kierath
Mr MacLean
Mr Marshall
Mr Masters
Mr McNee
Mr Minson
Mr Nicholls

Mr Omodei
Mrs Parker
Mr Pendal
Mr Prince
Mr Shave
Mr Sweetman
Mr Trenorden
Mr Tubby
Dr Turnbull
Mrs van de Klashorst
Mr Wiese
Mr Osborne (*Teller*)

Noes (18)

Ms Anwyl
Mr Brown
Mr Carpenter
Dr Edwards
Dr Gallop
Mr Graham

Mr Grill
Mr Kobelke
Ms MacTiernan
Mr Marlborough
Mr McGinty
Mr McGowan

Ms McHale
Mr Riebeling
Mr Ripper
Mrs Roberts
Ms Warnock
Mr Cunningham (*Teller*)

Question thus passed with an absolute majority.

Motion

MR COURT (Nedlands - Premier) [11.33 am]: I move -

That this House -

- (a) note the findings in the final report of the Royal Commission into the City of Wanneroo;
- (b) note the finding of the royal commissioner that he did not uncover evidence of systemic corruption at the City of Wanneroo over the period from 1986 to 1992;
- (c) supports the actions of the Government to suspend the Wanneroo council;
- (d) acknowledges that members of Parliament have a responsibility to substantiate serious allegations made in this House; and
- (e) acknowledges that the member for Kingsley and her family have been unfairly maligned by the numerous and, now proven to be, unsubstantiated allegations raised in this House over an extended period of time and by doing so caused them unnecessary pain and suffering.

There was one glaring omission from the comments of the Leader of the Opposition yesterday when he responded to the royal commission report: There was not a single mention of the member for Kingsley. For four years members opposite have used in this Parliament every available tool at their disposal to make unsubstantiated claims - very serious claims - against a member of this Parliament.

Yesterday was judgment day for the Labor Party. The people of Western Australia want to know whether members opposite have changed: Are they still the guilty party? Are they prepared to learn from their mistakes from previous inquiries, including the Easton royal commission? Yesterday we saw a cowardly and morally corrupt presentation by the Leader of the Opposition, who again on radio today -

Point of Order

Mr KOBELKE: The statement by the Premier about the Leader of the Opposition was a direct attack on the integrity of the Leader of the Opposition and is not the basis of the substantive motion before the House. Therefore, Mr Speaker, I ask you to instruct the Premier to withdraw it.

The SPEAKER: Order! I do not believe the Premier has impugned the integrity of the Leader of the Opposition.

Debate Resumed

Mr COURT: It is cowardly to use the privilege of this Parliament. The Leader of the Opposition, in particular, has spoken in recent weeks about the need to give the right of reply to people outside this Parliament. There is one issue members opposite would like to forget.

Several members interjected.

The SPEAKER: Order! Members, there are far too many interjections. The member for Bassendean has been interjecting incessantly. Everyone is entitled to be heard. From time to time people do not like what is being said in this place. However, the opportunity must exist for people to make their points. In due course in this general debate many other people will have the opportunity to put their point of view. I am sure they would like a fair and reasonable opportunity to put their views in their debating time.

Mr COURT: All that is required by members opposite is a little common decency to apologise to a member who has been put through incredible pain due to unsubstantiated allegations against her. Only last year the Leader of the Opposition said the Opposition had made mistakes in trying to flush out these issues. He said that from a political point of view the Opposition overplayed the mark.

The Leader of the Opposition was prepared to say that towards the end of last year when a bit of soul searching took place. However, members have gone through the issues associated with the Easton royal commission. Time after time innocent people have been slurred in this Parliament.

Dr Gallop: Refer to the report.

Mr COURT: The Leader of the Opposition should not worry; I will refer to the report. I make this point, because it is the most glaring omission in the comments of members opposite yesterday. It was okay for members opposite to say in this Parliament that the then Attorney General was corrupt; that she was being investigated for corruption. The member for Fremantle said -

Members opposite know that she has had her fingers in the till and has been the beneficiary of funds raised by corrupt activity. We need to get to the bottom of that matter, because we cannot have an Attorney General who is in that position.

The member for Peel stated that the Government had played a significant role in this House in covering up for the misdeeds of the then Attorney General and her husband in their involvement in Wanneroo Inc. He stated also that I should call for an immediate examination of all of her financial records leading up to her election in 1989. All of those things have been done. The member for Fremantle stated that the then Attorney General was in this place because her election campaign was funded with bribe money. The list of quotes goes on.

What I find equally disturbing is the standards that have been accepted by the Leader of the Opposition. I am about to quote the member for Peel, and I am embarrassed at having to repeat what he said. It was typical of the low personal attacks that were made on the member for Kingsley. I will repeat it even though I find it offensive. The member for Peel said -

Can the Opposition really believe that after strutting around the streets of the northern suburbs like a khaki Campbell duck on heat . . .

That is the sort of personal slur that any woman in this community would find incredibly offensive. I could sit here for the next hour and read out the unsubstantiated allegations that have been made against the member for Kingsley. Members opposite are silent. The Leader of the Opposition has said that he will not apologise. This is the same member who talks about abuse of privilege in this Parliament. If members can get away with making unsubstantiated allegations in this Parliament, it will completely destroy the concept of privilege in this place.

This report shows that members opposite are prepared to peddle and accept those unsubstantiated allegations. The member for Peel used to love coming into this Parliament - he is not here now. I will quote the member for Peel, who stated -

The Government cannot continue with this Attorney General in the position she occupies. The Attorney General has no support. I am one of the 78 per cent in the poll conducted by *The West Australian* who wants her to go. I made that quite clear. I am one of the majority who wants to see her banished. I want to see her out of Parliament, and I will. That will happen.

The member for Kingsley is a fine Minister and she is still in this Parliament. If anyone should be out of this Parliament it is members like the member for Peel who do not have the common decency to come in here and apologise. It was not only the member for Peel, but also the then Leader of the Opposition, the member for Fremantle, and the current Leader of the Opposition, the member for Victoria Park, who supported that attack on the member for Kingsley. It was not enough for members opposite when the DPP came down with the finding that all the allegations being made against the member for Kingsley were smear, rumour and innuendo. Do members recall what they suggested at the time? They suggested that Mr King, who had already been gaoled for wrongdoing, be released from prison and granted immunity so he could talk openly about these allegations. The Opposition wanted to grant immunity from prosecution to someone who this final report of the royal commission says is involved in even more corruption. Members opposite wanted to protect a person who had already been gaoled for wrongdoing and who this report found will continue to face charges. That is what we have gone through.

Let us not beat around the bush. In the four years of debating the Wanneroo issue members opposite had one target. They wanted the scalp of the member for Kingsley and they were prepared to go to any length to get it. I find it amazing, after the comments made by the DPP, that that was not enough for the Opposition.

The DPP ended a statement made to the Press at that time by saying, "Put up or shut up." When he made that statement, members opposite sought to have Mr King released from gaol because they said that the DPP was not capable of getting the evidence out of King. Mr King's evidence became the cornerstone of the attacks made by the member for Peel.

The member for Fremantle, when interviewed on radio, said that the Opposition had files on the member for Kingsley and she was in a lot of trouble. However, when the member for Fremantle was asked to provide that evidence he was not able to. A letter dated 18 October 1995 from the Acting Commissioner of Police, Mr Les Ayton, to the member for Kingsley states -

Thank you for your letter October 3, 1995 concerning comments made by Mr McGinty during an ABC Radio interview on September 25, 1995.

Mr McGinty was interviewed by Police on October 12, 1995 concerning the comments made by him. He advised Police that he was not in possession of any material or information which would assist in the Wanneroo investigation. The investigating officers are satisfied that Mr McGinty has no relevant evidence to assist in this matter.

Yet the member for Fremantle was prepared to join in the attack, to have a go as if it were all good fun, and opposition members do not have any responsibilities when using the privileges of Parliament.

The commission then presented its interim report. That was after the warnings given by the DPP relating to Mr King's allegations. That interim report states -

Finally I observe that much of the sittings of the commission to which this report relates has been concerned with the investigation of rumour, innuendo and smear. For none of the matters investigated has this been more the case than the allegations concerned with the death of Rob Baddock.

The allegations were widely and indiscriminately disseminated. Those responsible exercised no care or consideration for the truth. The motivation appears in a number of cases to have been a desire to score political points at both state parliamentary and local council levels. Others appear to have acted from ignorance. In all a great deal of the commission's time has been spent investigating matters that should never have been seriously in doubt.

The findings of corruption by the royal commissioner did not support King's allegations. The Opposition thought that King was its lucky break. It thought it had a person who was giving it evidence.

Dr Gallop: You should come back to this report.

Mr COURT: I am talking directly about this report.

Dr Gallop: You are deliberately putting a wrong picture of this issue.

Mr COURT: I just said that the findings of the royal commission did not support the allegations made by Mr King. It is interesting that the Leader of the Opposition says that I should come back to the report. That is one of the key areas addressed in the report. It says that the allegations were untrue. Even when the interim report came out - admittedly, it was before an election - members opposite did not have the decency to say to the member for Kingsley -

Mr Brown interjected.

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

Mr COURT: There were no apologies. Those opposite said that it was quarter time; that the member for Kingsley still had to face more investigation. We included two more terms of reference in relation to the member for Kingsley. She has been completely exonerated on those additional terms of reference and we still do not get an apology. We have gone through the process of having a report from the Director of Public Prosecutions, an interim report and a final report. What else must the member for Kingsley do?

Dr Gallop: Why don't you address the issues in this report?

Mr Shave: Why don't you apologise?

Dr Gallop: The question is why won't you apologise, my friend. That's the question. We know why.

Mr Kierath: You just cannot bring yourselves to say, "I'm sorry."

Dr Gallop: Don't be stupid!

Mr COURT: We will not get an apology.

Dr Gallop: You have got that right. When will we get some serious debate about what is in this report? That is what we should get.

Several members interjected.

Mr COURT: Those opposite spent \$5m in capital and four wasted years investigating this matter while they tried to destroy the member for Kingsley, and they do not like the outcome.

Mr Kobelke: You have just sacked the council.

Mr Brown: Nothing has come out of it! Three people have gone to gaol, but nothing has happened. It has all been a waste of money. You are a joke, Premier. Here he comes out of the woodwork.

The SPEAKER: Order! I know the Premier has had an extensive pause which allows members to interject. However, we cannot have several interjections at once and we certainly cannot have a debate of interjections across the floor.

Mr COURT: The member for Bassendean raised an interesting point: People have been gaoled relating to the activities at the Wanneroo council. We must ask why, when it had the opportunity to do something about it, the former Government did not institute an inquiry that would get to the bottom of these issues, instead of rushing a report into this Parliament at four o'clock in the morning.

I want to respond to a couple of issues. First, I will make some comments about the timing of this report. The Leader of the Opposition said that we wanted the timing of this report extended past the date of the last election. He said that the report had been delayed. The royal commission was to report in June 1996 - before the election. The royal commissioner wrote to me in April 1996 seeking an extension of the -

Ms MacTiernan: Are you aware they are exactly the same circumstances that surrounded Mr Kyle? He was due to report a good six to nine months before the 1993 election and he sought an extension of time. That is why the report came down in December 1992. Mr Kyle, erstwhile member of the Liberal Party, requested an extension of time. You had better get your facts straight.

Mr COURT: If Mr Kyle is a member of the Liberal Party, I am the leader of the Australian Labor Party! It is important to put on the record that the royal commissioner sought the extensions for this inquiry. They were granted and it was made clear to him that all the resources required for the royal commission would be provided.

Secondly, I will comment on the actions that have been taken in relation to the City of Wanneroo. Yesterday the Leader of the Opposition, without reading the report, said that the council should be dismissed. This morning on radio he showed he had very little understanding of the local government legislation. The Leader of the Opposition suggested yesterday that we should have had legislation to get rid of the Wanneroo council. Even he would know that if we introduced special legislation to get rid of the Wanneroo council, it would be some time before that would go through this Parliament.

Dr Gallop: We could have a special sitting on the weekend and get it done.

Mr COURT: The Government went through the proper processes. The Leader of the Opposition believes the Wanneroo council could have been dismissed yesterday - even though under law it cannot be - without Cabinet considering it. What does that remind members of? It reminds me of WA Inc, when members opposite said, "Damn the Cabinet, let 's just do it." We have gone through a proper process.

On the advice of the Solicitor General, the Minister for Local Government has been working with his department to prepare recommendations to put to Cabinet. I was aware of the development of those recommendations. The Cabinet met last night during the dinner break. The Minister for Local Government put forward those recommendations and they were supported. As members will understand, when dealing with a council that is large by Australian standards - it is a very large business - we have had to make sure we get competent people to go in as commissioners to run the council. In view of the recommendations that have been made by the royal commissioner, these people will have some hard decisions to make. Again I say that there are proper processes to go through. In his comments the Minister for Local Government will outline that process and also other actions that have been taken relating to the recommendations in this report. It worries us that the royal commissioners have expressed concern about the ongoing administration of the council.

Mr Kobelke: After 24 minutes you will now finally address the report.

Mr COURT: If the member had been awake yesterday, he would know that I made a 35 minute statement to Parliament outlining the report in detail.

Several members interjected.

The SPEAKER: Order! Order!

Mr COURT: The Government has taken very seriously the concerns expressed and, as I mentioned earlier, the

Minister for Local Government will outline the various actions that have been taken in response to the royal commission report.

The Government appreciates that the commissioners will have a difficult job because of the size of the local authority. The City of Wanneroo has an annual turnover of approximately \$125m, and it will be a big challenge to be taken on. The Director of Public Prosecutions will go through the proper processes to make sure the areas of corruption that have been identified are fully followed through. As I mentioned yesterday, the relevant senior officials within government have been asked to comment on the recommendations in this report.

I now go back to my comments about the abuse of privilege. All members from time to time become involved in heated debate. However, in the 15 years I have been a member of Parliament, the most difficult thing with which I have had to contend is the personal abuse in this Parliament under privilege of members of Parliament and their families. Family members have no real right of reply to allegations made inside this Parliament. I have been exposed to public life not only for the past 15 years but for the past 45 years. I have learnt one lesson in those 45 years; that is, people who abuse the privilege of Parliament and make unsubstantiated personal attacks in this Parliament never go very far in politics. If there is any encouragement to be gained from the way in which the Opposition has handled this matter and its explanation of that, it is that those members involved in personal attacks will gain no benefit in their political careers. That is why I say to the Leader of the Opposition that he has made a big mistake in not being prepared to publicly apologise for his party having gone right over the top.

Dr Gallop: What about the three members gaoled, the corruption and the maladministration?

Mr COURT: Members opposite do not even want to know what they have done over the past four years in relation to this matter.

Mr Graham: You, Bill Hassell and others sat in here for 10 years -

Mr COURT: And totally substantiated all allegations in relation to WA Inc. During this debate the member for Kingsley will have her first opportunity to respond to the allegations made. I admire the way in which she has survived the events of the past five years. Why would a member remain in this place when she must put up with that sort of abuse? At the end of the day, after a \$5m royal commission has completely exonerated her, she still has not received an apology. The member for Kingsley is a good Minister and she will have the opportunity to comment on this matter. The Minister for Local Government will also address the recommendations.

Dr Gallop: Shall we hear from the member for Wanneroo?

Mr COURT: I shall comment on the former member for Wanneroo. He was charged with perjury, found guilty and is now in gaol. The justice system has run its course. During the debates that took place in this Parliament many allegations were made about his behaviour. The royal commission raised only one area in relation to the former member involving a meeting he attended. Members opposite, again, must be feeling a little upset that the former member did not come through as one of the stars in this royal commission report. Anyone who has done the wrong thing must accept the punishment that goes with that wrongdoing.

I was asked yesterday whether the \$5m had been well spent. If the recommendations of this royal commission are implemented and they improve the operation of local government in this State, the \$5m will have been well spent. It is obviously of concern that the two areas highlighted in the administration of the City of Wanneroo were the planning and building approval sections. It is quite appropriate that the Department of Local Government pay a great deal of attention to those areas and the processes in local government throughout the State. There has obviously been a build-up of unacceptable practices.

I take this opportunity to thank the royal commissioner and his staff for the work they did in painstakingly going through the work of the two previous inquiries and for producing the report and its recommendations. I repeat that any wrongdoing must be properly punished, and I am sure that will happen. By the same token, any people exonerated by this report deserve an apology from the people who made unsubstantiated allegations.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [12.08 pm]: I second the motion. When the royal commission report into the City of Wanneroo was tabled yesterday, the Labor Party could have done two things: First, the Leader of the Opposition could have apologised to the member for Kingsley for the effect of the Opposition's unsubstantiated allegations on her career and family. The Opposition chose not to do that. I think members of the public would have supported an apology being made. I am sure all members in this place agree that the scurrilous, unsubstantiated allegations made in this place would have destroyed the average person. To her great credit, the Minister for the Environment stood up to that criticism.

Second, the Opposition could have agreed to respond to the report the following day. What did the Opposition do? It chose to catch the headline for that day by the Leader of the Opposition calling for the dismissal of the City of

Wanneroo Council. It must be borne in mind that the royal commission report related mainly to the period between 1986 and 1992. At the same time, the royal commissioner said it was his perception that ongoing problems existed at the City of Wanneroo. The first thing a good Leader of the Opposition would have done was pick up the Local Government Act - the biggest Statute in the State - and examined the section on dismissal or suspension of a local government body.

Dr Gallop interjected.

Mr OMODEI: The City of Perth was a totally different situation; it required separate legislation. A number of other Acts of Parliament had to be changed to allow the splitting of the City of Perth. It was not possible under the old 1960s Local Government Act. That is a red herring.

Dr Gallop: No, it is not.

Mr OMODEI: The point is that the Opposition either chose not to examine the new Local Government Act or deliberately took no notice of it. The Local Government Act is very clear on how a council can be suspended. Members can imagine the member for Peel as a future Minister for Local Government with powers to dismiss councils. How many would be left? If anyone upset the member for Peel, half the councillors in the State would be dismissed at his whim without his giving substantiation for their dismissal, as his speeches have shown in this Parliament.

Under the Local Government Act, when a council is suspended an inquiry must follow within at least six months. On the recommendation of that inquiry the Minister may either suspend the council or reinstate it. It is a good process and the important thing about it is that the Labor Party supported that legislation when it was introduced into this Parliament. At a very large conference at the Burswood Convention Centre the member for Fremantle said in front of 800 people that the Labor Party was supportive of the new Local Government Act and would give bipartisan support for it. All of a sudden, a deviation has occurred because it is politically opportune for the Leader of the Opposition to make a headline grabbing statement for one day. The people of Western Australia are a little bit smarter than that. I believe comments had to be made.

Several members interjected.

Mr OMODEI: Those are the events in relation to local government since this Government came into power.

Page 1081 of the report of the Royal Commission into the City of Wanneroo refers to the supervision of councils and makes recommendations. I have referred those recommendations to the Department of Local Government. If change to legislation or regulation is necessary, that will occur. It is important to note that the Labor Party was in power for almost 10 years. In that time, as was borne out by the royal commission's and Kyle's reports, problems existed within the City of Wanneroo. What did the Labor Government do about legislation that was 30 years old? At no time did it introduce new legislation into Parliament. It knew problems existed with some local governments; it had 10 years in office, but it did nothing about it. History will show that the coalition Government introduced and passed that legislation. The 1995 Act gives increased powers to the Department of Local Government and provides opportunities for the community to become more aware of local government activities. The Department of Local Government has significantly revamped its inspectorial service in the past 12 months; in fact, it has increased it by 50 per cent. A number of other matters are proceeding.

Mr Riebeling interjected.

The SPEAKER: Order! The member for Burrup.

Mr OMODEI: I am responding to the report and the recommendations made at page 1081 regarding supervision of councils. That is what the royal commission report is all about. The Department of Local Government has a chief executive officer support scheme and a professional development committee of which the chief executive officer is the chairman. He has overseen a number of initiatives.

Several members interjected.

Mr OMODEI: I beg your indulgence, Mr Speaker, some of these issues are very important but members opposite do not seem to be listening. I know they do not want to hear about them, but it is very important that they do.

The SPEAKER: Order, members.

Mr OMODEI: A council advice program, developed last year, is now in place. It has on it representatives of the Department of Local Government, the Institute of Municipal Management and the Western Australian Municipal Association. It reviews council operations around Western Australia and it is well accepted by local government. It is doing a great service for local government. As I said, a chief executive officer support scheme involves

representatives of the department, the IMM and WAMA. That operation supervises new local government CEOs and assesses their performance.

Training is referred to in the royal commission report. Over the past three years seminars have been run for new councillors during which time the attendance has increased markedly. The quite lengthy two day seminars examine the spectrum of requirements for new councillors. At the first seminar about 150 councillors attended and last year more than 200 attended. Over three years significant training for local government councillors has been conducted. Some of the more experienced councillors should also go to those training seminars.

A number of publications have been prepared, including *Candidates Guide*, *Guide for Councillors* and *Financial Interests Handbook*, a publication of problems to avoid. As a result of this royal commission report a number of lessons will be learnt by local government throughout Western Australia. The department will be preparing a publication identifying the issues raised in the report to ensure that local governments throughout Western Australia do not repeat mistakes.

Fourteen training modules are being finalised to address the key aspects of councillors' roles and responsibilities. They will be delivered by municipal training services throughout the State. At the same time a revised self-assessment of statutory compliance check lists is being sent to all councils in Western Australia. To date 70 per cent of councillors have responded to that 27 page, straight forward report. I am a little disappointed that the other 30 per cent have not responded to the, albeit non-compulsory, self-assessment. However, that immediately draws the attention of the Department of Local Government to that 30 per cent.

I have it in mind also to ensure that the state industry compliance responses will become mandatory for local governments throughout Western Australia. In 1995, with the assistance of an independent certified practising accountant, the department commenced an annual assessment of local government budgets for compliance with legislation and the accounting standards. Local government budgets were not being prepared properly or adequately and the annual assessment of local government budgets has increased awareness of budgeting by local government. An award system has been implemented for the best local government budgets in Western Australia.

Other initiatives include the department's chairing the Local Government Financial Management Advisory Committee, which is responsible for providing advice on financial matters in local government. It includes a number of financial managers in local government. To accompany the introduction of Australian Accounting Standard No 27 introduced in the term of this Government the accounting firm KPMG Management Consultants prepared a new local government accounting manual, which was distributed in 1994. They are just some of the initiatives this Government has put in place. At the same time KPMG Management Consultants has been contracted to run a series of training seminars on the new accounting standards.

The royal commission proposed the introduction of legislation requiring disclosure of campaign expenditure and political donations during local government election campaigns. Under the 1995 Local Government Act section 4.59 provides that the Government can introduce regulations to deal with such matters. I intend to address those issues and I expect a report back from the Department of Local Government in the near future. On 16 October, I wrote to the Department of Local Government, requesting a report on the mechanism required to implement such a system. A number of issues need to be addressed, including whether such matters should be overseen by the returning officer, who is usually the chief executive officer, or the Electoral Commissioner. I am very keen to promote postal voting in local government elections, because one way of keeping local government accountable is to have a greater turnout in the polls; and by May 1999 when the next local government elections are due, regulations to address those matters will be in place.

I could speak for some time about the performance of the Government in responding to the concerns of local governments in Western Australia. I am also aware of the royal commission's perception of why people join local government. The royal commission states at page 1081, at point 35.7.2, that -

First and foremost, I believe it is naive to think that in all or even a majority of cases candidates put themselves forward for election as local government councillors for altruistic reasons, including a desire to serve the community.

I do not share that view. I believe that most councillors in this State join local government for altruistic purposes, and many of them serve local government very well. At the same time, I do not agree with the perception that there is widespread corruption or improper practice in local government. The Wanneroo City Council was a unique case -

Mr Riebeling: That is not what he said. You should read the whole paragraph.

Mr OMODEI: I have. I am saying that I do not necessarily agree with all the comments made by the royal commissioner about all local governments. I have said that we have put in place a range of mechanisms to address

those issues that are of concern to the royal commissioner, including training. The royal commissioner talked about small training seminars. We already have a range of training seminars, and we will ensure that they are revamped.

I do not believe that there is widespread corruption or improper practice in local government in Western Australia. The situation in Wanneroo was unique in that it is the largest municipality in Western Australia, with a budget of over \$120m and a population of over 200 000 people. However, I do believe that there has been a question mark over the competence of the councillors in that area, and the royal commission has targeted certain individuals with regard to the administration of that council.

Mr McGowan: Are you saying there is no corruption?

Mr OMODEI: I am saying there is not widespread corruption or improper practice in local government in Western Australia. Wanneroo is a unique situation. It is the fastest growing local government in Australia, with huge development pressures. I believe that once we split the City of Wanneroo so that each of the local governments becomes more local, many of those issues will be resolved.

I invite the Opposition, and anyone else for that matter, to contrast what this Government has done for local government in enacting legislation and putting in place mechanisms to control local government, while still giving it some autonomy, with the performance of the previous Labor Government, which did very little to cater for the concerns of local government.

Mrs Roberts: That is a nonsense. Jeff Carr was one of the best Ministers for Local Government that we have ever had.

Mr OMODEI: I am not saying that. The former Government had more Ministers for Local Government during its 10 years in office than a football team has members. I am saying that the Government has taken initiatives in this area. The major initiative of this Government has been the introduction of a new Local Government Act, which has put in place a raft of measures to control local government. We have implemented training programs for councillors. The matters that were raised by the royal commission have been referred to the Department of Local Government for its attention.

At all times with regard to the report of the Royal Commission into the City of Wanneroo, we have sought advice from the Director of Public Prosecutions, the Commissioner of Police, the Crown Solicitor or the Solicitor General. On 7 October, I wrote to the Solicitor General to ask his opinion about a number of issues, and he has agreed that with regard to the suspension of the Wanneroo council, I had to satisfy myself as the Minister responsible. I have satisfied myself that there is a case to be answered, and the Government has suspended the council. That is the proper process, and we will follow that process to the end.

MRS EDWARDES (Kingsley - Minister for the Environment) [12.21 pm]: I support the motion. In commencing my comments, I would like to thank the many people who have supported me over the years that these unfounded allegations have been made. Some of that support has come from people whom I have met, and it has also been very pleasing to receive a great deal of support from people whom I have not met. It is one thing for me to know that I have always acted with honesty and integrity; it is another thing for others to believe me. I am pleased that the royal commission has found accordingly.

It is easy to stand here and apportion blame, but the greater level of concern that should be expressed is for the institution of Parliament and its future. Our challenge is to learn from the mistakes of the past and ensure that those mistakes are not repeated. It is up to us all to work towards restoring the standing of members of Parliament in the eyes of the community.

The events of the past few years have put members of Parliament in a very bad light. Members of the community do not and will not accept that type of abuse. I support the right of parliamentary privilege. However, it carries with it the right of responsibility. Members should not abuse the privileged position that they hold. When members make allegations, they should do some homework in advance. They should not make statements or allegations in this place and then provide no evidence for the police or the royal commission. Members of Parliament need to earn the public's respect. If members are to be accorded the privileges that we have in this place, they should impose their own level of self-discipline and lift their standards of behaviour. Members of Parliament should demonstrate that they have made inquiries in good faith before they raise matters in the public arena under the immunity that we enjoy.

Even then, members of Parliament may make mistakes and accuse someone unfairly. It is for that reason that we support and welcome the opportunity of giving members of Parliament and the public a right of reply so that the public record can be set straight. However, members who do make mistakes and accuse people unfairly should go the next step of being prepared to concede their mistakes, particularly when it has been demonstrated that the individual against whom the allegations have been made has been treated unfairly.

The public expects members of Parliament to act honestly and to tell the truth. Members must be prepared to back up serious allegations that they make with evidence of substance. They must also be willing to inform the appropriate authorities of the evidence that they claim to have. Conversely, if an investigating authority rejects their allegations or warns that they lack substance, members should heed those warnings. To ignore those warning bells, as was done by many members in this place, is irresponsible. That was the failure in this case. Repeated statements were made by the police, and there was the unusual public statement by the Director of Public Prosecutions, and that should have been sufficient to trigger alarm bells. Unfortunately those warnings were not heeded. That had an impact on the credibility of members of Parliament and on the institution of Parliament. It seriously undermined the institution of Parliament.

I refer now to some comments made by Narelle Johnson, counsel assisting the royal commission, in her summing up -

But perhaps the most alarming feature of the evidence put before this commission has been the willingness of all types of people to hear a piece of information, accept it without question, and then pass it on within the community without any consideration of the consequences. Of course, the consequences to the purveyors of this information has been negligible. The consequences to the targets of the information have been immense.

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

. . . In fact, Mr McKechnie's description of the information in his media release shortly after the matter was raised in Parliament is, I submit, an accurate and appropriate response to the public dissemination of information of that type.

There is more at stake here than simply providing aggrieved individuals an opportunity to respond in the same forum in which they have been maligned. It provides a rare opportunity for members to take that extra step and to commit themselves to an improved standard of behaviour. Innocent people will not need to exercise their right of reply if members exercise that level of responsibility. As members of Parliament in this place with immunity under the concept of parliamentary privilege, we have enormous power and capacity to influence. That power and capacity to influence should be a sufficient curb to the way we make statements in this place.

We need to maintain standards. I would not support any move to restrict parliamentary privilege. Nor would I support any call for the media to be regulated or for its ability to report proceedings of Parliament to be restricted. I hope that everyone is willing to learn those lessons and to heed public opinion. Members who are willing to stand in this place and to say what they like, without any regard for principles of honesty and integrity, do themselves and the institution of Parliament a great disservice. The community does not tolerate abuses of parliamentary privilege. The community is rightly appalled at the actions which may result in innocent people being hounded, particularly when people did not listen to the warning bells that their statements would be seen as an abuse of parliamentary privilege.

For some time parliamentary privilege has been debated around Australia - whether it should be retained or whether it is an anachronism that should be abandoned - but it is an important part of the law of Australia and of the Westminster tradition. It goes back hundreds of years. It is a necessary immunity that the law provides to allow members of Parliament to carry out their legislative work. However, with that comes responsibility. The Commission on Government made a number of recommendations in this regard. I take this opportunity to remind members that the COG recommended a standing committee on privilege in each House; a uniform code of conduct for the guidance of members; a scale of penalties ranging from an apology to loss of seat; a public review after three years; the right of individuals or organisations to respond to statements under parliamentary privilege; and the right for such statements also to be protected by privilege, unless motivated by malice or showing a reckless disregard for the truth.

Occurrences in this House over the past few years and the outcome of the royal commission provide us with an opportunity to show that we as members of Parliament are serious about setting standards, particularly to ensure the integrity of the institution of Parliament. If we do not learn those lessons from the past the community will hold us in high disregard.

DR GALLOP (Victoria Park - Leader of the Opposition) [12.34 pm]: Let us talk about the past 24 hours. It has been an interesting 24 hours in the history of Western Australia. I note the member for Wanneroo returning to his seat. Perhaps he wants to interject. Will he be speaking during this debate?

Several members interjected.

Dr GALLOP: Let us look at the past 24 hours. The Government has had the final report of the Royal Commission into the City of Wanneroo for six weeks. It has had that report since 26 September. The Government addressed that report yesterday in Parliament. We can say two things about the response by the Government to this very important four volume report which the Government wants to debate 24 hours after it was tabled, because it is not very keen to go through all the details contained in that report.

Several members interjected.

Dr GALLOP: That was a particular case, and the Premier agreed with it. That was another agenda that we set and that the Government followed. That was the citizens' right of reply - and not tabling the report because a court case was underway, as well as the sacking of the Wanneroo council. It is 10 out of 10 for the Labor Party on every occasion!

The Government has had the report for six weeks. However, the response of the Premier was weak and indecisive. All he told us was that only he had the report, but he found time to write a letter to the Department of Local Government and to the Commissioner for Public Sector Standards. He could find time to do that, and he was entitled to do that, but he did not set in train the all important process that would have led to the dismissal of the Wanneroo council - given the contents of the report! He did not do that yesterday -

Mr Court: Are you saying that we should suspend the council without Cabinet approval?

Dr GALLOP: What a ridiculous comment! The Premier is grasping at straws today. Who is giving him advice today? It is pretty poor advice; his logic and his priorities are poor. He should get a new set of advisers. This does not come from the Premier; it always comes from someone else.

Let us consider the other aspect of the Premier's response yesterday. Of course it was regarded by the commissioner as a crucial issue, and it is the disclosure of electoral donations at local level - but no action was taken.

Mr Trenorden: In 24 hours?

Dr GALLOP: We have taken action in 24 hours. We have put together legislation that will provide for a section of the Local Government Act to deal with political donations and electoral expenditure as recommended by the Commission on Government! We have brought it into this Parliament and I will undertake the second reading as soon as possible.

Yesterday was a weak and indecisive response by the Government. The Opposition has a clear sense of direction after reading the Premier's comments yesterday on the two important issues of electoral donations and their disclosure at a local government level, and the dismissal of the Wanneroo City Council.

The other aspect of the Premier's response yesterday, which was revealed again today, is very distressing for the citizens of Western Australia. The response was very defensive and biased. The Premier has a leadership role in our community in regard to local government and all issues related to local government. He has a responsibility when he comes into this place, either with motions like the one he moved today or speeches like the one he gave yesterday, to tell the people of Western Australia faithfully what is in this report. That is not easy because it comprises four volumes. However, he must faithfully tell the people and give a balanced view of what is in the report. He did not do that: He gave a very biased view of its contents. Of course, he overlooked the very important sections of the report dealing with a Liberal Party faction in the City of Wanneroo.

Mr Court: What did I leave out?

Dr GALLOP: Has the Premier read the report?

Mr Court: I mentioned it in my speech yesterday. What about the Labor members there? Do you want to talk about them?

Dr GALLOP: Has the Premier read what the report said about the anti-Bradshaw faction? It says that they acted with honesty and integrity.

Mr Court: Did you listen to what I said yesterday?

Dr GALLOP: That is what it says and the Premier conveniently ignored it. He presented a very biased and defensive view of the report. In addition, he tried to shift the whole argument over to the Labor Party. We have a four volume report dealing with a fundamental issue in Western Australia. Of course, the bottom line is that the stand the Labor Party took to ensure this inquiry went ahead has been vindicated by the royal commission. Deep down all members opposite understand that.

Mr Trenorden: That is rubbish. You never talked about the council itself - you talked about members in this House.

Dr GALLOP: I would not continue that interjection if I were the member.

The Labor Party has been vindicated by this report. I will provide the House with a quick sense of it. First, it contains new and important exposures of corruption in the City of Wanneroo in that period that would never have been revealed without this inquiry. Secondly, not only was the City of Wanneroo badly administered; it also had an unbelievably bad internal culture which still persisted and which required major action on the part of the Government. Without the royal commission, none of that would have been revealed. Therefore, the Australian Labor Party will not apologise for coming into this Parliament and raising important issues that go to the heart of good government in Western Australia. We will not apologise.

Unlike members opposite, members on this side do not believe they are perfect. We might have got a few things wrong, but we got a lot more right on this issue. Let us forget about apologies. That is a nonsense issue that should not have been raised. Members opposite do not have the courage to deal with this matter as an issue of parliamentary privilege, but they still raise it in this place.

Let us look at what happened in Wanneroo. It has been confirmed in the report that a very important Liberal Party faction in Wanneroo played a role in the council. A couple of members of that faction were corrupt. Does the Premier acknowledge that? There is no question but that Wayne Bradshaw and King were corrupt.

Mr Court: Wayne Bradshaw has not been a member of the Liberal Party for some years.

Mrs Roberts: Why not answer the question?

Mr Court: I cannot say he is a member of the faction if he is not a member of the party.

Dr GALLOP: This faction existed and individuals on the council were corrupt. We have not had any statement from the Premier, as the leader of the Liberal Party, to the people of Western Australia about that matter. Members should contrast that with the actions of the Australian Labor Party, which has faced up to its responsibilities in respect of a commission it called. We support the recommendations of the commission, we advocate them and we have gone to the people of Western Australia outlining our views of those events.

What has the Premier done about those issues as leader of the Liberal Party in this State? What has he said about those northern suburbs branches, which I remind him renominated the former member for Wanneroo to stand for election to this Parliament? The Liberal Party council overturned that nomination. What is the Premier doing about that? What is he saying to the people of Western Australia about the problems in the Liberal Party in the northern suburbs?

Mr Court: The member involved was not preselected.

Dr GALLOP: What is he saying to the people of Western Australia about what the Liberal Party did there? Will he apologise?

Mr Court: He was charged with perjury.

Dr GALLOP: And he was found guilty.

Mr Court: But he was not preselected. Carmen Lawrence has been charged with perjury. Do you want her not to be preselected?

Dr GALLOP: The Premier should not have mentioned that issue. Perhaps the Speaker will make a statement about sub judice in relation to proceedings of this Parliament. I invite him to do that now.

The SPEAKER: The standing orders indicate that we must be careful in this Parliament in respect of sub judice matters. The standing orders are not complete on the subject; in fact, the Standing Orders Committee is reviewing the whole procedure to develop policy and to make the position more clear. The Parliament is entitled to debate issues, but members must be careful that matters are not raised that might affect a person's situation in a court case. I do not believe that anything has been said that will impact on any future court case, but this is a good reminder.

Dr GALLOP: When will the Premier apologise for the actions of the Liberal Party?

Mr Court: You asked me what happened with that particular member. I said that that member was not preselected.

Dr GALLOP: When will the Premier apologise for what the Liberal Party did to the ratepayers and residents of Wanneroo?

Mr Court: The council had a Labor faction as well.

Several members interjected.

Dr GALLOP: Has the Premier read the report? At pages 1058-59, the summary of findings state -

34.8.1 In relation to the matters considered in this chapter I record the following findings:

- (a) There was during the relevant period a faction on the Wanneroo Council led by Dr Bradshaw. The members of the faction were connected by friendship and a common "pro-development" ideology. The members were either Liberal Party members or with Liberal Party sympathies. The members generally, but not always, voted the same way.
- (b) The core members of the faction led by Dr Bradshaw were Dr Bradshaw, Mr King, Mrs Waters, Mr Baddock, Mr Edwardes and later Mr Wayde Smith.
- (c) Members of the faction led by Dr Bradshaw attended "pre-meetings" prior to Council meetings in the mayor's office when they would formulate a joint approach to matters before Council. Dr Bradshaw used those meetings to attempt to influence the views of the other councillors within the faction. The central purpose of the "pre-meetings" was to devise ways to undermine the opposing faction.
- (d) There was also a second faction which was opposed to Dr Bradshaw and the faction he led. There is no evidence to support a finding that the opposing faction represented any political party or party ideology. The members' primary focus was anti-Bradshaw.

Mr Shave: Do any Labor Party members have criminal records?

Dr GALLOP: That is a pretty good interjection on the member's part.

Several members interjected.

Dr GALLOP: That is not bad. The summary of findings continues -

- (g) Dr Bradshaw actively supported candidates for election to Council, both financially and personally. His primary criteria for selecting candidates were that they had Liberal Party sympathies and would support him on Council. Dr Bradshaw considered that such candidates who were successful owed him allegiance.

That is pretty clear.

Mr Court: Keep going.

Dr GALLOP: Will the Premier apologise to the people of Western Australia?

Mr Court: The finding said that that group did not vote as a bloc.

Mrs Roberts: It did not say that.

Mr Court: He just read it out.

Dr GALLOP: Why can the Premier not face up to his responsibilities? The Labor Party did so following the WA Inc royal commission; the member to Fremantle, as then Leader of the Labor Party, had the guts to do so. Does the Premier have the guts to also face up to his responsibilities? Of course not!

I now outline the two essential features of the Premier's response to this issue: First, he was weak and indecisive, and second, he was defensive and biased. The Government hoped through the tactics brought into Parliament yesterday that everybody would be very excited about people on this side of the House rather than about the report's contents. It was hoped that those issues would go through to the keeper and we would forget about them.

Following the Opposition's argument in the Parliament yesterday that the council should be dismissed on the basis of the Premier's quotes of the commissioner - which I thought represented a clear-cut indication for that course of action - the Premier was suddenly jolted into action.

Mr Court: Do you think it should not have gone to Cabinet for approval?

Dr GALLOP: Let us look at what happened. The Premier said that the Government would look at the matter in the normal course of events at next week's Cabinet meeting.

Mr Court: I did not say that - the newspaper said that!

Dr GALLOP: I thought I heard the Premier say it. What about on the ABC yesterday afternoon?

Mr Court: I said that it would be considered at the next meeting of Cabinet. If I then was asked when the next meeting of Cabinet was to be held, I would have answered that night. Notice of that meeting was given some time ago, my friend.

Dr GALLOP: When was the meeting called - yesterday?

Mr Court: Last week.

Several members interjected.

Dr GALLOP: I wonder why the Premier did not come into Parliament yesterday and say in his speech that he had convened a special meeting of Cabinet for later that evening to consider these issues. Why did he not say that, if indeed it happened? I ask the member for Hilliards, the Parliamentary Secretary to Cabinet, when he called the Cabinet meeting. I am very interested.

Mr Johnson: The Parliamentary Secretary to Cabinet does not actually call the Cabinet meeting; that is done by the Premier.

Dr GALLOP: Surely the member sent out the invitations.

Mr Court: I said to Cabinet last week that a meeting would be held at six o'clock on Tuesday night.

Dr GALLOP: The Government, once again, must be dragged along on this issue. Yesterday the matter was going to the next Cabinet meeting, and today the Government sacks the council.

Mr Court: You don't suspend a council, I assure you, without doing a lot of work.

Dr GALLOP: Is \$5m worth of work not enough? The conclusions from that work are absolutely clear.

Mr Trenorden: You should be ashamed of it; the money could have provided two primary schools.

Dr GALLOP: So the member for Avon believes this report is a waste of money.

Mr Trenorden: I believe it is.

Dr GALLOP: Is that also the Premier's view?

Mr Court: I told you my views on the \$5m. I have also said that if you did the initial inquiry properly, we would not have had to go through the additional expense.

Dr GALLOP: The Government was caught short yesterday in its response to this report. The Minister for Local Government put together a quick response to the obvious conclusions that had to be reached, and presented it to Parliament today. The Government wants to get this issue off the table of Parliament quickly and wants it dealt with today, rather than allowing considered debate on the issues involved. The Opposition is happy to debate the issues, and it will do so. We note that when we went to the Leader of the House to raise the point that a much more constructive debate was needed on all these issues than was possible within the permitted time line, the suggestion was rejected by the Government. That is part of the theme on this issue.

The bottom line is that on every occasion that this issue has arisen, the Government has been found wanting in its response. The weak and indecisive description of the Government I gave yesterday also applied in 1992 when the report prepared by Mr Peter Kyle was introduced into Parliament. What did coalition members say back then? The choice quote is that of Hon George Cash from Thursday, 3 December 1992 when the Liberal Party was trying to stop the report receiving the privilege of Parliament. I wonder why the Liberal Party wanted to do that in 1992? He said -

Given the number of people who have raised matters with me over a period concerning this inquiry, it is fair to say that Peter Kyle, a former member of the Liberal Party and former branch president of the Liberal Party, for reasons of his own, . . . has decided to embark on a crusade to be critical of the Liberal Party.

However, I believe that Peter Kyle was used as a stooge by the Labor Party to conduct that inquiry to see whether he could get any dirt on current and former members of the council and to crucify the Liberal Party.

Further -

. . . the report was produced by someone who could reasonably be called a stooge of the Labor Party.

Coalition members said that in 1992, and I could refer to comments made in the lower House by now government members.

Mr Shave: Did you help Mr Kyle in his campaign to try to knock off our member?

Dr GALLOP: Does the Minister agree that Peter Kyle is a stooge of the Labor Party?

Mr Shave: Just look at the facts.

Dr GALLOP: He is such a stooge of the Labor Party that when this issue came back onto the agenda, whom did the Government appoint to continue the investigation? It was Peter Kyle. Despite the attitude shown in 1992, members opposite reappointed him to continue his inquiries. This confirmed that many of the issues he had taken up were well founded and needed further inquiry, and that situation finally led to the Davis royal commission.

Members opposite were caught short in 1992, but let us turn now to 1993, after a new Government was elected with the authority of a majority in both Houses of Parliament. A royal commission report recommended the establishment of an anticorruption commission in WA, but the Government did nothing. It said that the existing Official Corruption Commission was perfectly adequate to deal with the issue. Therefore, many of the issues which flowed from the Kyle inquiry, which should have gone to a properly constituted anticorruption commission, had nowhere to go.

It required the Opposition to press for a properly constituted royal commission into all these matters, and that action has been vindicated by the report. Indeed, the issue that we have taken up in relation to the need for a further inquiry into the police in this State will be vindicated. In 1993-94, when the Government should have acted with some decisiveness on this issue, it was again found wanting.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

Dr GALLOP: I am somewhat reluctant to resume debate on the motion; I am waiting for the member for Wanneroo to return to the Chamber. Is he on his way?

Mr Osborne: He is listening.

Dr GALLOP: I do not want him to listen; I want him to be here.

Several members interjected.

The SPEAKER: Order!

Mr Kierath: You are acting like a prefect again.

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

Dr GALLOP: The approach of the Premier in presenting the issues contained in the report of this major royal commission has been very selective and biased. The first weakness of the motion moved by the Premier is that it fails to recognise the degree of corruption that exists in that council. This \$5m report outlines significant problems within the City of Wanneroo in respect of not only corruption but also maladministration, and that has led to the Minister's announcement today that the council will be suspended, yet the motion fails to allow for that substantial fact about the dealings of that council. Secondly, the motion fails to mention the role of the Liberal Party faction that was operating in the City of Wanneroo.

Mr Johnson: That is rubbish. It was not just a Liberal Party faction.

Dr GALLOP: That it is not my assertion. That is the royal commission's assertion. I am quoting from the report of the royal commission. Is the member for Hillarys telling us that he had a different point of view but did not give that evidence to the commission?

Mr Johnson: I had a conference with Peter Kyle about -

Dr GALLOP: We are talking about Commissioner Davis. Is the member for Hillarys saying there was not a Liberal Party faction?

Mr Johnson: I am saying that what you said is rubbish.

Dr GALLOP: I am quoting Commissioner Davis.

Mr Johnson: There were two factions.

Dr GALLOP: One of them was a Liberal Party faction.

Mr Johnson: There were two factions when I was there, but they were not Liberal Party factions.

Dr GALLOP: That is not what the commissioner said. Is the member for Hillarys disagreeing with the commissioner? The Minister for the Environment disagrees with him, and the member for Hillarys disagrees too.

Mrs Edwardes: I support the findings.

Dr GALLOP: We will hear about that later.

The Premier fails to mention the factional system that operated and the role that it played.

Mr Court: The report states that there is a considerable body of evidence that the faction led by Dr Bradshaw was not the only faction on the council, and that the exact nature of the second faction is more difficult to categorise and was variously described as the Labor Party faction, the Dammers faction and, more generally, the opposing faction.

Dr GALLOP: That is right. They were not in control!

Mr Court: They did not have the numbers so they were not a faction.

Dr GALLOP: The point he made was that the Liberal Party faction was in control, and therein lay the corruption in the City of Wanneroo. He said clearly that the faction facilitated the corruption. Any responsible Premier summarising this report, and coming to Parliament to deal with it, would have put that in his motion.

I turn now to another serious matter which the Premier did not address.

Mr Court: I put it in the report I made to Parliament yesterday.

Dr GALLOP: The Premier did not mention the Liberal Party. I turn to the more serious matter which relates to the current member for Wanneroo. The royal commissioner refers to the member in his report. I will be very interested in the member's response. I do not believe that the Government can debate the Wanneroo issue in this place without specific reference to the member for Wanneroo. That member has a responsibility to use the platform in Parliament to defend himself on the issue.

Mr Court: He can speak for himself. Do you say that he acted improperly?

Dr GALLOP: I quote from page 739 of the report which reads, in part -

In general Mr McLean was a most unsatisfactory witness who did not assist the Commission.

Mr Court: The royal commission was asked to make findings about corrupt or improper conduct. I do not regard the behaviour of some of your members as satisfactory -

Dr GALLOP: We are not talking about the Premier but about Commissioner Davis. That is what he said.

Mr Court: What about it?

Dr GALLOP: So the commissioner can say something about members opposite directly but it does not mean that needs to be dealt with by that side of the House! Really, the Premier is reaching the depths on this issue. Has the Premier issued an instruction that the member for Wanneroo cannot speak during this debate?

Mr Court: Of course I have not!

Dr GALLOP: Will he speak?

Mr Court: Ask him.

Dr GALLOP: Mr Whip, will the member for Wanneroo speak during this debate?

Mr Court: If he wants to, he can speak.

Dr GALLOP: Assistant Whip, will the member for Wanneroo speak? The Whip is not in his seat. Will the member for Wanneroo speak, Mr Premier?

Mr Court: If he wants to, he can.

Dr GALLOP: Have any instructions been issued?

Mr Court: We do not operate that way.

The SPEAKER: Order! It is an interesting technique to ask questions and to solicit interjections, but it can go too far. It certainly goes too far when all sorts of people are offering all sorts of answers to questions which have not been asked yet!

Dr GALLOP: I went to the opera last night, and was most impressed with the conductor. He gave me a few ideas for today.

Mr MacLean: Hey, boofhead! I am here!

Withdrawal of Remarks

Mrs ROBERTS: Point of order, Mr Speaker -

The SPEAKER: A point of order has been taken. That remark by the member for Wanneroo was unparliamentary. I ask him to withdraw. I also heard a remark by the member for Girrawheen that the member for Wanneroo was a fool. That is also unparliamentary. I ask both members to withdraw their remarks.

Mr MacLEAN: I withdraw.

Mr CUNNINGHAM: I withdraw.

Debate Resumed

Dr GALLOP: Will the member for Wanneroo participate in this debate?

Mr MacLean: If you say anything worthwhile!

Dr GALLOP: The royal commissioner stated -

In general Mr McLean was a most unsatisfactory witness who did not assist the Commission.

Will the member respond? No answer! This is the Minister for the Environment's new concept of standards in Parliament about which she spoke earlier today.

Several members interjected.

The SPEAKER: Order!

Dr GALLOP: The member for Wanneroo has a responsibility to respond to this issue raised in this report.

Mrs Hodson-Thomas: On one sentence!

Dr GALLOP: Does it need to be more than one sentence to rate an answer? We have now a new definition: If it is one sentence it is okay but if it is more than one sentence a member must respond. This is the new Liberal Party approach to standards of behaviour in Western Australia. The report does not contain any sentences dealing with the Australian Labor Party!

Mr Court: Yes it does. One talks about a second faction!

Dr GALLOP: It is a fact that this Government has been very weak and indecisive on this issue. The Government was very biased in its presentation of the findings of this report. It is very sad that we must report that the findings of the royal commission have not been faithfully presented to the Parliament by the Premier. It is increasingly obvious -

Mr Court: I have heard exactly the opposite. I have heard that the presentation I gave yesterday, even though it went for more than 20 minutes, was a fair summation.

Dr GALLOP: Who said that?

Mr Court: A number of people -

Dr GALLOP: The Premier's chief media adviser, his chief speech writer, and the head of the Ministry of the Premier and Cabinet!

Mr Court: I heard the Leader of the Opposition say that we did not name the Liberal faction, but we mentioned factions under that heading. He found there were factions operating on the council over that period, one of which was led by Dr Bradshaw, but there was no evidence to suggest that members of Dr Bradshaw's faction, other than Dr Bradshaw himself and Mr King, were corrupt. He said there was no evidence to suggest that members of Dr Bradshaw's faction even voted as a block on all occasions.

Dr GALLOP: That is not true.

Mr Court: You said that I did not mention that in my report. I am explaining that I did.

Dr GALLOP: The motion moved by the Premier today does not adequately reflect the findings of the report. It is not one that we on this side could support.

Amendment to Motion

Dr GALLOP: I move -

To delete paragraphs (b), (c), (d) and (e) of the motion and replace them with the following -

- (b) note the finding of the Royal Commissioner that he did not uncover evidence of systemic corruption at the City of Wanneroo over the period from 1986 to 1992 but -
 - (i) that the Royal Commission has found that "lessons from past mistakes and experiences have not been learned" (35.7.5 page 1082);
 - (ii) that a Liberal Party faction led by Dr Wayne Bradshaw dominated the council (34.8.1 page 1085);
 - (iii) that the core members of that faction were Dr Bradshaw, Mr King, Mrs Waters, Mr Baddock, Mr Colin Edwardes and later former Liberal MLA Wayne Smith (34.1B page 1058);
 - (iv) that this factional loyalty facilitated the corruption of the Wanneroo City Council (34.3.17 page 1041);
 - (v) notes that one of the core members of the faction, Mr Colin Edwardes, was found by the Royal Commissioner to be "unable to satisfactorily explain his conduct" (17.5.16 page 714) in relation to the passing of "an unknown amount of money in banknotes to Dr Phat in April 1991" (17.7.1 page 718);
 - (vi) notes that current member for Wanneroo was "a most unsatisfactory witness and did not assist the Commission" (19.2.10 page 739);
- (c) supports the actions of the Government to suspend the Wanneroo council;
- (d) acknowledges that members of Parliament have a responsibility to pursue issues in this House where serious allegations have been brought to their attention.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [2.50 pm]: I support the amendment. It has been fascinating to listen to the byplay as this debate has proceeded. We have had a number of amazing statements from the Premier. First he said that the Labor Party had messed up the first Kyle inquiry and that is why we needed the second inquiry and then the royal commission. He neglected to mention that one of the main reasons the first inquiry was not able to get to the bottom of events in Wanneroo was that the major corrupt player, Wayne Bradshaw, had fled to the Maldives in order to avoid giving evidence to the inquiry. It was nothing the Labor Party did but something a former Liberal Party member did that lead to the first inquiry not being as effective as the royal commission.

The second amazing aspect of the Premier's attitude is his lack of concern about whether the Minister for the Environment accepts the royal commission's findings. He does not seem to be worried about whether she accepts them.

Mrs Edwardes: I accept them.

Mr RIPPER: I will ask about some specific findings in due course and we will see whether she places on the record the fact that she absolutely and explicitly accepts them.

The third amazing aspect of the Premier's attitude is his absolute unconcern that the sitting member for the area in which all of this corruption occurred was described by the royal commission as an unsatisfactory witness. One would expect the sitting member to have a particular concern to see matters put right in his electorate. The Premier does not appear to have any concern for standards on his backbench if he is unable or unwilling to take action against someone described by the Royal Commissioner as an unsatisfactory witness.

Mr Shave: You are clutching at straws.

Mr RIPPER: The Minister for Fair Trading says that the Opposition is clutching at straws. In fact, it is the Government that is clutching at straws. Listening to the Premier's statement this morning and to the supporting remarks of his colleagues one would think this was all about unsubstantiated allegations made by the Labor Party in Parliament. One would not think that 80 per cent or more of the issues that we raised in the Parliament were confirmed by the royal commission. One would not think that the royal commission had found new evidence of further corruption and offences, which will no doubt have to be dealt with by the courts. One would think it was all

about the small number of assertions made by the Labor Party in pursuit of this issue that were not substantiated by the royal commission - not disproved. The truth is that the Labor Party has led on this issue from the start.

Mr Johnson: You certainly have - you have led from the gutter.

Mr RIPPER: Surely the member accepts that proof of very significant corruption in Wanneroo and the fact that the situation has not improved over the years - even when he was mayor - made it worthwhile for the Labor Party to pursue this issue? If it had not been for the Opposition, this corruption would not have been uncovered. If it had not been for us and, as the Leader of the Opposition pointed out, the work of the media, this corruption would not have been revealed.

I refer members back to 1992. The then Labor Government set up the Kyle inquiry and the 1993 and 1994 Labor Party campaign forced the reopening of that inquiry. The Government had dragged its feet and had to be pursued day after day and week after week in Parliament before it agreed to reopen the inquiry. It then had to be pursued again in the same manner before it would agree to giving royal commission status to that inquiry. The Government has been dragged kicking and screaming to this final outcome.

Even yesterday, it was the Leader of the Opposition who took the lead and said that this council must be sacked - it was not the Government but the Leader of the Opposition. From 1992 to 1997, the Labor Party has taken the lead on this issue and the Government has been dragged along reluctantly and forced to deal with corruption in Wanneroo. We all know that is because corruption in Wanneroo is close to the heart of the Liberal Party and it is a serious embarrassment to it.

Listening to members of the Liberal Party this morning, one would not realise that three of its members have been to prison as a result of this affair. One would not realise listening to them that this report has uncovered new evidence of corruption.

I refer members to the inquiry's findings on the Bellridge City development.

Mr Shave: Who was involved in that?

Mr RIPPER: Dr Bradshaw. The Minister for Fair Trading might remember him from Liberal Party meetings. At page 580 the report states -

- (v) The payments by Mr Tay to Dr Bradshaw through Lobito Pty Ltd of \$50,000.00 on 13 February 1990 and \$5,000.00 on 5 March 1991 were corrupt. The payments were made for services or assistance provided by Dr Bradshaw as a councillor of the City of Wanneroo in connection with the rezoning and development of Lot 656 by Lobito Pty Ltd.

On page 591 it further states -

- (aa) Mr Tay and Dr Bradshaw gave false evidence on oath to the Kyle Inquiry.
- (ab) Mr Tay gave false evidence on oath to the Supreme Court of Western Australia in the course of the trial of the action against him at the suit of Mr Yamabuta.

I am not a lawyer, but I would not be surprised to see charges arising out of those findings. They are new matters involving corrupt behaviour that have been brought to public attention as a result of the work of the royal commission.

If members opposite had had their way and if they had not been pressured by the Labor Party in Parliament, these matters would not have been brought to public attention, the charges that will no doubt flow might not have been laid and the convictions that might follow might not have eventuated. It was the Opposition's action in this Parliament that forced the Government to reopen the Kyle inquiry and to give it royal commission status that has resulted in this outcome.

Members opposite cannot come into this place and say that it is all about parliamentary privilege, the abuse of parliamentary privilege and unsubstantiated allegations. At the heart of this issue is a very serious matter relating to corruption. The Government has been weak on corruption and it has been pushed into action that should have been taken from the start only by what the Labor Party has done in Parliament. It is doubtful that we would have had this outcome were it not for the actions of the Opposition supported by the media.

Mr Johnson: What do you have to say about the outrageous allegations that your members have made?

Mr RIPPER: It was very important for us to pursue the issue. Members should look back to 1993 and 1994. We had a man who has now been convicted of corruption on the run in the Maldives avoiding his responsibility to give evidence to the Kyle inquiry. The Attorney General had admitted that she had been a friend of that man and she was

the Minister responsible for dealing with royal commissions, inquiries and corruption. In addition, his business partner - who initially denied he was a business partner - was a Liberal backbencher in this House. That is a classic situation requiring the use of parliamentary privilege. We had all the ingredients for justified suspicion that the Government would not act on the necessity to combat corruption. In that situation, the Opposition had a responsibility to use parliamentary privilege.

Mr Johnson interjected.

Mr RIPPER: The Opposition has been vindicated. Much of what we said in the Parliament has been substantiated by the royal commission. Much more of what we said has been substantiated by the royal commission than has not been substantiated. On some occasions, the royal commission has not found that allegations were substantiated, but they were not necessarily disproved - they were simply not found to be substantiated.

The central thrust of the argument was the serious corruption in Wanneroo. That matter has been demonstrated by the royal commission. The Labor Party has been vindicated as its members made proper use of parliamentary privilege, which exists for circumstances in which a reasonable suspicion is held that the proper process will not work and the Government will not tackle an issue of corruption because it is too close to the issue.

In the use of parliamentary privilege, members have a right to be wrong because they are not investigative agencies and they are given information which, in circumstances, is difficult for them to check. The proper use of parliamentary privilege requires members on occasions to raise issues without necessarily having the corroborating evidence because pressure must be applied to the Government to conduct the necessary inquiries. That is what happened on this occasion.

Several members interjected.

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

Mr RIPPER: The royal commission findings on responsibility in individual instances are different from the question of political responsibility. Whatever the findings on individual circumstances, the Liberal Party, and in particular the Liberal Party in the northern suburbs, has a political responsibility for events that occurred in Wanneroo because a Liberal Party faction which contained corrupt members was responsible for these events. It was a Liberal Party faction which, according to the commissioner's report, facilitated corruption by its existence. Therefore, the Liberal Party has a responsibility.

The Liberal Party faction in the Wanneroo City Council was part of a northern suburbs Liberal machine, which has been a nursery for members of Parliament on the other side of politics. Two members for Wanneroo have come out of that machine. The Minister for the Environment comes out of that machine, as does the member for Hillarys.

Mr Johnson: How can you say that?

Mr RIPPER: The member is a former Mayor of Wanneroo, is he not?

Mr Shave: The Minister for the Environment was not on the Wanneroo Council.

Mr RIPPER: She was not, but her husband was and they were all part of the same machine.

Mr Shave: You're trying to say incorrectly that they are all tarred with the same brush.

Mr RIPPER: They are part of the same machine, which is why they share a political responsibility.

Mr Shave: Don't you accept his findings?

Mr RIPPER: I accept his findings. The Opposition accepts all the findings of the royal commission. I argue that the Liberal Party, particularly the Liberal Party in the northern suburbs, has a political responsibility for the events which occurred up there. Those people who say that they came along afterwards need to see what the commissioner said in his special addendum at the front of volume 1 of the report. He basically said that nothing much has changed at the council; it still has the same problems which have persisted over the years. Members cannot get themselves off the hook by saying that it was Wayne Bradshaw, and now is now, because the royal commissioner found something different.

Mr Shave: Are you saying that all the current councillors are corrupt?

Mr RIPPER: No; like the royal commissioner, I say that the circumstances at Wanneroo have not changed substantially and the necessary action - as recommended by the Leader of the Opposition, and followed by the Government - is to dispense with that council.

The Minister for the Environment has been a leading member of that northern suburbs machine. Whatever the findings of the royal commission on her behaviour individually, she has a political responsibility. She should apologise to the people of the northern suburbs for the corrupt behaviour of her Liberal Party factional colleagues in the Wanneroo City Council. The Premier should apologise to the people of Western Australia for the corrupt behaviour of his Liberal Party members in the northern suburbs. The Premier should assume responsibility for the behaviour of members of his organisation. In particular, the Minister for the Environment, as the leading member of the northern suburbs political machine responsible through some of its members for the corrupt behaviour, should apologise to the people of the northern suburbs.

Mr Court: The royal commission said two people acted corruptly - Dr Bradshaw and Mr King; no-one else.

Mr RIPPER: The commission said the existence of the Liberal Party faction facilitated the corruption.

Mr Court: It does not say that. Read out where it says that!

Mr RIPPER: If the Premier disputes this question of political responsibility, I ask him why he continues to attack all members of the Labor Party on WA Inc when only certain individuals were found to have behaved improperly by the WA Inc royal commission. The Premier cannot have it both ways. He cannot advertise during election campaigns that the Labor Party is the guilty party, yet say about corruption in his ranks, "It was a couple of individuals, and the party has no responsibility." The Premier set the standard, and he should accept that standard with his party.

The Premier asked me to read out the section of the report relating to the Liberal Party faction facilitating corruption. Page 1041 states -

Any member of the faction who voted on a matter in accordance with the wishes of Dr Bradshaw or any other member of the group and not according to his or her own view of the merits, or allowed his or her judgement to be improperly influenced by Dr Bradshaw, or any other member of the group, because of friendship or faction loyalty was, however unwittingly, facilitating the corruption that was occurring.

Mr Johnson: Where does it say Liberal?

Mr RIPPER: Earlier, it refers to the faction as a Liberal Party faction. It is clear what the commission was driving at, and that the Liberal Party in general, and the northern suburbs machine of that party, must take responsibility for this serious state of affairs. Liberal Party members knew this matter would be extremely embarrassing for them, so day after day and week after week, they resisted our pressure in Parliament for a proper full inquiry into the matter. The royal commission has been held, has reported and has found further instances of corruption. The royal commission will no doubt lead to more people facing charges in court. That would not have happened if not for our action in Parliament.

Labor Party members need not apologise, as we acted according to our duties as members of Parliament. We did the right thing and pursued a matter of corruption which would not have been pursued by the Government if not for the Labor Party. The Liberal Party knows that this is the way matters occur in Parliament. We have had no apology from the Liberal Party for the things they said about Hon Joe Berinson in the upper House. Awful things were said week after week about Hon Joe Berinson, who was completely exonerated by the WA Inc royal commission. Did we have an apology from the Liberal Party for its behaviour? None whatsoever.

The Minister for the Environment, I am told, raised the question of the promotion of Dr Carmen Lawrence's sister in the Education Department. Did we have an apology from that member for that action? No, we did not. It is a case of "If you dish it out, you've got to be able to take it."

The Government's hypocrisy has been revealed by today's debate. The Government has tried hard to pretend that this matter is all about some assertions made by the Labor Party which were not substantiated by the royal commission, when it is really about who will take political responsibility for what is demonstrably very serious corruption in the Wanneroo City Council.

MR COWAN (Merredin - Deputy Premier) [3.10 pm]: Quite naturally the Government will not be supporting this amendment. To take some findings of the commissioner and put them into an amendment to a motion is clearly a very selective operation by the Opposition. Such a move really has no place here if we are to have a degree of impartiality in this place.

Another reason I do not support the amendment is that I want to deal with a number of issues that were contained in the original motion. We are opposing this motion because mention was made earlier today of the Government's not having any regard to due process. In the first instance, one of the reasons that this report was tabled only yesterday was the request of the Director of Public Prosecutions because he did not want to see any prospect of a trial being

prejudiced. That was quite an appropriate course to follow and the Government complied with that request. When the trial was completed, the Government had no inhibitions about tabling the royal commission's report at the earliest possible time and from that period following a natural course of events which are prescribed in the Local Government Act. Therefore, having tabled the report and given people the opportunity to examine it, the Government made arrangements for suspending the Wanneroo City Council and putting in place the persons required to act as commissioners, and at the same time ensured that due process would be observed. Nobody on the other side of the House can be critical of the Government for following due process.

There will no doubt be quite a lot of work for the DPP to follow up as a result of this report. I give members the categorical assurance that the Government will certainly provide whatever assistance the DPP needs, if he feels that matters that have been referred to him need to be pursued. That is as it should be. This place will never take any notice of me, but it is inappropriate for it to start making judgments about matters which are the responsibility of the DPP and, after him, the courts.

Mr Graham interjected.

Mr COWAN: I am quite sure that member for Pilbara will join with me in that because I have noticed that if any members on the other side of the House wish to be the self-appointed keeper of standing orders, two people compete, one of whom is the member for Pilbara. I have no doubt that the member for Pilbara will leap to his feet and demonstrate that he can be quite sanctimonious when he wants to be.

I will deal with the issues contained in the motion and why I and the Government oppose the proposed amendments. In the late 1980s a Parliamentary Standards Committee was established in this House to examine the question of a code of conduct and parliamentary standards as they relate not only to a code of conduct but also to the relationship between standing orders, the Criminal Code and the Constitution. That committee was known as the "Beazley senior committee". One of its recommendations was that we did not need a code of conduct; however, it offered us one. This House decided in 1992 that for educational purposes it would debate the code of conduct and would seek to have it incorporated into standing orders as an addendum.

For those members who are always looking at standing orders to ensure they get the processes right in this place, I am sure they have read them in great detail. I will remind them of item 10, which was adopted as a statement of intent by members of the House on 5 May 1992. It reads -

- (1) In speaking in the House or in a committee, Members should take the following matters into account -
- (a) the need to exercise their valuable right of freedom of speech in a responsible manner;
 - (b) the damage that may be done by allegations made in Parliament to those who are the subject of such allegations and to the standing of Parliament;
 - (c) the limited opportunities for persons other than Members of Parliament to respond to allegations made in Parliament;
 - (d) the need for Members, while fearlessly performing their duties, to have regard to the right of others; and
 - (e) the desirability of ensuring that statements reflecting adversely on persons are soundly based.

That is all very good stuff, but let us look at what has happened in the years since then during debates on this very subject. A person said in this place -

We have heard the Houses of Parliament called cowards' castles and other less than flattering names precisely because of a view in the community that it is possible for members to say anything in Parliament without any constraint.

That point was followed by the comment -

The other point which is most important of all, and this is true where the reference is made to members of Parliament or to members outside Parliament, is the desirability of ensuring that statements reflecting adversely on persons are soundly based.

Mr Osborne: Who said it - Carmen Lawrence?

Mr COWAN: It was the then Premier, Dr Lawrence. We can find some other pretty good quotes from people who have been involved in this issue. In November 1994 a person made these statements -

Perhaps the most distressing legacy of the WA Inc years has been the undermining of the public's trust in their elected officials, and in the institutions of government.

It is important that this confidence be restored.

It is for that reason that the Labor Party, under my leadership, has strongly pursued honesty, integrity and accountability in government.

It gets worse. The same person said -

Labor learnt all about accountability in the 1980s and learnt about it in a way no other party can understand. Our commitment is deep and genuine.

It is not a policy; it is a way of thinking. It is a cultural change. Its a philosophy. Under my leadership openness and accountability won't be cliches; they'll be the guiding principles by which we govern.

Mr Speaker, you and I know that during his short time as Leader of the Opposition the member for Fremantle delivered that in an address to Edith Cowan University, probably on some seminar about ethics.

The fact of the matter is that since we heard those phrases we have also witnessed the activities of the Opposition in this place in its attempt to target the Minister for the Environment and her family. Not once did members of the Opposition ever comply with the standing orders, with the code of conduct that was inserted for educational purposes only or with their self-confessed desire to improve the standard of performance and level of credibility of member in this place.

Several members interjected.

The SPEAKER: Order!

Mr COWAN: At long last we have had a royal commission that has deliberated and made findings which show how hypocritical and baseless are those members of the Opposition who made those accusations using parliamentary privilege.

Mr Kobelke interjected.

The SPEAKER: Order! The member for Nollamara.

Mr COWAN: I know members opposite do not want to hear it, but it is true that only we can set parliamentary standards. The problem is that too many people on the other side of the House have no standards whatsoever.

MR PENDAL (South Perth) [3.20 pm]: We are dealing with a most meticulous report. I will not pretend that I have had the opportunity since two o'clock yesterday to read the entire four volumes. However, to the extent that I have read the report, it is meticulous and it has all the hallmarks of thoroughness one would expect from a senior member of the independent Bar. It is because of that meticulousness and thoroughness that I want to draw the attention of the House to one matter which is at the kernel of this debate and which denies me, at least, the opportunity of supporting the Government's motion. The Government's motion contains two words that are not a truthful reflection of what the royal commissioner said. Therein lies my argument. I will explain that in the hope of persuading the Government to drop of its own volition several words in its motion that are not a truthful or accurate summary of what is contained in Commissioner Davis' report. At the basis of that remark is that Commissioner Davis treated Mrs Cheryl Edwardes very differently from the way he treated Mr Colin Edwardes.

I have no doubt that the first part of the Government's motion is accurate. I have no doubt that if we take Commissioner Davis' words in their plain meaning, he clears the member for Kingsley of any wrongdoing. However, he does not do that in the case of Mr Colin Edwardes. It is for that reason that I, for one, am able to support that part of the Opposition's amendment that makes reference to Colin Edwardes. If I had got in first, I would have moved my own amendment. However, this goes to the core of what is contained in the Opposition's amendment in respect of Mr Edwardes in any case. I will explain the difference of approach.

The Premier pointed out to me in a private conversation only a few minutes ago the two terms of reference that the Governor added to Commissioner Davis' original warrant. Ironically, that underlines the point I am making that the commissioner treated Mr and Mrs Edwardes differently. If the commissioner has treated them differently, the House cannot support the Government's motion. The part of the government motion to which I take exception is part (e), which calls for the House to acknowledge that the member for Kingsley has, according to the report, been unfairly maligned by numerous, and now proven to be unsubstantiated, allegations. I accept that. That is what Commissioner Davis has effectively said. That is not what he said in the case of Mr Edwardes. I refer members to the two terms of reference the Premier reminded me about. The first was (1a), which states -

(I, the Governor) direct you as a Royal Commission to also inquire into and report on whether there was any corrupt, illegal or improper conduct involved in the appointment of Nguyen Van Phat as a Justice of the Peace on or about 19 October 1993.

The royal commissioner said about that matter -

There is no evidence to suggest that Mrs Edwardes interfered in any way . . .

That is unequivocal. The royal commissioner, as a meticulous and thorough man, knows the plain meaning of those words. I ask the House to contrast that with what the commissioner said about Mr Edwardes. That is a different matter entirely and it is why members cannot pass the original motion. The second term of reference the Governor was asked by the Premier to add reads as follows -

(To inquire into and report upon) the allegation that Colin Geoffrey Edwardes was seen handing money to Nguyen Van Phat at Shelvock Reserve . . .

What did the commissioner say in response to that? He did not say there was no evidence, but that there was "insufficient evidence on which to base a finding as to why the payment was made". Anyone who has read royal commission reports in this jurisdiction or in any other will know that Commissioner Davis did yesterday what royal commissioners have done since time immemorial. He drew a distinction between the absence of evidence - that is, that there is no evidence - and the position that is described here that there is insufficient evidence. That is the difference.

Mrs Edwardes: While you are on that page, may I direct your attention to paragraph 17.6.5? It is the paragraph immediately before the summary findings. It states -

There is therefore no evidence before the Commission which enables me to make any finding as to why Mr Edwardes handed a sum of money in cash to Dr Phat on that day . . . there is no evidence before the Commission on which to base a finding that the reason was connected with the impending elections and any desire on Mr Edwardes' part to secure the votes of Vietnamese electors.

There is no evidence.

Mr PENDAL: The member for Kingsley has played into my hands. The royal commissioner heard Mr Edwardes' explanation -

Mr Ripper: And didn't accept it.

Mr PENDAL: - and he did not accept it. However, in fairness to Mr Edwardes, the commissioner did not proceed to say on the basis of the suspicion he had that Mr Edwardes went to a reserve and got a pile of banknotes. He declined to make a connection. It was judicious of him not to do so, but it still leaves the question -

Mr Court: If there is no evidence, I guess it is pretty judicious of him to say so!

Mr PENDAL: The Premier must be having trouble with his hearing and his comprehension because he pointed out to me that there was no evidence. That is not what the royal commissioner said. He said only that there was insufficient evidence.

Mr Prince: I am sorry?

Mr PENDAL: Did he not? I must have misread the report.

Mr Prince interjected.

Mr PENDAL: This is my speech. The Minister for Health should make his own.

This is what the royal commission said, although the Minister for Health interjected that the royal commission did not say this. Paragraph 17.7.1 (b) states "There is insufficient evidence . . ."

Commissioner Davis is a very experienced barrister. I hope that the shake of the head by the Minister for Health, who is a lawyer, does not suggest to the rest of us that there is no difference between saying there is no evidence or there is insufficient evidence. I am not a lawyer but I was part of a profession that taught me the meaning of words. This House is concerned with the meaning of words. In a few minutes we will be asked to vote on the original motion - presumably once we have disposed of the opposition amendment, because the Government has said that it will be defeated. Paragraph (e) of the original motion is that unsubstantiated allegations have been raised in relation to Mrs Edwardes and Mr Edwardes. That is accurate in relation to Mrs Edwardes, and that is what Commissioner Davis said.

Mr Court: What substantiation has been given in relation to Mr Edwardes?

Mr PENDAL: The answer to the Premier's question is in the report and I suggest that he read the report. Has the Premier read page 717? I have 10 minutes left so I might go through it with the Premier. It states-

I am not, however, able to conclude from the evidence of Mr Bond alone what it was Mr Edwardes gave to Dr Phat.

I draw the Premier's attention to paragraph 17.6.2 and to what was concluded by the commissioner at paragraph 17.7. Mr Speaker, I ask through you whether the Premier, the Minister for the Environment, and the Minister for Health are saying that Commissioner Davis does not draw a distinction between there being no evidence and there being insufficient evidence? Does anyone suggest that?

Mr Court: If the member looks at the summary of findings he will get the answer.

Mr PENDAL: The Premier had his chance and he was not all that convincing.

Mr Court: You just interjected and wanted an answer, now you do not want an answer.

Mr PENDAL: What does the Premier mean by "interjected"? It is my speech! I will read other findings in order to demonstrate this point that the commissioner knew precisely what he was doing when in some cases in the report he said there was no evidence but in other instances said there was insufficient evidence. That is a clear implication that there is evidence, but not sufficient for him to send to the Director of Public Prosecutions, but not insufficient for him to reject. That is the plain meaning of the words.

There are examples in other parts of the report. At paragraph 20.7.1(e) the commissioner refers to certain allegations against Dr Bradshaw and says the same, "There is insufficient evidence . . ." Part (d) of that same subsection states -

There is insufficient evidence to support a finding that Mr Edwardes ever asked Mr Agnello for an election donation . . .".

There are those words again, "insufficient evidence". On page 761 he said this -

There is no evidence to corroborate Mr King's allegation that Mr Zencich offered him \$30,000.00 . . .

It is no accident that the commissioner uses quite different language in different parts of that report. How the House can be asked, with less accuracy and truth, to pass a motion such as has been presented by the Premier is beyond me because effectively we are being asked to rewrite what Commissioner Davis has said. That would be dishonest.

The Government has left me in a difficult position. I feel comfortable with much of the Government's motion, and I could have endorsed it. However, the Government tried to sneak in an exoneration for Mr Edwardes at the same time that Mrs Edwardes is being given an exoneration. The dictionary makes a clear definition of what that word means: To exonerate, to free a person from blame. I will grant you that Commissioner Davis has done that in the case of Mrs Edwardes. Had the original motion confined itself to that I would have been able to support it. Whoever wrote the motion for the Government, whether the Premier knew at the time or not, took the opportunity to include Mrs Edwardes' family which, in the context of this report, can only mean Mr Edwardes.

For that reason the suggestion that he has been exonerated and all blame has been set aside from him is simply untruthful. At the very least the commissioner is saying, "I have looked at evidence. I am disturbed by the evidence. I cannot on the one hand discount it but on the other hand it is not strong enough for me to send to the prosecuting authorities." That in itself should not concern us because Commissioner Davis will live or die on what is in his report. What should concern us is not what we cannot rewrite, which is what is contained in the commission's final report, but what we can rewrite, which is what is in the motion before us.

Government members are now being asked to read something into that report which is simply not there and I will not be a part of it. Maybe in due course Mr Colin Edwardes, like his wife, will be exonerated and I will be happy for both of them if that is the case. However, the only evidence - since we have spent a couple of hours talking about it - is the contents of this report. That certainly clears Mrs Edwardes but not Mr Edwardes. For that reason the Government's motion does not warrant support and I am left having to support an opposition amendment which I think in the main is very good but which probably goes into a greater level of detail than I would have done. It is regrettable and at this late stage I ask the Premier to take into account that his motion is asking us to do something that at worst is untruthful and at best is a generous overstatement or overdissection of what is contained in Commissioner Davis' report. For that reason if it goes unamended the Government's original motion deserves to be defeated.

MR PRINCE (Albany - Minister for Health) [3.38 pm]: I will address a few remarks on the issue generally, and in

doing so I will talk about some of the matters raised by the member for South Perth. While I found his exposition to be eloquent, I do not agree with the logic. Page 6 of the first volume of the royal commission report at paragraph 1.1.6 states-

. . . His Excellency the Governor signed an amendment to my commission to add the following clauses to the terms of reference:

"(1) (To inquire into and report upon) the allegation that Colin Geoffrey Edwardes was seen handing money to Nguyen Van Phat at Shelvock Reserve, Koondoola on or about 20 April 1991 and as to whether there was any corrupt, illegal or improper conduct involved . . .

That is the proposition that the commissioner was obliged to inquire into and investigate. That is what he has done. It is reported on page 700 and thereafter in volume 3 of the final report. In the time available since yesterday I have looked through some parts of the report, as has the member for South Perth. I refer him to page 712, paragraph 17.5.1, which is headed "Mr Edwardes". It is a summary of the evidence Mr Edwardes gave to the royal commission. The commissioner starts by saying -

In general, Mr Edwardes remembers very little of the afternoon at Shelvock Reserve. He agreed with Dr Phat that they are good friends. Mr Edwardes said he had a "very close relationship with many members of the Vietnamese Community, not only Dr Phat".

Mr Carpenter: Keep reading. Just read the next couple of lines, and read this carefully.

Mr PRINCE: It continues -

He was, however, unable to name any other members with whom he had a very close relationship.

Mr Carpenter: He could not name any of them.

Mr PRINCE: For goodness sake, if the member wants to make a speech, he should make one. A summary of the evidence as given by Mr Edwardes and other witnesses goes on for a number of pages. It comes to the conclusions which start on page 716, under paragraph 17.6.1. I make this point for the benefit of the member for South Perth. It is a summary of findings in no more than probably 50 words. However, there are pages of conclusions which are the summation of what the commissioner has determined as a result of hearing evidence, in the light of that which he is required to do by way of a direction to his commission. We are talking about a reasoning process. If we take one word out of context in a summary of about 50 words, we could be guilty of an illogic.

Mr Pental: Did I take a word out of context?

Mr PRINCE: No. I am just making a point. Paragraph 17.6.3 on page 717 states -

I have found that Mr Bond did observe something being passed by Mr Edwardes to Dr Phat. I found further that the tone and general effect of conversation created the effect that something of value was being given to Dr Phat. I accept that something of value was in fact passed. . . . Mr and Mrs Edwardes accept that their financial records fairly well preclude the possibility it was a cheque. By a process of elimination I am driven inexorably to the conclusion that, in all probability, what Mr Edwardes handed to Dr Phat was cash in an unknown amount. In my view, on a balance of probabilities, the totality of the evidence leads to that conclusion.

That is a process of judicial reasoning. He comes to a conclusion that a sum of cash was handed over.

Mr Pental: How often have you done that?

Mr PRINCE: Frequently.

Mr Pental: I will bet you have never done it.

Mr PRINCE: What?

Mr Pental: Exactly what you have just said about the way in which this money was given. It is a very unorthodox way of giving money to people.

Mr PRINCE: I am not talking about that; I am talking about the reasoning that the member for South Perth has come up with to support a proposition which, in my view, is wrong. Paragraph 17.6.4 continues -

The next question is: why? I have found that if Mr Edwardes was handing money to Dr Phat it was not a donation to the Vietnamese Community, for the purchase of trophies or otherwise. Further, the facts as I have found them to this point do not allow for a situation whereby Mr Edwardes gave money for a donation

which was not passed on to the Community by Dr Phat. It follows that the money changed hands for a reason or purpose that no witness has raised or to which no witness will admit.

These conclusions were made by a commissioner sitting in a quasi-judicial sense. He is coming to conclusions on evidence. Paragraph 17.6.5 is the one members should quote, not the summary which contains only about 50 words.

Mr Carpenter: No wonder you lost so many cases in Albany.

Mr PRINCE: The member could never have afforded me. In part, paragraph 17.6.5 states -

It follows that, specifically, there is no evidence before the Commission on which to base a finding that the reason was connected with the impending elections and any desire on Mr Edwardes' part to secure the votes of Vietnamese electors.

Members must bear in mind that on 8 October 1996 the Governor signed an amendment to the commission adding a term of reference to inquire into the allegation that Colin Edwardes handed money to Dr Phat and as to whether any corrupt, illegal or improper conduct was involved. The commissioner quite clearly finds that, based on the fact that there is no evidence that he can take any further, there was no corrupt, illegal or improper conduct.

Mr Carpenter: Where does it say that?

Mr PRINCE: We must look at the terms of reference. He forms the conclusion that he can take the matter no further. It is not a coroner's court; it is a royal commission - an inquiry. The member for South Perth has taken one word - "insufficient" - out of a summary of a couple of pages. Members should read the conclusions.

Mr Pandal: It is the commissioner's summary, not mine.

Mr PRINCE: The conclusions do not bear out any of what the member has said. In regard to the way in which the Opposition has handled this, the member for Peel who is sitting closest to the member for South Perth at the moment has not changed his spots. When the member for Victoria Park came to lead the Opposition, an article in *The West Australian*, which I trust reported him accurately, stated -

Dr Gallop - who assumed the ALP leadership on Tuesday with the promise of a new vision - said there had been serious issues surrounding corruption in the Wanneroo council which needed to be tackled.

But the Opposition had made mistakes in trying to flush out those issues.

"From a political point of view, we overplayed the mark . . .

It does not say that the Leader of the Opposition overplayed it from a real point of view. As the Leader of the Opposition, the member for Victoria Park was right in the middle of the whole game plan from late 1993 and early 1994 on, together with the members for Fremantle and Peel. I will not bore the House by going through all the quotes that appear in *Hansard*. They show there was a concerted attack, and the Leader of the Opposition was involved in it along with everybody else.

About a year ago, in the lead-up to an election, he then tried to put a gloss on this matter. I will give him this much: He did not try to rewrite history completely; he kept his colours. What the Leader of the Opposition did, and what he has always done, was to use smear, innuendo and unsubstantiated allegations against the member for Kingsley and others. There are innumerable examples of where he has done that.

The royal commissioner has found that there were corrupt dealings between two of the former councillors and some developers. When did they occur? It was when those opposite were in government, between 1986 and 1992. In 1985 the then Labor Government ignored the findings of a local government inquiry. Indeed, it was hidden so far under the carpet that no-one could find it. The then Labor Government did nothing about it. At that time the Labor Government was involved in a number of questionable dealings, and there was no particular attention to any form of process. Yesterday the Leader of the Opposition was saying, "Throw process out the window; don't do things properly; come out straightaway and sack the City of Wanneroo", notwithstanding the proper process; that is, to table the report and make a public statement, and then have the Cabinet meeting and make the proper decisions. It is called proper process so there is an integrity to government, which those opposite simply do not have the capacity to understand.

From 1994 to 1996 the Leader of the Opposition, his predecessor, who may try to recycle himself some day, the member for Peel, the member for Belmont and others have - probably knowingly - made accusations in this place which have caused significant hurt which should never have been caused, without any regard for whether they were telling what is truth or without making any sensible inquiry. The Leader of the Opposition knows perfectly well that the Director of Public Prosecutions, John McKechnie, QC, said in a media statement on 10 August 1994 -

Otherwise they should stop peddling rumour. It is easy for a person to make an allegation to my office and then announce that the DPP has been given information of possible criminal conduct.

Such action is not uncommon but it is very wrong. If the allegation has substance, publication of the matter will almost inevitably hinder or prevent proper investigation by police and may unfairly prejudice any subsequent trial.

If the allegation has no substance then it is a cowardly attack.

Those are not my words, they were said by the DPP and they apply to the Leader of the Opposition. It continued -

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

I have never heard anyone such as the DPP say such a thing. He said it about the Leader of the Opposition and his side of politics. On 1 December 1994 the Leader of the Opposition said, as recorded at page 8341 of *Hansard* -

Mr Speaker, I will give you and this Parliament eight reasons that this Attorney General should be shifted, that she is not a fit and proper person to be in that office. The first three relate to that set of events which we now know as Wanneroo Inc.

That of course is the expression coined by the Leader of the Opposition, probably given to him by a spin doctor. The Leader of the Opposition continued -

Reason number one: The Attorney General of this State commented adversely on the Kyle inquiry into the Wanneroo City Council from which prosecutions have resulted and about which the inquiry continues.

He continued -

Reason number two: This serious abuse of her privileged position as Attorney General when she cast aspersions on the Kyle inquiry was compounded . . .

He further stated -

The third reason that the Attorney General is not a fit and proper person to occupy the position that she holds is this: Her failure in respect of the Kyle inquiry needs to be viewed in the light of her continuing failure to be open, frank and comprehensive when answering questions in Parliament about her links with Wanneroo Inc, during those heady days when the Liberal Party reigned supreme and Wanneroo was ripping along and all sorts of corrupt practices were occurring. She has never provided a complete, open, fair and comprehensive explanation about those events. That is why members of the public doubt her credentials as Attorney General.

The Leader of the Opposition continued with some other reasons not related to Wanneroo Inc. These comments were made only a few weeks after the DPP had said that people should put up or shut up. The Leader of the Opposition was not the only one.

On 19 March 1995 the member for Fremantle alleged improper personal, financial and political links to proven corruption and illegality in Wanneroo, specifically about the member for Kingsley. In March 1996 he said it was no longer a matter of impropriety or illegality in local government, but that the corruption reached all the way into the Cabinet room. Again in March 1996 the member for Fremantle said that Roger Davis' inauspicious start had shattered public confidence in this inquiry and would frustrate attempts to root out official corruption in Wanneroo Inc and the successful prosecution of the people involved. That allegation was made despite public statements by the then Deputy Commissioner of Police on 21 June 1994, and the DPP on 10 August 1994. The DPP's statement was a direct rebuttal of the Corse memorandum, which Corse had handed personally to the member for Fremantle by his own admission. The statement was made after the member for Fremantle told the police he had no evidence. The comment refers directly to a letter from the then Deputy Commissioner of Police, Mr Ayton. The member for Fremantle failed to mention that he had no evidence, contrary to his original public statement that Cheryl Edwardes would be horrified if she knew what he had.

On radio station 100FM on 6 August Mr McGinty, the member for Fremantle, said that once the royal commission had been called the Opposition sat back and allowed the royal commission to look at the allegations. He also said that the Opposition did not intend to pursue the matter any further and had not done so since the royal commission had been called. That is blatantly untrue because it continued to do so over and over again.

Dr Gallop: When?

Mr PRINCE: I gave the quotes. Narelle Johnson, counsel at the royal commission, said -

But perhaps the most alarming feature of the evidence put before this commission has been the willingness of all types of people to hear a piece of information, accept it without question and then pass it on within the community without any consideration of the consequences . . .

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

In other words, no judgment was exercised at all. The member for Peel said in his evidence to the commission, "I didn't make those value judgments." What did Narelle Johnson say about that? She said -

Well, he should have. So should Mr Corse; as should have any reasonable, right thinking person.

Of course, that does not apply to some members opposite.

The member for Fremantle said on radio station 100FM on 6 August 1996 that he was happy the royal commission had been called and that some of these matters might be shown to have been raised maliciously or without foundation. He did not care whether they had been raised in this place with malice or without foundation, because the royal commission had been established. He thought he had the scalp of the member for Kingsley. He did not get it because the member for Kingsley has been exonerated at great expense and at great length and in my view, so has her husband.

As the Leader of the House illustrated today in relation to another matter, it is clear from all this that members opposite live by the dictum that the end justifies the means. As the Deputy Premier said earlier, there is not a skerrick of principle among any members opposite. All they care about is getting to their point and they do not care how they do it. Their whole ideology is based on the end justifying the means. As long as they get to their objective, that is all that counts. The behaviour of the Leader of the Opposition, the members for Fremantle and Peel and the others who have been party to this - obviously by the interjection that includes the member for Willagee - is without any principle, judgment or reason. It does not matter what they do, as long as in their terms they win. They did not win. They failed at great expense. They will wear this one, as they wore WA Inc, and will continue to do so for a long time.

MR MARLBOROUGH (Peel) [3.57 pm]: I oppose this motion and support the amendment. I immediately address myself to the difficulty this Government faces with the royal commission report. As indicated by the member for South Perth, it is an extremely comprehensive report but it must be acknowledged that it is very limited. We know the Government laid down very restrictive guidelines to cut out many areas that should have been looked at, such as the events of the previous 10 years. It hurts the Government that 10 years of Liberal Party history has been totally corrupt. That is what the report of the Davis royal commission into Wanneroo states.

I turn specifically to a major concern for the community and the Government in some of the charges that could follow from this royal commission. I refer to page 1051 of the commission's report at which is a list of private companies that made donations to Dr Bradshaw through an associate, Mr Hemery. The companies are named as follows -

On 13 April 1987 Hemery received a cheque for \$5,000.00 from Greenwood Village Pty Ltd and one for \$2,000.00 from Pivot Project Pty Ltd. On the same day Mr Hemery paid Dr Bradshaw \$7,000.00.

It continues -

On 5 May 1987 Mr Hemery received a cheque for \$2,000.00 from Collier Constructions.

It continues -

On 14 April 1988 Masterkey Constructions Pty Ltd paid Mr Hemery \$2,000.00; . . .

Mr Hemery also received payments from North Whitfords Estates of \$1,500.00 on 31 March 1987 and \$1,200.00 on 19 July 1990.

The royal commissioner goes on to say at page 1059 -

Both Mr King and Dr Bradshaw had in place arrangements to conceal election donations.

Supposedly election donations were referred to at page 1059. To continue -

The concealment was effected by directing payments through a third party and by the third party issuing false documents to disguise the nature of the payment.

If any of those payments came under the category of "disguised payments" and the people concerned handed them

over knowingly, the appropriate authorities should take action. This report must be examined because it details actions that could be matters for future consideration. Any director who authorised any such payments, knowing that he would benefit from the council, would have breached the corporations legislation by exercising his power for improper purposes. That part of the corporations legislation provides that at all times, the directors need to act honestly in the exercise of their powers and the discharge of their duties and their office.

In the cold light of day, members opposite will have an opportunity of examining this royal commission report in detail. Some, possibly legal, questions are still to be answered. If those payments come under the category I suggest - that is, they were not made legally; I am not suggesting they were not; they were made as donations and all within a day, not given to any political party, but by Mr Hemery to Mr Bradshaw - major legal problems could emanate.

The Premier's comments today have been about his concerns over the matters in this Davies royal commission report. He has always been concerned about outcomes from the Wanneroo City Council. Since we raised the matter in Parliament in 1993 the Premier's role has been to delay the inevitable. When it was in his hands to call an appropriate inquiry, as the Opposition was asking, he denied the people of Western Australia that opportunity.

As I said before in this House, we all know why that opportunity was denied. After reading this royal commission report it is clear just how involved was the Liberal Party as a machine in the Wanneroo council. The commission writes it up in numerous ways: "A Liberal Party faction headed by Dr Bradshaw"; "a Liberal Party faction that used to meet with Dr Bradshaw behind closed doors to determine the outcomes of council meetings". The report says that any councillor who participated in that process, although unwittingly, participated in facilitating corruption at the Wanneroo council.

Mr Johnson: Where does it say that?

Mr MARLBOROUGH: It clearly says that in the report. The member for Hillarys will be able to read it; he has it in front of him.

Mr Johnson interjected.

The DEPUTY SPEAKER: Order!

Mr MARLBOROUGH: I will have the opportunity of doing so. The Wanneroo situation did not disappear, as I thought it would, with the removal of Dr Bradshaw, nor it did it disappear with the elevation into Parliament of certain Wanneroo councillors who were part of the Bradshaw faction. We now know from this royal commission report that when they left the Wanneroo City Council, unfortunately for the people of Wanneroo and for local government in general, corruption did not disappear.

The royal commission has pointed out, not simply the elected councillors who are of major concern but also areas of the body politic of Wanneroo. The royal commissioner specifically refers to the department of planning in the City of Wanneroo. He states in his own language that processes in the department of planning were inappropriate for the standards of local government. He suggests clearly that some of the activities there should be investigated. He paints a picture, outside the department of planning, which indicates an excess of funds that councillors received while presumably carrying out council duties. He also makes the important statement that it was a matter of not only how much money they received but also the lack of accountability.

Mr Johnson: He was referring to the years 1985 and 1986.

Mr MARLBOROUGH: No. Today, the Premier has tried to suggest that his actions over the past 24 hours of tabling a report he has had for six weeks, 24 hours prior to sacking the Wanneroo City Council and putting in place a board of five administrators, have nothing much to do with corruption. According to the Premier, any councillor who had links to the Liberal Party has been cleared. According to him, the people of Western Australia should set aside their concerns about corruption in the Wanneroo City Council, raised by the Opposition in this House over the past four years, and simply focus on the member for Peel or other opposition members and how they spoke about individuals and/or raised issues in this Parliament.

Any serious political commentator who knows the history of Wanneroo Inc knows that the royal commission would not have taken place without the Opposition. The Kyle inquiry followed a police inquiry that this royal commission was not even allowed to examine. When the Premier took over as leader, the Opposition brought that matter to his attention. The Premier is correct in saying that it came into this House, I think in late December 1991, when the election was being held. Although he wants to paint his own picture about the Kyle inquiry arriving at six o'clock in the morning, we in government were in disarray over WA Inc, the media was saying that a Kyle inquiry into Wanneroo was a smokescreen for WA Inc and there was neither any public nor political interest.

The Liberal Party moved not to table that inquiry at that time for its own reasons. Liberal Party members believed that it was not appropriate politically to see the focus move from what they perceived to be WA Inc onto Wanneroo. When the Labor Party brought the matter into the House in the mid-1990s what did it see? The Premier performed all sorts of tricks not to go down the road he was eventually forced to take; that is, the establishment of a proper inquiry.

The Premier created his own special audit into Wayde Smith's finances. We had to sit here waiting for that audited document, to be convinced by the Premier's tabling it in Parliament that Wayde Smith's finances were okay. It has not been refuted by this royal commission, nor as a result of matters brought to the Parliament, that Mr Smith still has a \$200 000 interest free loan from Dr Bradshaw. No evidence from either the member for Wellington or any of his other mates has indicated that the money was repaid. I asked the member for Wellington on at least a couple of occasions whether Wayde Smith paid back the \$200 000.

Mr Johnson: He would not know that because he was no longer -

Mr MARLBOROUGH: Why would he not know it? He was the secretary of his brother's four companies and was intimately involved in his brother's business dealings. That has been raised in this House, and it has not been refuted by the member for Wellington, to his credit. He cannot refute it, because his signatures were on the documents when his brother came back from New Zealand.

We went through the charade of the then member for Wanneroo being cleared by the special auditor called in by the Premier. We also went through the process of the Premier propping up the then Attorney General, the member for Kingsley. The Premier was correct when he said that as each day went by, it became increasingly difficult to listen to the statements that were made by the Opposition in this House. However, it was always in the Premier's hands to stop that.

Mr Court: How?

Mr MARLBOROUGH: I should not have to tell the Premier how to suck eggs, but I will tell him how. He should have called the inquiry, as we pleaded for him to do day after day. That would have taken the heat off. In the end, it was embarrassing when at the end of 1994 and the beginning of 1995 the then Attorney General lost her voice for three months and could not speak to us in the Parliament. She claimed also that she did not speak to her husband about any matters with regard to Wanneroo council. That is in *Hansard*.

The Government attempted constantly to discredit any witness whom we brought forward. Let me give an example. When Mr Bond came forward with evidence about the money that had been handed over to Dr Phat at the soccer ground, the Government attempted to discredit him by accusing him of being a Labor Party stooge. I had not even met him; I had spoken to him on the telephone.

Members may recall that when I raised that matter, the member for Melville demanded that I demonstrate my credibility by going through the proper process. When I asked the then member for Melville what he believed was the proper process, he said that the witness should sign a statutory declaration and go to the police. At the end of my speech, I was able to tell the member for Melville that Mr Bond had signed a statutory declaration and gone to the police with his evidence. However, that did not stop the member for Melville and other members on that side from trying to discredit that witness. Mr Bond was then president of the Joondalup golf club and a senior businessman in the Wanneroo area.

Dr Gallop: Whom did the royal commissioner believe on that matter?

Mr MARLBOROUGH: He believed Mr Bond. As I recall it, within 24 hours, Colin Edwardes, the husband of the then Attorney General, said that the money was in the form of a cheque and he could not remember what it was for but he thought it was for a trophy. Dr Phat said the money was in the form of cash, and he could not remember what it was for. We have seen the outcome of that evidence in the royal commission.

The matter need not have reached that stage in the Parliament. Overwhelming evidence and editorial after editorial urged this House to take the appropriate action. Although the appropriate action was to call an inquiry, we were put through this charade for two reasons, which are worth repeating: The corrupt Liberal Party machine in Wanneroo had delivered to this Premier the leadership of the party. The people who had been assisted to run their campaigns by Dr Wayne Bradshaw were in this body politic that chopped off Barry MacKinnon's head. The evidence of their support for the Premier can be seen when he became leader and wanted as his deputy the member for Kingsley. However, thankfully the toss of a coin saved Western Australia and we got the member for Cottesloe, who was the appropriate deputy.

Mr Pandal: Or perhaps out of a hat!

Mr MARLBOROUGH: Yes. That was what he did. The Premier's uncle, Dick Court, was signing as a justice of the peace all the documentation for Dr Wayne Bradshaw when he came back from New Zealand. The Premier knew that Dr Wayne Bradshaw was involved. The Premier tried to suggest that our evidence came from all sorts of unreliable sources. I was often buoyed by the evidence that I received from key members of the Liberal Party.

Mr Johnson: Which ones?

Mr MARLBOROUGH: The member for Hillarys was one of them. The member for Hillarys said in *Hansard* of Wednesday, 15 June 1994, at page 1829 -

The first time I met Dr Wayne Bradshaw was when I led a delegation of those concerned residents to the planning committee to put our case and to argue against an industrial development . . . We were also unhappy that petrol stations were being designated for every street corner in Wanneroo. We felt that was wrong. I held no brief with Dr Bradshaw other than I believed he was not a very good mayor and he should be replaced.

He said at page 1830 -

I told Kyle that as far as I was concerned, while I was on the council - that is, for two years until I came to this place - I was not aware of any corruption whatsoever. I told him . . . that I was concerned about what Councillor King and Wayne Bradshaw were doing and the number of developments that were going on. They related to petrol stations on too many corners, against the wishes of residents.

[The member's time expired.]

MR BRADSHAW (Murray-Wellington - Parliamentary Secretary) [4.17 pm]: Obviously over the past few years it has been very difficult for me to have a brother who was so deeply involved in this matter. The past three or four years have perhaps been the worst years of my life, and the sooner this is over and done with, the better.

I wish I had never heard the word "Wanneroo" and I do not wish to hear it again, but I am sure I will hear a lot more about it before my time in this place is up. It is interesting that from 1950 onwards, my family lived for many years in Wanneroo Road, Tuart Hill. I went there when I was about 10 and I left when I was 22 or 23. Wanneroo has played a fairly important role in our lives over the years and it is now playing a much more significant role.

The report of the royal commission has been tabled, and it is important that its deliberations and recommendations be followed through. Any person who has been found guilty of doing the wrong thing should bear the full brunt of the law, and that applies to me, my brother and anyone else. Yesterday was a sad day for me, although I must admit that from reading the newspaper over the past year or two, I had no illusions, or disillusion, about the report because I did not expect a pretty picture to be painted. As I said, it is important that the process be completed; that is, that the Director of Public Prosecutions investigate these things. Obviously, from a personal point of view, I hope the allegations are found not to be correct. We will find out in due course.

Having had over 50 years experience with my brother, even though the issue has been pursued and he has gone to gaol, I find it odd that these findings were made. The person I know as a brother is caring, compassionate and generous and has been a mover and shaker in the community. He has tried to ensure the community is a better place. Many people in this place probably dispute that. However, given the good work he has done over the years, it is sad that he is in this predicament and I find it very difficult to accept. I hope in due course that he will be found not to be guilty of some of the offences detailed in the report.

Two of the witnesses who gave evidence against him in the trial that resulted in his going to gaol - Ron Harman and David King - have been proved to be unreliable witnesses.

Mr Marlborough: No. I was at the court with you.

Mr BRADSHAW: I was there only for the sentencing.

Mr Marlborough: Don't try to rewrite history.

Mr BRADSHAW: They have both been found to be unreliable witnesses.

Mr Marlborough: Are you suggesting they were lying to the jury?

Mr BRADSHAW: They have both been found to be unreliable witnesses. Over the past couple of years three people have come to me and said that the police have approached them saying that they have information on these people but, if they come good with information on my brother, they will get immunity.

Mr Marlborough: That is often offered in relation to corruption.

Mr Court: Let him make the speech. He did not interject on you.

Mr BRADSHAW: It is interesting that the emphasis seemed to be on my brother. It does not matter that David King has admitted being corrupt and taking bribes; he still gets immunity. King made outrageous statements, including one relating to the member for Kingsley's having a second storey built on her house. I understand that when someone is offered immunity they are supposed to tell the truth, the whole truth and nothing but the truth. King has made several outlandish statements that have been proved to be incorrect. I believe that King impugned my brother in an attempt to reduce his sentence. In fact, one statement floating around at one stage indicated that King felt he was let down because he gave evidence and still had to serve time in prison.

Interestingly enough, the other man, Ron Harman, was also a witness against Dominic Casella, who was charged with providing my brother with money in respect of a rezoning application. Dominic Casella rang me out of the blue and said the police had visited him and said that if he gave information on Bradshaw they would not charge him with any offence. He said he did not know my brother and he told the police that. He knew nothing about my brother apart from fact that he was Msayor of Wanneroo and he had done some development in Wanneroo. A week later he rang me again and told me that the police had raided his house. Obviously he was not very impressed about that. A couple of weeks later I read in the newspaper that he was charged with giving money to my brother. Apparently my brother's lawyer went to the DPP and asked whether it was intended to charge him with this offence. Surely if someone is charged with giving money, the person receiving it should also be charged. He was told that they had insufficient evidence for that. Is that not strange?

Mr Marlborough: Absolutely. I have seen the transcript from those witnesses and it leads to many more questions.

Mr BRADSHAW: *The West Australian* reported on 2 August 1996 that at the end of the preliminary hearing Mrs Musk rejected a submission from defence lawyer Robert Richter QC that Mr Casella had no case to answer. However, she suggested that the DPP clear up several matters before the case was raised in the District Court. These issues included allegations that detectives pressured a key witness to make a statement implicating Mr Casella. The vastly different versions of events were given in two statements provided a month apart by that witness.

The witness was Mr Ron Harman, who was a witness against my brother. We have David King, who was proved to be unreliable, and Ron Harman, who has now changed his statements because he was leant on by detectives. He signed two police statements. The first said he did not see anything happen and one month later he said he saw a big brown envelope change hands. When he was questioned in court, he indicated that he had been leant on. Two of the witnesses who sent my brother to gaol have been proved to be unreliable. Ron Harman was leant on in one case. Is there a chance that he was leant on in the other? I do not know, but I have grave suspicions. I will never believe that my brother would have asked a clown like David King to ask a developer for money. He has done some silly things in his time, but he is not that stupid. I find that scenario very interesting.

Ron Harman said that he was running a real estate agency at the time and that the money would be put into a trust account. My brother was not a signatory to that account. It would appear that he had not only King and Harman involved, but that the money was going to a trust account for which he was not a signatory. I have grave doubts that the verdict was correct, but he has served his time and that is unfortunate.

In the time that I have known my brother, over 50 years, I have never found him to be what he has been made out to be in the past few years. I have some letters of support for him, one of which states -

Dr Bradshaw was always ready to assist, no matter the time of day or night. No other doctor has ever been as caring or capable.

Another letter states -

In a time when most members of the medical profession have ceased to make house calls, this doctor constantly called at my home for any member of my family - even on occasion actually taking a sick child to hospital in his own car.

In reference to her mother, a woman states -

Through Wayne's dedication to his profession, he helped her come to terms with a mentally handicapped Son. In the 60's and 70's disabilities were not recognised in society and through perseverance in his approach he not only helped my Mother, but in fact the whole family through a long and difficult time. My Mother died a happy and peaceful person, a contrast from what she was before treatment.

The woman gave credit to Wayne for being a gifted person in his field. Over the last couple of years when it has been very difficult, I have been fortunate enough to have people in my electorate who have supported and backed me. Those who know my brother Wayne have said that they certainly cannot believe the allegations over that time. He

had been a doctor in the Harvey-Yarloop-Waroona area for probably 10 to 15 years, during which time he certainly established himself as a person who got things done in the community. For example, people were trying to get money together to build the Hocart frail aged home. They ran into some difficulty and called on Wayne. He made sure that funding was available through the community. That is one example of a whole host of activities in which he was involved in the community. He certainly made it a better place.

I have found some of the allegations that have been made in this House quite difficult to take. When members of this place make allegations they must be very careful about what they say, especially having regard to families and others so closely involved. It is not very easy when one's brother is accused of murdering three people. I found it very difficult when I read the allegation on the front page of *The West Australian*. I was a little surprised at the attitude of *The West Australian* on that occasion because that allegation was on the front page but on page 8, 9 or 10 two of the wives said that what was alleged was total rubbish and had not occurred. One of the wives rang me and left a message on my answer phone in which she said it was total rubbish. If that woman had thought there was any chance that my brother had murdered her husband, there would be no way in which she would have tried to ring me on the matter. I hope that most members of this place do not go through what I and my family have gone through. I do not mind allegations where there is some evidence to back them up, but when people make them up and come into this place and throw them around for political reasons, it is the pits and takes one to the lowest ebb of all time. I find it very difficult to accept.

I have tended to sit back and take it over the last three or four years because it is for the DPP, the police and other people in that field to work out who is right and wrong. It is not up to me or members to make that decision. Police inquiries into this matter have been continuing for probably 12 or 14 years now. Its history goes back a long time. Many allegations have been made over the years.

I opposed the Kyle inquiry report being tabled at the end of 1992 because I was probably a little naive on these matters. My concerns were that people could go into an inquiry and make outrageous statements, saying, "I have heard that so and so did this and so and so did that", without any evidence to back them up. I felt that people who made those sorts of statements should be accountable. The problem is that once people have parliamentary privilege they cannot be got at.

Mr Pandal: That is not true. Parliament has the power to act against people who abuse privilege. You know that.

Mr BRADSHAW: I know that to some extent, but the question is not that simple.

Mr Pandal: The New South Wales Parliament did it.

Mr BRADSHAW: That is one of the rare examples. How do you attack someone who says, "I have heard such and such"? A few years ago a prime example of that was the Greenburg case. As a result I made sure that the Public Accounts and Expenditure Review Committee met in camera, deliberated on our findings, and then spoke. I remember the case of a bank manager being on the front page of *The West Australian*. Someone had said that he had heard this person was having an affair with Robin Greenburg. There is no way that should have been printed or reported until there was evidence to back it up. What would that do to his family? It is important that there be some come back on people who make such allegations. It is not right that people can go into an inquiry and say, "I heard this" and then an allegation gets printed and reported without any evidence to back it up. That is why at that time I opposed the tabling of the Kyle report.

I am glad that the royal commission has reported because some of us might be able to get on with our lives a bit more, although I do not think that will be the case for my brother for a while. For those opposite who are happy with the result, good on them. However, for me and my family it has been very difficult but we will survive.

MR MCGOWAN (Rockingham) [4.36 pm]: Without commenting on the veracity of what the member for Murray-Wellington has said, I feel some sympathy towards him and his family during what must be a very difficult period for them.

I am a new member of this place. I was not present while all these debates were taking place on the Wanneroo City Council and the royal commission which inquired into it. In that sense I would like to take an objective approach to the examination of these issues. I am sure you will acknowledge, Mr Deputy Speaker, that my comments are always objective on such matters.

Mr Johnson: Are you saying that you will not be biased?

Mr MCGOWAN: There will be no bias at all. As I was not present, all I can comment on are the local government issues involved because I am the shadow spokesperson for local government. I would also like to give my thoughts on the goings on of the last day or so since the report was tabled. First, since this report has been tabled no-one can seriously argue that the royal commission was not justified. Very serious findings have been made about the City

of Wanneroo and deficiencies in local government laws, not just in Wanneroo, but also throughout the State of Western Australia. Therefore, it was important that this royal commission take place. It was totally justified.

However, I have noted over the past day that the royal commission's report has not been substantially debated by the Government with a view to reforming local government laws. Earlier today we heard the Premier launch a vitriolic attack on the Opposition over this report.

I was surprised to hear the Minister for Local Government spend most of his time when debating this report discussing the conduct of the Opposition in bringing forward the royal commission. I would have thought that the primary subjects to be debated today were the serious deficiencies in the laws relating to local governments, in respect of disclosure, ethics, conflicts of interest, gifts and the like. We should be concentrating on those matters at the moment.

Mr Omodei: I did discuss those, by the way.

Mr McGOWAN: He discussed them very briefly. The Minister should look at his speech. The first three-quarters of it was directed entirely at members of the Opposition and not at his portfolio. That was a big mistake.

Mr Omodei: You were not here.

Mr McGOWAN: I was sitting here.

Mr Omodei: Were you here when the allegations were being made? They were disgraceful.

The DEPUTY SPEAKER: Order!

Mr McGOWAN: On 20 August of this year the Government showed the stance it would take on this report before it was handed down and it knew what was in the report. The Premier stated in a debate on that day -

That is because the smear, rumour and innuendo will be reported on in four weeks' time.

That is prejudging the issue. He also said -

In four weeks the Leader of the Opposition will hear from us, I can assure him of that.

He went on to say -

I have never seen people abuse the privilege of Parliament so much as members opposite. For four years in a row they came into this place and made unsubstantiated allegations.

Government members must acknowledge that this report proved a great many of them to be correct.

Mr Omodei: That is not true.

Mr Barnett: How long have you been here?

Mr McGOWAN: Although I have had a limited time to review this report, I doubt the Leader of the House has even opened it.

Mr Barnett: Do you stand by the comments and allegations made by the member for Peel?

Mr McGOWAN: Yes I do. He has raised serious questions. The royal commission has found that serious matters need to be reformed.

Several members interjected.

The Premier said in this place on 20 August that he was going to get the Opposition when the final report of the royal commission was presented in this place. The Premier has said nothing about the veracity of the report. He did not know what was in the report. By the nature of the motion that the Government put forward today we can see that this has not worked for him. This motion is weak compared with what I had expected from the Premier.

The DEPUTY SPEAKER: We are dealing with the amendment.

Mr McGOWAN: I understand that. The motion put forward by the Government is weak compared with the threats and intimidation from the Premier in August this year. The Premier and the Minister for Local Government have had six weeks to consider this report. They know that it contains issues of substance, and many of the statements made by the Opposition over the past few years were correct.

As the shadow spokesperson for local government and a former deputy mayor on a large city council in Perth I will direct most of my comments on the issue of the Wanneroo royal commission to legislative reform, which was referred

to in the royal commission's report. The first topic is the future of the Wanneroo City Council. Yesterday the Leader of the Opposition called for the council to be sacked and today the Government has done that.

Mr Barnett: What brilliant judgment that showed. The Leader of the Opposition was stating the bleeding obvious.

Mr McGOWAN: The Premier, the member's fearless leader, did not say that.

Mr Barnett: You do not understand that much about government.

Mr McGOWAN: The Leader of the House should not be so condescending.

Mr Barnett: The Premier had in train the appropriate mechanism, which is for Cabinet to come together immediately upon the release of the report. That happened and Cabinet acted decisively.

Mr McGOWAN: It is my understanding that the Cabinet meets once a week. The Government received the report six weeks ago.

Mr Barnett: The report could not be given to other members of Cabinet until it was tabled in the House. That was a legal requirement, so no-one had seen it.

Mr McGOWAN: Was the report brought before Cabinet on Monday?

Mr Barnett: No.

Mr McGOWAN: The argument is that the Premier should have shown leadership and when he delivered his speech yesterday, which he did in consultation with the Minister for Local Government, it should have set out the Government's intentions for the council.

Mr Barnett: I thought you had promise. You are disappointing me. There is a proper process: Cabinet meets and Cabinet acts.

Mr McGOWAN: I am not too worried about what the Leader of the House has to say. He has not had anything of substance to say on this issue. He should take the opportunity later on to speak.

Mr Barnett: The member should go back and learn about Parliament. He should take his time and sit down and learn about the parliamentary process. He has a lot of promise but he should not talk about things that he does not understand.

Mr McGOWAN: The Leader of the House should go back to his blue bloods in Cottesloe.

The DEPUTY SPEAKER: The process is that the member on his feet is the person who has a say, not those trying to interject.

Mr McGOWAN: Perhaps I know more about Parliament than the Leader of the House. The fact is that the Wanneroo council is now suspended and commissioners were appointed this morning. It is my submission that the split of the Wanneroo council area should be brought forward by the Government as soon as possible. Undoubtedly, the morale among the bulk of the staff who will remain with the council while commissioners are appointed will be extremely low. The City of Wanneroo is the fourth largest local authority in Australia outside of Brisbane, Blacktown and the Gold Coast. It has a budget of \$80m, it collects \$45m in rates every year and employs about 1 000 people. In light of what has transpired over the past few years, in particular in relation to this report which was handed down yesterday, the bulk of the 230 000 people who live within the Wanneroo council would have no confidence in the council.

The Government needs to bring forward the proposed split of the City of Wanneroo as soon as possible. The Minister for Local Government announced a couple of months ago that he would split the City of Wanneroo into two authorities - Joondalup and Wanneroo.

Mr Omodei: I put a formal proposal to the advisory board.

Mr McGOWAN: I understand the process. The Minister also proposed that in 2005 he would create a third local authority of Alkimos. The Minister can shake his head, but that matter may be adjusted in the future. In any event, it is important because one-sixth of the population of Western Australia lives within this local government authority. It is very important that the Government take stern action in light of the fact that the report states on its first page that the entrenched attitudes of the 1980s and early 1990s still exist. As the Minister said a few months ago, the Manakoorra Rise situation points to incompetence and maladministration within a number of departments in the councils. An individual was named extensively not only in this report of the royal commission but in earlier reports as well. There are a number of reasons for the council being sacked.

Mr Omodei: It has been suspended.

Mr McGOWAN: I take the Minister's point.

Mr Omodei: The member should use the proper language. The reason is that the inquiry may find that it should be reinstated. While the member is talking about people who have been charged with improper conduct, he has a colleague on that side of the House who has been charged and found to have been acted improperly. Should he be sacked?

Mr Ripper: Charged is not the right word.

Mr McGOWAN: The Minister needs to remember that he is the Minister for Local Government. We are dealing with a very important local authority and it is about time that he dealt with the issue. The Minister should split this council area now. If that requires legislation the Opposition will help the Minister out and provide bipartisan support.

Mr Omodei: Are you suggesting that should happen while the inquiry is going on?

Mr McGOWAN: This is a strange thing for the Minister to say. We have a report of a royal commission that is 1 500 pages long and highlights a great deal of the maladministration of this council and says that it is ongoing, yet the Minister says we need another inquiry. What sort of Minister is the Minister for Local Government? As with the City of Perth the Minister should -

Mr Omodei: It is totally different situation. This is a completely different council from the City of Perth.

Mr McGOWAN: The Minister says it is different and the City of Wanneroo deserves an inquiry whereas the City of Perth, for which there were no similar allegations, did not need an inquiry.

Mr Omodei: I suggest you go outside this place and say that. A lot of those councillors were not even on the council while this report was being prepared. The only reason that the commissioner commented on the current council is that I referred the matter of Manakoora Rise and the other two issues to the commissioner.

Mr McGOWAN: It is well known that the Minister has a reform agenda for local government. However, he is constantly frustrated by his colleagues in the party room in relation to that agenda. That agenda includes the City of Wanneroo. If he cannot use this report to convince his colleagues that the City of Wanneroo should be split sooner, he should not be in that job. He knows that is true.

Mr Omodei: The legislation requires that there be an inquiry. If we bring forward the split during that time it will confuse the whole situation and beg the question about whether these people were given natural justice and had a chance to respond to the allegations.

Mr McGOWAN: As the Leader of the Opposition has just pointed out, the Minister has already received the Kyle report into the City of Wanneroo and the report of the royal commission. He also has the support of the Opposition in introducing such a Bill. If he had been decisive, he should have convinced the Premier and his party room that these steps should be taken. I do not know why he has not taken them. If I were Minister I would take that course of action very swiftly.

Another issue in relation to the City of Wanneroo should be addressed; that is, a range of dealings, each of which is the subject of a chapter in the report, relating to land development and maladministration by officers in the council, indicate that a great deal of legal action is likely to be taken against the City of Wanneroo by people who missed out because of maladministration in the planning department and corrupt activity by councillors.

I have not heard anything from the Minister today that addresses the issue of meeting those claims, or what the City of Wanneroo should be doing to meet those claims. I anticipate those people will make their claims in the near future, and the council should set up a register of claims so that they can be acknowledged and the claims can be dealt with expeditiously.

Finally, I refer to the major amendments to the law suggested by the royal commission. I might add that a number of those amendments were contained in the second report of the Commission on Government. They relate to disclosure, conflict of interest and receipt of gifts by councillors and council staff. It is appropriate that the Minister act with extreme haste to introduce changes to the law as recommended by the royal commission. These matters have been around since December 1995. What legislation is on the Notice Paper at the moment? There is one Local Government Amendment Bill. At a time when there are major failings in local government in the areas of disclosure, conflict of interest and gifts, and major opportunities for corruption in local government, there is one Bill on the Notice Paper.

Mr Omodei: Before you make a fool of yourself, section 4.59 at page 114 of the Local Government Act refers to

regulation making power in relation to provision of information, gifts made for the benefit of candidates and the control of electioneering activities and practices in campaigns.

Mr McGOWAN: The Minister is referring to the Buxton line in the COG report as opposed to the Gallop line. There should be legislative intervention in these matters. We should not be dealing with a Bill on the Notice Paper relating to the closure of roads to vehicles, nuisances on land owned by someone who lives in a local government authority, interest on late rate payments, and the method of election of mayors and presidents, and their admissibility to be appointed to the local government advisory board. The Minister should be dealing with the major issues and introduce a Bill to this Parliament before the end of this session.

MR JOHNSON (Hillarys) [4.55 pm]: I first place on the record my admiration for the member for Murray-Wellington, who is a person of the highest integrity, and the member for Kingsley. Both members are examples to society. I feel very sad for their families for what has been inflicted on them in recent years by comments from members opposite. Allegations have been made in this Chamber that a member of the family has caused the deaths of three people. There can be no worse accusation than that of being responsible for another person's death.

We are talking today about unfounded allegations made by members opposite. The member for Peel has probably won the prize for the most unfounded allegations I have ever heard in this Chamber. I am aware of some of his sources, and he reckons that I am one of them. I will respond to the excerpt he read from *Hansard*. I will state the obvious: There has been corruption in Wanneroo. I said that a few years ago, and I believed there was corruption.

Mr Marlborough: It is not what you said, it is the timing.

Mr JOHNSON: I stood as a candidate for the council because of the rumour and innuendo going on. In the south west ward where I live, King was the sitting councillor and was up for re-election in May 1991. I stood against him because I wanted him off the council. He was a bad influence. There was a lot of rumour and innuendo. As the member for Peel said, residents in my area were concerned about proposals for development that would adversely affect them, and about the number of petrol stations popping up on almost every street corner.

Mr Marlborough: And how they were popping up.

Mr JOHNSON: Yes. I accept what the member said. There was reason for concern and I have no problem in saying that. Some people have been found guilty of corruption and have served prison sentences. However, I remind members that the three people serving prison sentences were all dealt with as part of the Kyle inquiry. Nobody is serving a prison sentence as a result of allegations made to the royal commission. Some of the allegations made to the royal commission had previously been made to the Kyle inquiry. It may well be that further charges will be laid. I do not want to comment on that because it is not appropriate to do so. I said when I first went to Wanneroo that there were problems in that area. My first impression of the City of Wanneroo was that it was run by a mickey mouse council. As members know, I have extensive experience in local government and I could not believe the level of debate and the quality of decisions being made by the council. It would appear from the royal commission report that some of my concerns were justified.

Certainly, some of the council officers have been heavily criticised by the royal commission, as have councillors. I still criticise the council and have been doing so for the past couple of years. I believe it has abused ratepayers' money in the construction of the Taj Mahal building which is purely for its benefit. That building is better than the State Parliament. The member for South Perth once said that the town clerk receives a higher salary than does the Premier. That is unbelievable in a local government area with a population of 230 000.

I have been saying for a long time that the City of Wanneroo should be split. Towards the end of the Kyle inquiry, Peter Kyle phoned me and asked me whether I would have a chat with him. I was more than happy to do that. As I was the mayor at the time he wanted to know my views on the Wanneroo City Council. He asked me whether it was too big, and I said yes and that it needed to be split. I said it was reaching the stage when 13 councillors, as there were then, were not enough to represent the people within the city. Now there are 15 councillors to represent 230 000 people. It is poor representation.

The City of Wanneroo is made up of four wards. I know that some of the expenses the councillors have claimed are high compared with other councils. In defence of the councillors in the north ward, they have to travel miles to service that ward. It is probably the largest ward of any local authority within the metropolitan area. There were only two councillors in that ward and that probably accounts for their expenses being high. Even now they are too high. The councillors of the City of Wanneroo have lived very well. The money the mayor gets is too much.

Mr McGowan: How much does he get?

Mr JOHNSON: It is about \$30 000 a year and there is no tax to pay on it.

Mr McGowan: He pays tax on it.

Mr JOHNSON: No, he does not. The member for Rockingham has a few things to learn about the Local Government Act and this place.

Mr McGowan: Do not be condescending.

Mr JOHNSON: I am not being condescending, but the member made a few blues in his speech. He got it wrong. A mayoral allowance is not taxable and in the City of Wanneroo it is about \$30 000. My lawyer colleague thinks that under the income tax law it is considered a gratuity and, therefore, is not taxable. The mayor also receives an additional amount of up to \$10 000 for attending meetings and an LTD car. All vehicle expenses, including petrol, are paid for by the council.

Mr McGowan: Did you get that?

Mr JOHNSON: I got less than that.

Mr McGowan: Did you have a car?

Mr JOHNSON: Yes, I had a car.

Mr McGowan: How much were you paid?

Mr JOHNSON: I think the allowance was \$25 000. I gave \$5 000 of that to a trust fund which was set up in Wanneroo for children with disabilities.

Members have been talking about factions in Wanneroo. When I was on that council there was not a Liberal Party faction. There may have been one prior to my time there, but I cannot comment on that. However, there were two factions and they were personality factions.

I have said previously in this Chamber that when I was first elected a councillor - I knocked off Dave King, thank goodness - I was phoned on the Sunday after election day by two or three people who said they would support me if I stood for mayor. I did not know half of them and I had little opinion of most of them.

Mr McGowan: Who did you vote for?

Mr JOHNSON: That is a matter of conscience.

Mr McGowan: Who got up.

Mr JOHNSON: A fellow by the name of Bill Marwick. I had a fair bit of time for him, even though I disagreed with him on a number of issues. He was not a bad fellow and he got to be mayor.

I come back to the factions members opposite claim occurred during my time on that council and are still occurring. Members know as well as I do that seven beats six every time. The member for Girrawheen knows most of the members of Wanneroo City Council, including an ex-member who unfortunately died recently. I refer to Councillor Fleur Freame who represented the south west ward. I worked very closely with her. She was on the Labor Party executive for the Moore division.

Mr Cunningham: I never knew that.

Mr JOHNSON: I assure the member she was and I would not say it in this House if it were not a fact. She told me quite openly that she was a member of the Labor Party executive for the Moore division. I had no problem with that because there is no need for politics in local government. I have told people that if they open the agenda of any council meeting they will find only one item in which people from any political persuasion would say they have an interest and that is environmental issues. For any greenie who seeks election to council, that would be the only issue that could be classed as a political issue.

Dr Constable interjected.

Mr JOHNSON: I said party political. Of course there are politics in local government - politics of people.

Dr Constable interjected.

Mr JOHNSON: Of course there are Liberals in local government and there are also Labor people. Often Liberal people will agree on certain things and Labor people will agree on something else. I am told that on the Stirling City Council there is the red team and the blue team. The member for Girrawheen knows that. What is the point? There are no issues in local government that affect political parties other than green issues. I defy members to find issues on a local council agenda that are considered to be political party issues other than environmental issues.

As we are talking about party factions, I advise members that when I was elected to the City of Wanneroo I was a Liberal, but I did not nominate as a Liberal candidate. I had met some other councillors who were Liberals, but some Liberals belonged to the other faction.

Dr Constable: When did you join the Liberal Party?

Mr JOHNSON: I joined the Liberal Party after the disaster in 1989 when the Labor Party actually won the election.

Dr Constable: When were you elected mayor?

Mr JOHNSON: In May 1992.

Dr Constable interjected.

Mr JOHNSON: I did not say that. The member for Churchlands should listen. She is trying to catch me out. I said I knew some of them, not all of them. If the member wants to speak in this debate, she is free to do so.

Dr Constable: I am going to.

The ACTING SPEAKER (Mr Ainsworth): Order! If the member for Hillarys directs his remarks through the Chair, the interjections may cease.

Mr JOHNSON: I am being bullied by the member for Churchlands.

When I was elected to that council I did not know all the councillors. I knew Colin Edwardes, because I had met him at a couple of Liberal Party functions, and Wayde Smith. I had met Dr Bradshaw twice. With all due respect to his brother, who knows my view of Wayne Bradshaw, I felt he behaved inappropriately as a mayor. I did not hold him in high regard as I do the member for Murray-Wellington. He knows and accepts that. I have been critical in this place of the way Wayne Bradshaw did things.

When I went on that council there were already two factions. The anti-faction included at least one Liberal. I also knew that one was a Liberal Party supporter, but not a Liberal Party member. They made me as welcome as a bout of flatulence in a space suit. They did not want me there and I was unwelcome. The people who welcomed me were Colin Edwardes and Wayde Smith. Among the people considered to be in the Liberal faction was Fleur Freame, for whom I had the highest regard. It was a tremendous loss to Wanneroo when she died. She was a wonderful woman and she would agree that there were no party politics in the City of Wanneroo.

The other person considered to be in the Liberal faction was Councillor Davies who is not a member of any party. Chris Davies stood for the north ward. He stood because he was unhappy with some of the things that went on. The other new member who actually replaced Wayne Bradshaw was Peter Nosow. From what I could gather he had leanings towards the Labor Party.

Mr Cunningham: He was not a member of the Labor Party.

Mr JOHNSON: I accept that.

Mr Cunningham: Fleur Freame was a member of the Labor Party.

Mr JOHNSON: Absolutely. These factions were not Liberal against Labor or Liberal against others. It is untrue to say that. There may have been more Liberals in one faction than another, but there were Liberals and Laborites in both factions. They were personality factions. For the benefit of the member for South Perth, I quote now from page 1037 of the report of the Royal Commission into the City of Wanneroo -

There was, however, no evidence to suggest that the faction was working to a specific political agenda unrelated to the interests of the City. There was, however, sufficient evidence for me to conclude that the faction led by Dr Bradshaw was comprised exclusively of Liberal Party members or people with Liberal Party leanings. While there was evidence that Dr Bradshaw and a number of councillors with whom he was aligned had significant connections with the Liberal Party at State level there was no evidence that the Liberal Party as an organisation involved itself in the activities of the Bradshaw faction or that a party political agenda was imposed on Council by the dominant Bradshaw faction.

Mr Pental: Why do you raise that? I did not say that there was.

Mr JOHNSON: The member for South Perth drew a distinction between no evidence and insufficient evidence. My point is that in that conclusion it is stated that there was no evidence.

Mr Pental: I think they should make you the Premier, because you have picked up a discrimination which the Premier did not understand. I will move accordingly at six o'clock!

Mr JOHNSON: The member may not get support!

I also want to touch on a remark by the member for Peel when he was talking about my ex-colleague, Colin Edwardes. While I was on the council Colin Edwardes was a very hard working, diligent councillor. Although I served on the council for only two years, I was not aware of any corruption that took place. I was aware of some silly decisions at times, but I would not have called that corruption. Colin Edwardes was a very hard working councillor. He spoke up for the people in the area, and he was always actively involved with people in the area. Because I have mentioned him, I refer now to page 717 of the report, relating to discussion about an alleged envelope with money being handed to Dr Phat. It reads -

I am not, however, able to conclude from the evidence of Mr Bond alone what it was Mr Edwardes gave to Dr Phat. I am not satisfied that Mr Bond could have seen clearly enough from the distance he now asserts was between himself and the group of three men to know just what it was that was passed. I accept that Mr Bond's eyesight may well have deteriorated over the last five years. He is at an age when, notoriously, such deterioration does occur. I still cannot ignore the fact that he was unable to tell the Commission what was in the hand of counsel for Mr Edwardes at approximately the same distance and in the same manner as he said applied on that day. Mr Bond may well have presumed that what could have been money in Mr Edwardes' hand was money because of the context and surrounding circumstances.

I do not know what took place on that day. I do not know whether Colin Edwardes handed over a cheque or money to a leader of the Vietnamese community. He may well have done. When I was a councillor I often sponsored various groups. I sponsored the local T-ball association. There is a T-ball team called "Rob's Raiders", and I still sponsor it.

Mr Barnett: How are they going?

Mr JOHNSON: They are not too good, but that does not matter. They are teeny, weeny kids, and they enjoy the game. Something like 2 000 little children play T-ball on a Saturday. The member for Girrawheen knows that. I have never seen so many trophies in my life! It is encouraging for little people. I will always do whatever I can for children.

I can relate a story about an idea I put forward to the City of Wanneroo when I was first elected, which was most unpopular with the other faction - people such as Arnold Dammers, Bill Marwick, Norma Rundle and others. Arnold Dammers and Norma Rundle kept coming to see the member for Peel. They fed him regularly with information which turned out to be rumour and innuendo. They hated Dr Bradshaw, Colin Edwardes and Wayne Smith. Initially they hated me, because they saw me as being in the Dr Bradshaw faction. When they learnt that was not the truth they relented a little. I still think that Arnold Dammers does not like me because of other personal reasons, but it has nothing to do with factions.

The rubbish we have heard about factions from members opposite must be discounted. They tried to say that the Liberal Party was actively involved, but the Liberal Party never gets involved in local elections. The Labor Party does!

Mr Cunningham: That is nonsense. That is a joke!

Mr JOHNSON: The ex-member for Wanneroo, Jackie Watkins, used to have meetings in her office, and Senator Jim McKiernan worked out the ticket for local elections in the City of Wanneroo. They even put Dave King as a preference before my son when he was running in 1993.

MR CARPENTER (Willagee) [5.16 pm]: I wish to comment on the final report of the Royal Commission into the City of Wanneroo principally because I had some involvement in the investigation by the media of some activities in the City of Wanneroo during the late 1980s and early 1990s. When this matter was brought to our attention the media took great interest in it. I should preface my remarks by saying that I was relieved when I looked through the four volumes of the report because when the royal commission was announced I wondered whether it would turn out to be a complete waste of time and money. However, no-one can seriously assert that it has been.

The report is a litany of corruption, dishonesty, deceit, general impropriety and malpractice on a scale that has probably never been seen before in any local government in Western Australia, despite the remarks of the former mayor whose honesty I would never impugn. The Wanneroo City Council was a shocker. I understand from the remarks by the royal commissioner that there are still major problems in that council. Whatever else can be said about the process, this royal commission has proved to be a very useful process, and there is no doubt it has been justified.

We have heard a lot of rubbish and claptrap today. We have heard much sanctimonious rubbish from the government side of the Chamber. This was from some members whose real opinion about the whole matter I know. I found it

difficult to listen with a straight face. As a journalist I have spoken on the matter to some people on the other side, and I know exactly what they think about what was going on in Wanneroo. If there has been any hypocrisy in this debate it has not been from this side of the House; it has been from the other side. One or two intemperate remarks have been made during debate, and not only today. I made such a remark to the member for Albany, for which I apologise. There have been intemperate remarks by members from this side about members on the other side. These things happen; they are a part of politics. Not everyone will apologise, and we should not expect them to.

The general thrust of the revelations in this large document indicates that the claims by members on this side of Parliament about activities in Wanneroo have largely been substantiated. What has been written in the media - with a few exceptions, and the story about the barbeque is a notable exception - was the truth. It took a lot of courage for some people in Wanneroo to stand up for themselves when they were under a lot of pressure to shut up and not say anything about what was going on.

If any apology is due in this debate - I do not make a judgment about any apology owed to the member for Kingsley - it should come from the people who have been slated by this report and their supporters, some of whom are sitting in this Parliament, to the people in Wanneroo who for years were doing their best to reveal corruption in that council. If the member for Hillarys sat there for a couple of years and did not realise what was going on, he should ask himself why. He should not be criticising people on this side of the Chamber who have worked hard under much pressure to bring out this information. Before the member for Hillarys interjects, I invite him to look at the results of the court cases: Three members of the Wanneroo council, all members of the Liberal Party, have been or are in gaol. I invite the member to look at the transcript of Wayde Smith's trial and ask himself what has changed.

Members should have a look at what people said at the trial. My attention was directed to these proceedings. Members should look at who said what, and then consider what has changed at Wanneroo. They are the people who were sitting on the council when the member for Hillarys was up there - nothing has changed.

Mr Johnson: No, they were not sitting on the council when I was there. Get it right! I accept that you tell the truth and I have a high regard for you. Two of those members were not sitting on that council when I was there as they went the year I joined.

Mr CARPENTER: Is the member talking about the three who are in gaol?

Mr Johnson: I am talking about the two who are in gaol.

Mr CARPENTER: I am not talking about them.

Mr Johnson: You said three of them are in gaol.

Mr CARPENTER: No. Read my comments later; I am not talking about them.

Mr Johnson: I will.

Mr CARPENTER: This whole matter came to public attention largely as a result of the journalistic work of a woman called Judy Hughes who was working for Australian Associated Press at the time. She stumbled across a story that a resident in the northern suburbs had discovered purely by chance a listening device in a unit he had brought from Wayde Smith. That is how the story became public. The slow undoing of that little thread in the texture of the deceit taking place in Wanneroo caused everything else to tumble out, much to the disappointment and dismay of many people opposite, including the Premier. I do not refer to all members opposite as I know some members were happy for this matter to be brought to light. Neither the Premier nor the member for Kingsley wanted to know about this matter.

I am not asserting that the member for Kingsley was in any way corrupt. Anybody who has known me for more than a couple of years would know that I always said that I did not believe that she was corrupt; however, she had a few problems. The member for Kingsley has herself to blame for much of the mess into which she placed herself, a point to which I will refer later.

The opposite side of Parliament did not want the information on Wanneroo to come out. The work of people like Judy Hughes, Tony Barrass, Martin Saxon and a bloke who worked on the "7.30 Report" called Andrew O'Conner caused the information to come out. In many cases, members on this side of the House followed up on that information. We worked very hard as journalists to get to the bottom of what took place in that area.

The catalyst of the problems which descended on the member for Kingsley was when Wayde Smith spoke at the south entrance of Parliament House and denied that he had had any business relationship with Wayne Bradshaw. Within half an hour, we proved that he was a liar; not that he just told a lie, but that Wayde Smith was dishonest and a liar - he still is. One need only look at his performance in the court case for which he was gaoled to see that that is true.

I feel sorry for the guy being gaoled but it is his own fault. He tried to coach a person to give false evidence, and during the court case he never retracted one statement he made. The judge highlighted that point when passing sentence. Wayde Smith deserved what he got, contrary to some statements made by some people in Parliament. It is unfortunate for him as he obviously has some ability, but he deserved what he got.

It is probably not right for journalists or members of Parliament to disclose what took place at personal meetings. However, Wayde Smith's reaction to me as the presenter of the "7.30 Report" was to ask me whether I would like to discuss the accusations made against him in his office. As most members know, I had a pretty good relationship with members on both sides of the Parliament -

Point of Order

Mr BARNETT: I do not rise to protect the former member for Wanneroo, but I raise the question of professional ethics of a journalist publicly relaying the content of interviews and consultations. I raise the point in the interests of the member opposite.

The ACTING SPEAKER (Mr Ainsworth): Although I can appreciate the point of view of the Leader of the House, nothing in standing orders relates to that matter; therefore, there is no point of order. I am sure the member for Willagee would appreciate the comments made and act accordingly.

Debate Resumed

Mr CARPENTER: I thank the Leader of the House for his timely reminder - he is right.

As a result of a discussion, meeting or experience I had with Wayde Smith in his office, in my opinion everything everybody had said, including what Arnold Dammers said, about him was confirmed as being true.

Mr Omodei: Is it not sad that the same person you were talking about was charged with perjury over a matter that is not an offence?

Mr CARPENTER: It is not sad - the Minister should take a look at the case. He tried to coach a witness to give false evidence thereby corrupting a very important process. If the Minister cannot see the importance of that point, he has a problem in his portfolio. It was proved that one could not rely on Wayde Smith to tell the truth about anything. I clearly remember the Premier forcing him to retract comments and to apologise for misleading Parliament, the people of Western Australia, the then Minister for Police and everybody else about virtually every element of his personal life, including his age - we discovered that he falsified his age when nominating for Liberal Party pre-selection.

The background was that a key person in the process was a proven liar and one could not rely on a single word he said. This confirmed on a couple of fronts what various people were telling me at the time about what was going on at Wanneroo.

The next piece of the jigsaw was a very large pile of documents provided to me by some people at Wanneroo which traced Bradshaw's business dealings and his involvement with Smith. These led me to be suspicious of any claim that Bradshaw was not corrupt. I believe he was corrupt and he has been proved to be corrupt.

I will cut a long story short as it has been a long debate. I had sympathy for the member for Kingsley's position as she was the target of a great deal of criticism. As indicated by the member for Wellington, it is hurtful to have a family member attacked. Nevertheless, whose fault was it in the end? I always found the member for Kingsley to be difficult to interview: One could not get a straight answer no matter how simple the question, and that reflected her performance generally in Parliament. In fact, it got so difficult for her that for a long time she contracted laryngitis and could not answer any questions or be interviewed.

To illustrate my point, on Thursday, 24 November 1994, the then Attorney General, the member for Kingsley, was asked a question by the then Leader of the Labor Party, the member for Fremantle. She had been under attack consistently at the time. The answer she gave is typical of the problem she, no-one else, created for herself. The question was -

Does the Attorney General seriously expect the House to believe she has no knowledge of whether her husband has been interviewed by police over allegations of serious criminal behaviour, especially given that this is the Year of the Family?

I do not know the relevance of that last part. Anyway, the Minister replied, "I have no knowledge of this matter." Can members honestly believe that response? The Attorney General was in the middle of a long and difficult situation for her, and it was asserted that the person to whom she was married was under question by police. She was

asked in Parliament whether the assertion was true, and she did not say, "It is none of your business" or "I refuse to answer"; she said, "I have no knowledge of this matter." Frankly, I do not believe that the former Attorney had no knowledge of the matter, and I do not expect anybody else to believe it either.

Shortly thereafter, inside or outside the Parliament, the member for Kingsley was asked about this matter and she said - I paraphrase - "My husband and I do not discuss work at home." I found that impossible to believe.

Mrs Edwardes: A senior journalist on the eastern seaboard is married to a federal member and former Minister. What courtesies would have applied in that relationship?

Mr CARPENTER: I do not know whether I understand the relevance of the question.

Mrs Edwardes: She identified clearly that she never discussed work at home, and neither did he.

Mr CARPENTER: I have heard the member's question. I will continue and she can ask me more questions later. I think I know the case she is talking about, so I will not dispute that.

Given the circumstances that were in train at the time, I find the member's answer difficult to believe, and so does everybody else to whom I have mentioned it. They do not believe it. The member's problem is that she did not think carefully enough about some of the answers she gave. I had cause to interview the member for Kingsley several times in the course of the debate about Wanneroo Inc.

On one occasion - I have conceded to myself that it may have been unfair - I was in the studio and the member was at Parliament House. I asked her to do an interview about one matter. I got her in the spotlight and after a few questions about that matter I asked her about her trip to Italy and Greece on her imprest account with her husband. I asked whether she felt she was justified in using \$6 000 of her imprest account to go on that controversial trip to Italy and Greece with her husband and other councillors. She said she did because of the high number of Italians and Greeks in her electorate.

Mrs Edwardes: I said in the Wanneroo district.

Mr CARPENTER: No, the member did not. I said "Wanneroo, not Kingsley" to the member. I anticipated her answer and obtained from the Australian Bureau of Statistics the breakdown of the ethnicity of her electorate. I knew the number of Greeks and Italians in her electorate was significantly lower than in the average electorate across the State. In other words, there was no significant number. I said, "Wanneroo, Mrs Edwardes, not Kingsley." The member said a couple of days later that she was talking about the people from, I think, Sinagra; possibly that is what she meant. That would have been fair enough, but that is not what she said. She said she felt the trip was justified because of the high number of Italians and Greeks in her electorate. I said to her that I did not think that was sufficient substantiation. She said, "If you remember, Alan, I was also the shadow Minister for Education at the time." I anticipated that answer. She was not the shadow Minister at the time of her trip.

Mrs Edwardes: By how many weeks?

Mr CARPENTER: I do not know how many weeks.

Mrs Edwardes: It was about six weeks. You should know that because I wrote to you and told you exactly what the facts were. It was six weeks. As you rightly identified, it was on the spot in terms of the timing.

Mr CARPENTER: It was on the spot. The member created a lot of problems for herself. She brought on her own difficulties by the way she addressed the issues inside and outside this Parliament. If I were still at the ABC I could pull out from the library a response from the member, that is kept for general viewing at the ABC, to a very simple question by Alan Atkinson. I cannot remember the question, but the answer went on and on and turned out to be nonsensical. That is typical of the way the member was addressing questions. She tied herself up in knots. She created her own problems. Her performance as Attorney General is why the Premier wanted her to move; it was not because of what people on this side were throwing at her. I have sympathy for her.

This report exonerates the member. It contains nothing of which she should be ashamed. However, she should not expect people on this side of the House to give apologies for her own inadequacies and poor performance. She was not up to the job as Attorney General and that was the beginning and end of it. It is sad, but it is true.

Mr Omodei: You were a journalist, who became a Labor member of Parliament, who was conducting a witch hunt on a Minister, and that did not affect your judgment?

Mr CARPENTER: Did the member for Kingsley believe I was conducting a witch hunt against her?

Mrs Edwardes: As I expressed to you, I regarded your conduct on that occasion as totally unprofessional.

Mr CARPENTER: We are talking about one interview. Did I conduct a witch hunt?

Mrs Edwardes: No, I do not believe you conducted a witch hunt against me.

Mr CARPENTER: Despite what has been said by a few members opposite, the line that this side of Parliament and the media were pursuing has been vindicated. If it had been up to the member for Cottesloe's Government, there would have been no inquiry and none of this would have come out. The story is not finished yet. More information will come out, there will be more court cases, and more people will be done. This side of the Parliament has nothing to be ashamed about. I acknowledge that some intemperate comments were made. However, the general thrust from this side of the Parliament did the State a major service. If members opposite cannot see that, they are in big trouble.

I am glad the member for Dawesville is present because the source for some of the information that was used against the member for Kingsley is interesting. The member for Dawesville's daughter is a journalist. The police were unable to track down Wayne Bradshaw. A journalist from *The West Australian* found him and Channel 9 sent the member for Dawesville's daughter to get an exclusive interview with him. It was a very good piece of journalism. I invite members to look at what Bradshaw says in that interview about his relationship with the member for Kingsley. I understand the words in that interview were that he bankrolled her campaign in 1989.

Point of Order

Mr MARSHALL: The member for Kingsley said that one does not discuss business with family members. I would like the member for Willagee to know that as a member of Parliament with one of the States's leading journalists as my daughter I am caught in an unenviable position. We do not discuss our work.

The ACTING SPEAKER (Mr Ainsworth): Member for Dawesville, I take that as a personal statement rather than as a point of order.

Debate Resumed

Mr CARPENTER: If the member for Dawesville does not want me to mention the fact that his daughter is an outstanding journalist, I will not. However, she did a good job on that occasion. Bradshaw made that claim about his relationship with the member for Kingsley. From my understanding of what has been said in this place, that claim is not substantiated. However, the member was asked on numerous occasions - I asked her the question - whether Bradshaw played any role in her campaign in 1989. She said she did not know. I have now been through the process of running a campaign. If I were in the member's position and I did not know that the most senior political figure in my area had worked on my campaign, I could not believe what I was thinking. Does the member still believe that she did not know Bradshaw was working on her campaign and raising money?

Mrs Edwardes: Absolutely.

Mr CARPENTER: It is unbelievable.

MR GRAHAM (Pilbara) [5.37 pm]: I was not going to speak in this debate. I have listened to it with great interest. However, I want to deal with some of the nonsense put forward by the member for Hillarys about the controlling interests and the factions on the Wanneroo City Council. The member drew on part of the report of the Royal Commission into the City of Wanneroo. Members have had 24 hours to read the report. Australian Labor Party members said the debate should be delayed so people could understand what was in the entire report. It is clear the member for Hillarys does not understand what is in the report. He says there were factions on the council and that one of them was a Labor Party faction.

Mr Johnson: I did not say that.

Mr GRAHAM: The member certainly did. It was the note he finished on and it was the reason I chose to speak. This is what the royal commissioner says about the factions on the council -

As I have noted, the Commission received a great deal of evidence to support a conclusion that there operated on Council during the relevant period a faction headed by Dr Bradshaw. The faction's members were connected by friendship and common ideology. The faction was "pro-development" and constituted by people who were members of the Liberal Party or at least with Liberal party sympathies. I am satisfied on the evidence available to me that a faction existed and that the members of the faction generally, but not always, voted in the same way.

... There was, however, no evidence to suggest that the faction was working to a specific political agenda

unrelated to the interests of the City. There was, however, sufficient evidence for me to conclude that the faction led by Dr Bradshaw was comprised exclusively of Liberal Party members or people of Liberal Party leanings.

I will come back to that in a moment. There was no evidence and nowhere in the report does the royal commissioner say that a member of the Labor Party or anybody associated with the Labor Party was in the Bradshaw faction. In fact, he concludes the exact opposite. He goes on to say -

While there was evidence that Dr Bradshaw and a number of councillors with whom he was aligned had significant connections with the Liberal Party at State level there was no evidence that the Liberal Party as an organisation involved itself in the activities of the Bradshaw faction or that a party political agenda was imposed on Council by the dominant Bradshaw faction.

That is the Premier's line, and I will come back to it briefly in a little while. I will now deal with the comments of the member for Hillarys. The report continues -

There is also a considerable body of evidence that the faction led by Dr Bradshaw was not the only faction on the Council. However, the exact nature of the second faction is more difficult to categorise. It was variously described as a Labor Party faction, the Dammers faction and, more generally, the opposing faction. In my view the evidence does not support a conclusion that the second faction represented a particular political party.

There were two factions in Wanneroo, one comprising, in the commissioner's view, exclusively Liberal Party members or people with Liberal Party leanings. The commissioner says that the evidence does not support a conclusion that the second faction represented any political party. I could go on and point out many paragraphs in which the royal commissioner has made that point in a number of ways. Paragraph 34.3.11 states -

While it can be said that the members of the opposing faction were united in their aim of reducing Dr Bradshaw's influence on Council, there is insufficient evidence for me to find that they voted other than in accordance with their individual belief on the merits or that they acted other than in the interests of the community.

The next paragraph says that the same cannot be said of the Bradshaw faction. One group is not composed of Liberals and is acting in the interests of the community and another group is composed of Liberals and, in the words of the royal commissioner, is not acting in the interests of the community. On page 1045 the report states -

Dr Bradshaw denied that his campaign support was conditional upon the candidates being members of the Liberal Party but he generally selected candidates who were Liberal Party thinking because they were the people with whom he mixed and of whom he had the most knowledge. Dr Bradshaw denied he was attempting to create a Council dominated by Liberal Party thinking people but he conceded that he was trying to obtain a Council that would support him in his decisions.

. . . On the evidence available to me I am satisfied that Dr Bradshaw's primary criteria for selecting candidates were that they had Liberal Party sympathies and would support him on Council.

We on this side have referred to them as Liberal Party stooges. If members opposite can find a better definition of a Liberal Party stooge than that, I ask them to give it to me. The royal commissioner's view is that people got onto the council with Bradshaw's support only if they were of Liberal persuasion and would support him. The royal commissioner deals quite exclusively with this aspect. Let us go on to the summary of the findings. Having dealt with the commissioner's reasons for decisions, let us look at his formal findings. The first one on page 1058 states -

There was during the relevant period a faction on the Wanneroo Council led by Dr Bradshaw. The members of the faction were connected by friendship and a common "pro-development" ideology. The members were either Liberal Party members or with Liberal Party sympathies.

There were no others, only Liberal Party people. The commissioner said that the faction led by Dr Bradshaw was composed exclusively of Liberal Party members or people with Liberal Party leanings. I could go on, but I will not do so because another member wants to make a contribution to the debate. I want to dispense with this nonsense that the member for Hillarys is pursuing, that Labor Party people were involved in these corrupt processes. They were not. The commissioner found that there was no such involvement. On page 1058, the royal commissioner states -

There was also a second faction which was opposed to Dr Bradshaw and the faction he led. There is no evidence to support a finding that the opposing faction represented any political party or party ideology. The members' primary focus was anti-Bradshaw.

Again the royal commissioner has said that the Bradshaw mob comprised Liberals or people with Liberal leanings. The others were not; they did not act in any partisan, political or ideological way. It is not open to any person reading this report to try to slight the Labor Party as being involved in the rot that is Wanneroo.

Mr Johnson: What do you say about the meetings that were held in Jackie Watkins' office with Dammers and others?

Mr GRAHAM: It does not matter what I say or what the member for Hillarys says. The royal commissioner said that the Liberal mob on the council were rotten and the Labor Party people acted in the interests of the community.

Mr Johnson: You are misleading the House. It does not say that at all.

Mr GRAHAM: I am not misleading the House. The royal commissioner on page 1041 went on to spell out what the Liberal Party sympathisers in Wanneroo did. He said -

Any member of the faction -

He is talking about the Bradshaw faction -

- who voted on a matter in accordance with the wishes of Dr Bradshaw or any other member of the group and not according to his or her own view of the merits or allowed his or her judgment to be improperly influenced by Dr Bradshaw, or any other member of the group, because of friendship or faction loyalty was, however unwittingly, facilitating the corruption that was occurring.

That facilitation of the corruption that occurred in the City of Wanneroo was done, in the words of the commissioner, exclusively by members and supporters of the Liberal Party.

DR CONSTABLE (Churchlands) [5.48 pm]: I will not speak for very long, but I will return to the fundamentals of why royal commissions are held. There are two reasons: Firstly to investigate any wrongdoing, which is one of the obvious reasons for this royal commission; and, secondly, to restore faith in our system - in this case the system of local government. The people of Western Australia should not be disappointed with the four volume report of Commissioner Davis. It is thorough and detailed. The findings can be distilled to two main areas: There may not have been systemic corruption, as the Premier told us yesterday, but there certainly has been widespread corruption.

Commissioner Davis also found widespread improper conduct in the administration of the Wanneroo council. They are clear, general findings. Wrongdoing is uncovered and the royal commissioner fulfilled those two fundamental reasons for the commission's being. It is interesting to note that already today this has led the Government to take action which perhaps should have been taken some time ago. The action to suspend the Wanneroo City Council today and to appoint five commissioners to run the council should go a long way towards restoring faith in the Wanneroo council and local government in that area.

Like many other people, I have not had sufficient time to read the entire report. However, in the past 24 hours, I have read large chunks of it. Others who have not had time to do so might examine it in some detail. I have read sufficient of it to know that in writing his report Commissioner Davis was very thorough and meticulous. It is quite boring to read because it contains so much detail. At the same time, the conclusions he draws are very interesting. It is particularly interesting to note how meticulous he was with his use of language. The member for South Perth gave some very good examples of that in his speech earlier.

I congratulate the member for Kingsley on her speech today. She reminded members of Parliament about how they must try to engender public respect, self-discipline and standards of behaviour. In that speech she might have added that the same thing must be expected of councillors in local government. I am sure everyone here will agree with that. I think there are 143 local authorities in the State. Councillors and members of those council executives must do exactly the same thing.

Today the Wanneroo City Council was suspended. I was very interested to read the December 1992 Kyle report. The very last recommendation, chapter 12 states -

The City of Wanneroo should be divided into two or more separate Municipalities.

That suggestion is now before the Minister's advisory committee. To continue -

A Boundaries Commission should be appointed immediately to make recommendations as to the appropriate boundaries of these Municipalities.

Again, it is worth reminding ourselves that it is now almost December 1997. The Government has had five years to act on the Kyle recommendations that came down just before the 1993 election. No action has occurred until today on the Wanneroo council. The Government had plenty of evidence before it to justify action. It is fair to say that the Government was dragged kicking and squealing into this royal commission.

Mr Graham interjected.

Dr CONSTABLE: Of course; maybe it takes that long. If the City of Wanneroo gets to the point, as I suspect it will, of being restructured, I hope that the Minister will consider it very carefully and learn from the restructuring of the City of Perth. I will be very interested to see what he does with the City of Wanneroo's share of the Mindarie land. If he divides that share between two new councils in that area I hope he examines the ownership of the share of the City of Perth land and gives the Towns of Cambridge, Vincent and Victoria Park their rightful share in the Mindarie land. I will be watching that very closely.

It is interesting also that in 1992, Commissioner Kyle recommended the following -

Election donations to Councillors and other candidates for election to Councils should be subject to disclosure.

I hope that happens soon.

In his response yesterday to the royal commission report the Premier was necessarily selective. The report contains 1090 pages plus appendices and of course he could not summarise the whole report. However, in his response he gave an inaccurate impression. That is reflected in the Government's motion today. I have no trouble with the first four sections of the motion. However, paragraph (e) of the motion states that this House "acknowledges that the member for Kingsley and her family have been unfairly maligned".

To summarise what was said earlier, the member for Kingsley was cleared by the royal commission and, in that case, I wish her well. However, we cannot say any more than that an open finding was made on Mr Colin Edwardes in this royal commission report. Paragraph (e) is not correct and that is why I cannot support that part of the Government's motion.

I turn now to the amendment by the Opposition. The first part of paragraph (b) refers in some detail to the finding of the royal commission. I cannot argue with it. I recommend to the member for Hillarys that he read the chapter summarised at page 1058 which contains quite a lot of detail on factions. He will read some very interesting information, as the member for Pilbara has pointed out. I support this amendment because of the one fault in the Premier's motion moved earlier today.

In conclusion, this House should be putting the Premier on notice that his reactions to this royal commission will be watched very closely. Much must be done to follow-up. A first step was taken today in suspending the council. However, we should keep in mind the final words in the editorial of *The West Australian* today -

Mr Court should accept the report as a starting point for a long-needed program of reforms.

The ACTING SPEAKER (Mr Ainsworth): Order! The question is that the amendment be agreed to. The ayes have it.

Points of Order

Mr RIPPER: We were advised by the Government that the Premier would be returning after the dinner break. The idea that we are having a vote is a bit of a surprise.

The ACTING SPEAKER: There is no point of order. The member for Belmont might have a disagreement with the Leader of the House which is for him to take up. It is not a point of order.

Mr JOHNSON: There was only one voice in the negative; therefore a division cannot be called.

The ACTING SPEAKER: The point of order raised by the member for Hillarys is quite accurate. As I understand the standing orders, if there is only one dissenting voice -

Mr Cunningham: There was more than one.

The ACTING SPEAKER: Unfortunately - I say that quite sincerely - I heard only one voice; that was my understanding. In that case -

Mr Graham: I suggest you check your hearing, Mr Acting Speaker. You should ask the question again and see what happens.

The ACTING SPEAKER: Given that people were taking points of order, that is probably the prudent course. I will put the question again.

Amendment put and a division taken with the following result -

Ayes (19)

Ms Anwyl	Mr Kobelke	Mr Pandal
Mr Brown	Ms MacTiernan	Mr Riebeling
Mr Carpenter	Mr Marlborough	Mr Ripper
Dr Constable	Mr McGinty	Mrs Roberts
Dr Edwards	Mr McGowan	Ms Warnock
Dr Gallop	Ms McHale	Mr Cunningham (<i>Teller</i>)
Mr Graham		

Noes (31)

Mr Baker	Mrs Holmes	Mr Prince
Mr Barnett	Mr Johnson	Mr Shave
Mr Barron-Sullivan	Mr Kierath	Mr Sweetman
Mr Bloffwitch	Mr MacLean	Mr Trenorden
Mr Board	Mr Marshall	Mr Tubby
Mr Bradshaw	Mr Masters	Dr Turnbull
Mr Court	Mr McNee	Mrs van de Klashorst
Mr Day	Mr Minson	Mr Wiese
Mrs Edwardes	Mr Nicholls	Mr Osborne (<i>Teller</i>)
Dr Hames	Mr Omodei	
Mrs Hodson-Thomas	Mrs Parker	

Pairs

Mr Thomas	Mr Cowan
Mr Grill	Mr House

Amendment thus negatived.

Motion Resumed

Question put and a division taken with the following result -

Ayes (31)

Mr Baker	Mrs Holmes	Mr Prince
Mr Barnett	Mr Johnson	Mr Shave
Mr Barron-Sullivan	Mr Kierath	Mr Sweetman
Mr Bloffwitch	Mr MacLean	Mr Trenorden
Mr Board	Mr Marshall	Mr Tubby
Mr Bradshaw	Mr Masters	Dr Turnbull
Mr Court	Mr McNee	Mrs van de Klashorst
Mr Day	Mr Minson	Mr Wiese
Mrs Edwardes	Mr Nicholls	Mr Osborne (<i>Teller</i>)
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Dr Gallop	Ms McHale	Mr Cunningham (<i>Teller</i>)
Mr Graham		

Pairs

Mr Cowan	Mr Grill
Mr House	Mr Thomas

Question thus passed.

Sitting suspended from 6.02 to 7.30 pm

GRIEVANCE - FAMILY AND CHILDREN'S SERVICES*Mrs Mary Pritchett - Lack of Family Support*

MS ANWYL (Kalgoorlie) [7 30 pm]: My grievance is addressed to the Minister for Family and Children's Services. I am pleased to say that I have had the opportunity of speaking, albeit briefly, with the Minister about this matter, and I understand that her department will take up this matter further with Mrs Mary Pritchett, on whose behalf I grieve.

This is a difficult grievance, because it involves a child. It is always difficult to decide whether to bring such a matter to the House, because, as we are all aware, the welfare of the child must be paramount. The substance of my grievance is that in this case, Family and Children's Services failed to carry out its statutory responsibility to provide family support.

The facts of this case are as follows: Mrs Pritchett has a daughter who was aged 15 at the time of her initial complaint to the department but who turned 16 less than a fortnight ago. However, she is still a child within the meaning of the Child Welfare Act because she is under the age of 18.

I understand that a restructure of Family and Children's Services is under way. No formal announcement has been made in the House about that restructure, but it is a significant matter, and I expect that in the course of events the Minister will make a statement about it. We have heard recently that the department is unable to maintain its standards of practice. I am referring to a memorandum that was made public some time ago from the Midland office of Family and Children's Services, which raised concerns about the difficulty of prioritising cases. The current requirement is that when a case is brought to the attention of the department, it must be prioritised. I am concerned that it appears that only high risk cases receive the full attention of the department and that cases that do not fall within the high risk category do not receive the attention that they deserve.

This 15 year old girl was first brought to the attention of the department in July when she had left home and was residing with a man who was then aged 19 and was known to police; and there is much corroboration of that. Her last school report had shown that she was improving, but she had left school in July, so we are talking about a year 10 child. Her telephone had recently been cut off, so her mother was unable to telephone her; she had failed to keep orthodontic appointments; she was in tears a number of times when she did have contact with her mother; and friends had reported to her mother that she felt cut off. She had been receiving counselling for a number of months, but this counselling has ceased, notwithstanding that the counsellor believed that she needed ongoing counselling.

The department made an assessment in August 1997 that the child was not at risk. I am informed by Mrs Pritchett that yesterday she was told by the child's case worker that the case had been closed and that the department believed that ongoing contact was no longer necessary. That flies in the face of the department's manual of practice. I am sure the Minister is aware of some of the contents of that manual.

The mother facilitated the counselling to which I have referred and played a significant role in enabling her daughter to obtain that emotional assistance. However, Family and Children's Services did not respond to the mother's request for counselling until a federal member of Parliament, Paul Filing, and two members of this State Parliament, had taken up the matter. Subsequently, attempts were made to involve the police, because the sexual conduct, which appears to be corroborated through many sources, was in breach of section 321 of the Criminal Code, which provides a maximum penalty of 20 years' imprisonment for this type of conduct. The Minister is aware of that, because she set that out in a letter to a Mrs Sykes dated 1 October.

This case substantiates the allegation by the Midland office of Family and Children's Services that its staff are unable to carry out their workload properly. This mother believes that there is an unwritten agreement between the Police Department and Family and Children's Services to not return young girls to their homes. The statutory responsibility of the department is to provide care and protection for a child who is deemed to be in need of care and protection. It is clearly not desirable for a young girl to engage in a sexual relationship; and that is, as I said, a serious breach of the Criminal Code.

The difficulty is that this mother has received very little assistance from the department. I know that the Minister will say that attempts have been made with regard to this child, but when the mother is informed that the case is closed and no ongoing family support is available, it underlines all of the matters that were raised in the memo from the Midland office. The empty rhetoric of the department is that family support will always be given, but in this case, it has not been given. I implore the Minister to reopen this case and to facilitate ongoing family conferencing with the mother, Mrs Pritchett.

MRS PARKER (Ballajura - Minister for Family and Children's Services) [7.40 pm]: I thank the member for

Kalgoorlie for raising this issue and for the opportunity to have some discussions with her, the mother mentioned in this case and a friend of hers. It is important that we resolve the matter and, in the process, protect the interests of the child involved. I understand that the mother is at the back of the Chamber and I will speak with her again later.

I will respond to a couple of the member's comments in particular, but first I will outline very clearly the department's and the Government's commitment to the care and protection of children and support and protection of families. First, we have an unequivocal commitment - so we should - to our statutory responsibility for the care and protection of children at risk. However, we have also made a commitment to the support of families and believe that government intervention into families should be a last resort. We should at all times seek either to keep families together or to work to reconcile them. The Government has spent \$5m last financial year and this year on positive parenting programs, which seek to provide support and intervention mechanisms for families to keep them together through tough times. There is no doubt that this mother and her adolescent daughter are going through very difficult times.

There is absolutely no agreement between the police and the Department of Family and Children's Services not to return young people of 13 to 16 years of age to their home. I have outlined that in correspondence on matters relating to this case. We have a clear commitment to reunite those young people and their families -

Ms Anwyl: Are care and protection applications taken out in such cases?

Mrs PARKER: If a child is deemed to be at risk, yes. In this instance, a decision was made that that would not occur.

Ms Anwyl: A 15 year old who has stopped going to school, stopped having contact with friends and failed to keep doctors' appointments must be at risk.

Mrs PARKER: I have limited time, and I said earlier today that I was not prepared to go into the details of this case and the circumstances and behaviour of the child while she is at home.

Ms Anwyl: I accept that, but can you assure me that, in other cases where 15 year old girls are at risk because they are living with much older men or on the street, care and protection applications will be made by the department?

Mrs PARKER: At the recent family and children services and community welfare Minister's meeting in Cairns I raised the issue of the protocols in place at the federal level for 15 year olds. They were not tight enough and did not include parents in face-to-face contact, nor was there any ongoing commitment about that contact issue. We now have a trial proceeding in this and three other States to tighten up those protocols. I have challenged the Department of Social Security on this and I now have the support of the federal Minister and the DSS in this, and we are tightening those procedures. Clearly, I have a commitment to the care and protection of children, to family reconciliation and to support through tough times.

I challenge the statement that the department has failed in its statutory responsibilities in this case and that it responded only when issues were raised by the federal member for Moore. The first contact with this family was on 22 November 1996. On 8 February 1997, it was recommended that the mother and the daughter be referred to a parent team link counselling process. They commenced that and continued support counselling with the service. The only time that broke down was when an article appeared in the local media. So, there has been an ongoing counselling process.

The mother returned to the department and raised the issue again and the case was allocated to a worker in the Joondalup office. Between 5 August and 11 November 1997 there were 17 contacts between the department and the people involved in this case. Meetings were arranged for counselling and support during those three months. Previous counselling had broken down because of the media exposure. I know that the member is aware of the situation, and I am not prepared to talk about the details because I want to protect the interests of the child. That process broke down, but not because the department failed in its responsibilities. All of that preceded the federal member's approach to the Premier's office on 20 October. Long before that the department had taken up its responsibility and I am very pleased with its commitment to this case.

I have told the mother that I am prepared to talk with her. The member said that she faxed me a request that I contact her. I have checked my records and that fax never arrived in my office. I am happy to meet with the mother and her supporters now. I have someone from the department here to listen to her grievance and to work through the situation. However, the department has not failed and it is committed to reunifying families. It has no ability at law to force young people to stay home, and that was the problem in this case. A professional judgment was made that counselling and support would help build bridges to reunite this family and that is my primary commitment to this case. We all know that adolescence can be a very difficult time and that children are not programmable. The department is committed to reunification and support, and in this instance I am very pleased with the action it has taken and the commitment it has shown.

GRIEVANCE - HEALTH*District Health Service Councils - Review*

DR TURNBULL (Collie) [7.47 pm]: My grievance is to the Minister for Health. It relates to the legality of the line management by executive officers of the district council for the staff of local boards within the local hospital and health services. I request the Minister to appoint an independent expert to review the issues that the Health Department has identified as problems in establishing the district health service councils. The problems identified by the Minister in his speech to the Country Hospital Boards' Council conference in August were, first the failure of the executive employed by the district council - as an agency - to be able to have line management of staff in the local hospital and health services; and, second, the coverage, employment and conditions of personnel within the two principal unions of the Hospital Salaried Officers Association and the CSA.

It is my understanding from the Minister's speech that an impasse has been reached and that the Health Department's recommended solution is to abolish the local boards and establish district boards. He stated in his speech that if one were to ask the Health Department or the general managers which model they prefer, they would no doubt say that the district board is the most sensible approach, and that would be right if one is looking at it from the point of view of administrative and management accountability and simplicity. I am glad that the Minister said that because later in the speech he admits that we must have local involvement, that that involvement is very important and that it is not fully reflected in the district board structure.

This Health Department solution is not acceptable to members of local hospital and health boards. The Minister further stated -

My own view is that a blend that involves a single board for the district with subcommittees responsible for the governance of individual community services on behalf of the board will achieve the right balance between having a sensible and simple management and administrative structure, while ensuring strong local community input into how services are delivered in each community.

Apparently this solution has been looked at very seriously by some districts. Unfortunately, officers from the Health Department say that it is also flawed in that local community management of their own local health service cannot be guaranteed. Obviously the local hospital and health board members want to be able to manage their own budgets and local services. They also want to be able to cooperate with nearby towns to organise shared services. Local hospital and health board members in the main are very responsible and work very hard to frugally spend money to provide the best possible services. With the assistance and direction of highly skilled and motivated general managers, the district councils and the local boards have developed some very good examples of how this service can work. Unfortunately, the legalities of the situation have not been able to be sorted out. The members of the Country Hospital Boards' Council met with the Minister on Monday, 3 November. Apparently an agreement was made at that meeting that a committee of review be established to try to work out a way of developing a management structure which would permit a group of local hospital and health boards to utilise a district council to assist them in having district-wide services and cooperation and coordination between the services.

My grievance is that I do not think the committee, composed of members of the three parties of the Health Department, executives of the local boards and district boards and board members can possibly sort out this impasse. I feel this because these three parties have been going round and round in circles for the past four years. It is very necessary that there be some other external assessment of this situation. I urge the Minister to appoint a management consultant, who has a legal qualification and is from outside the Health Department, on a one or two month contract. This person could have experience perhaps in local government arrangements. In quite a lot of arrangements in local government executives are employed by one shire but work in another shire and have line management within that other shire, and they accept responsibilities. The person could either work alone or perhaps with the committee which I understand the Minister has agreed to form. The consultant should look at producing an outcome which ensures that the local hospital and health board management can continue while utilising the district council. The consultant will have to look at whether this can be done under our current laws, as many people have assured me it can, or if there must be a special new bylaw or some other slight adjustment to the current legislation.

MR PRINCE (Albany - Minister for Health) [7.54 pm]: I am pleased to reply to the grievance brought by the member for Collie. I have spent a good deal of time in the past two years working on and looking at the matter. Restructuring of the rural health services has been occurring over the past five years following the report to this House of the Select Committee on Country Hospitals and Nursing Posts. The report provided a range of recommendations to improve services offered in rural and remote areas and to a very large degree has set the agenda for the development of structures in rural Western Australia that are the subject of the grievance. The member for Collie was a member of the select committee and, of course, will be acutely aware of the recommendations made by the committee.

The public health system in rural areas has been developed around the concept of districts as the building blocks of the system. In each case a general manager has been employed to provide professional management. In addition, the Government has required strong community input into the management and planning. Indeed, the delivery of health in rural services has had to overcome a number of obstacles, including economies of scale, in providing specialist medical and allied health services. In most of the health services in rural areas that has meant that services must be shared among several towns on a visiting basis. The advantages of operating as a district mean that services can be planned as a network across a number of communities to the benefit of a much wider population and relieving staff can be more easily deployed to areas of greatest need. This applies particularly because we have increasing sophistication of medical technology, specialist services and so on. We are able to offer services into rural and remote areas which otherwise would not get there if we did not have this effective network.

Individual hospitals cannot act in isolation and must be linked to ensure that communities receive effective services. That includes links to larger hospitals right through to tertiary level services that are available only in the metropolitan area. A district network of services is also able to improve economies of scale for corporate services such as payroll, human resources, IT management and financial management, instead of every hospital or health service trying to duplicate those. As a consequence, we have required all districts in the rural areas to develop a set of attendant functions and responsibilities at the district level. They include planning, financial management, corporate service provision, district health service provision, allocation of funding and establishment of policies. No-one has argued against those important requirements being handled at that level.

The Government has gone one step further and insisted that these functions and the general managers employed to undertake them on a day to day basis must be accountable to community representatives and seek their guidance and counsel and often their direction on issues affecting the local service. In fact, under this Government with me as the Minister for the past two years and prior to that, there has been a major increase in the number of community based boards in rural areas, with over 20 community based boards being established since 1993. Having effective lines of communication and accountability from the hospital and ultimately to me as Minister requires a clear structure to reflect those functions and responsibilities. There is no doubt that the clearest avenue to achieving those sorts of aims is the amalgamation of local hospital and health service boards in each of the districts to form one board. That district board then employs a general manager and all of the health service personnel. Accountability is clearer and administration is simpler. The desire to maintain community involvement in the decision making process is achieved through representation on a district board. Many health services have already adopted that option and it is working extremely well. All of these developments have been consistent with the recommendations of the select committee. I would like to quote part of recommendation 47 of the member for Collie's select committee report. It reads -

It is recommended that the legislation be amended to enable country hospital boards to amalgamate and function as District Hospital and Health Boards. Such boards would cover a broader geographic area, for instance several small towns or a local government boundary. Boards would have responsibility for all Health Department services, as well as related services such as HACC, within their district.

Where we have had local hospital boards operating for many years there has certainly been a reluctance immediately to implement the district board approach as recommended by the select committee. We accepted that time would be needed for that to develop. Commitments were also made to those communities that no district would be forced to amalgamate. I have reiterated that commitment on many occasions because I have come to the conclusion that it is better for the districts to develop their structures at a pace and style that suits the individual circumstances.

Initially the councils were established as administrative bodies rather than as legal entities. At that point the Country Hospital Boards' Council asked the Government to consider providing legislative support to the councils. There was a view that the councils could be ignored by the local boards and their role needed to be given legislative backing as a means of giving them greater authority. We sought legal advice, which I have seen, and this indicated that an amendment to the Hospitals and Health Services Act establishing agencies under the Act provides the avenue through which district health service councils can be established as legal entities. That matter has been natted out in the last year or two, to my certain knowledge. In November of last year, the Health Department distributed a discussion paper describing the proposed district council model under the Act and seeking comment from hospital boards and general managers. The responses reinforced the importance of achieving legislative support for the model, but it also made clear that the existing powers and functions of the local boards would not be diminished and nor would the boards be disempowered.

I find it interesting that the responses were evenly divided on the role of the general manager in the process with half saying that the general managers should have line management responsibility over all employees and half saying that they should not. As a consequence of the discussion paper, two pilot sites have been selected to develop the implementation of a district council in the area and to act as models. Under that approach the district councils were able to employ the general manager, corporate service staff and health professionals who provide services. The

councils also carried out the functions for planning, financial management and policy development. Although that model provides a means of maintaining local boards and focusing on certain functions at district level, it remains a much more complex administrative structure with several shortcomings.

The member for Collie raised two issues. The first is that the general manager employed by the district council cannot have line management responsibility over employees of boards within the district, and the councils and boards are separate entities so it is not possible for the boards to subdelegate power. Under section 18(2) of the Act the board is subject to directions of the Minister only as to the exercise of its functions. In performing its functions a board cannot be directed by an agency established under section 7B of the Act. As a consequence it is not possible for the general manager as an employee of the council to give direction to, or act as employer for, board employees.

The second issue is that the board was provided with additional information on the consequences of moving employees from the existing boards to the district council. That raises the problem that the Hospital and Salaried Officers Association and the Civil Service Association have different awards and coverage, which is a particularly difficult matter to work out. That does not preclude the development of councils but it makes the concept much more difficult. The member for Collie is correct: I have suggested to the Country Hospital Boards' Council that a working party should be convened on these matters. That was agreed to only on Monday of last week. I intend to progress that.

GRIEVANCE - FAIR TRADING

Dr Ross Jose's Complaint

MS MacTIERNAN (Armadale) [8.01 pm]: I grieve to the Minister for Fair Trading on behalf of Dr Ross Jose and all consumers of real estate and conveyancing services in this State. I will set out an incredible tale that goes to the heart of the maladministration of the conveyancing industry within this State.

Dr Jose thought he was entering into a fairly normal transaction. He had been advised upon this matter and given time to prepare. He entered into a contract to buy an area of land in the Rockingham region. The vendor of the land was a company by the name of Summit, a well known land developer. The real estate agency was an associated company, Summit Realty. Summit Realty suggested to Dr Jose that the easiest thing in the world would be for him to be represented by Combined Property Settlements Agency Pty Ltd, a settlement company also owned by the vendor and the real estate agency. Dr Jose thought that seemed fair enough. So Combined Property Settlements was acting for the vendor and the purchaser and also was directly interested in the real estate company. The transaction proceeded normally; then out of the blue Dr Jose received a letter and cheque for the deposit which he had paid for this land. His settlement agent regretfully informed him that the transaction was no longer going ahead because the contract was now invalid. They gave as proof of this a letter that had been sent by the solicitor for the vendor. This local suburban solicitor produced a letter for the vendor which the vendor then gave to the related settlement agency saying that this contract was not valid. There was no suggestion by the settlement agency that it should make some sort of assessment on whether the claims made in the lawyer's letter had any validity and there was no suggestion whatever that the purchasers should obtain independent legal advice.

Dr Jose was not experienced in real estate matters so he presumed that the settlement agency knew what it was talking about and accepted his fate. It was only at a chance encounter with a conveyancing solicitor at a dinner party where he was recounting the story that he realised that something was very wrong. When that solicitor told him that the grounds on which the contract had purportedly been invalidated had no substance it began to click with him what had happened. Dr Jose wanted to build a medical centre that included a pharmacy to make the development commercially viable. However, it turns out that Mr John Wilson, the principal of Summit, which was the vendor and also owned the real estate agency and the settlement agency, was also planning to build a medical centre nearby and he wanted a pharmacy in his centre. As you know, Mr Speaker, that the Federal Government limits the number of pharmacies in an area. If Dr Jose's proposal had gone ahead that would have messed up Mr Wilson's proposal. It became clear to Dr Jose that something was wrong here.

Dr Jose then received professional advice from a solicitor and he found that there was no problem with the contract. Dr Jose sued the company for specific performance and he ended up getting his land. He was so angered by the way in which that settlement agency had betrayed his interest that he made a complaint two years ago to the Ministry for Fair Trading. An officer came out and took down all details. He said, "This is a very big case. This is bigger than Ben Hur." The investigating officer said he saw at least six breaches of the legislation. However, a year passed and nothing happened. He then received a telephone call from a Mr Wild, who is the principal of the settlement agency. Mr Wild said, "Listen mate, I want you to withdraw your complaint. Surely we can sort this out. This will be really big trouble for me. I will lose my licence." Then he said, "You have to understand that the principal of Summit, John Wilson, really pressured me into aborting that contract because he wanted to get the licence to build the pharmacy." That was an admission. What Dr Jose did not realise and which makes this case infinitely more interesting is that

Mr Wild, who on Dr Jose's evidence has admitted that he acted in breach of his client's interest to advance the pecuniary interest of the owner of the agency, was a member of the Settlement Agents Supervisory Board. Mr Wild, who it appears on the evidence in relation to this transaction had not only acted improperly but also had sought to put pressure on the complainant to remove the complaint, was on the board that was supposed to be investigating and overseeing the ethics of this industry.

This has been a most flagrant conflict of interest and demonstrates a great number of the problems within this industry. The Minister must tell us why it is that two years after the complaint was made we have no resolution and no prosecution in relation to this matter.

MR SHAVE (Alfred Cove - Minister for Fair Trading) [8.07 pm]: I congratulate the member for Armadale on that wonderful presentation -

Ms MacTiernan: You do this every time, Doug. I take it for granted you like the way I do things.

Mr SHAVE: The member for Armadale has had her seven minutes; she should give me a go. I will split my response into two areas, the background history and the current status. On 2 November 1995 Dr Ross Jose made a complaint regarding the activities of Combined Property Settlements and Summit Realty and a direction to investigate the matter was issued by the registrar of the Real Estate and Business Agents Supervisory Board on 20 November 1995.

Ms MacTiernan: Why the real estate board?

Mr SHAVE: It involved a real estate agency, which was part of the difficulty. The Real Estate and Business Agents Supervisory Board took the initiative. This investigation was highly complex because of a number of factors. I quote from a prepared background of this matter -

- (a) The investigation takes into account a Real Estate and a Settlement Agent which are governed by two separate Boards and different laws.
- (b) Summit Realty, Rockingham, has changed business structures twice since 1995; firstly, the agency was franchised by Summit Realty and; secondly, it was sold to another party.
- (c) The licensee in bona fide control of Combined Settlements was Richard Wild, then a member of the Settlement Agents Supervisory Board, which meant that a legal opinion needed to be obtained regarding the standing of Mr Wild in this investigation.

That was quite proper. To continue -

- (d) The matter was also complicated because there were applications before the Health Insurance Commission regarding a pharmaceutical license by Ross Jose and his associate.
- (e) The investigation was further delayed because of a vital witness being overseas during an investigation.

He was not available to give advice.

Ms MacTiernan: Who was that?

Mr SHAVE: I do not have the name.

Ms MacTiernan: A secret witness?

Mr SHAVE: Cut it out. I will find the name of the witness. I am not doing the investigation. If I were doing the investigation I could give the name, but I can get that name for the member. The background information continues -

Dr Jose was advised from the commencement of the investigation that this would be an extensive and long investigation. The Board investigator has ensured that Dr Jose has been kept completely informed of the progress of this matter.

Ms MacTiernan interjected.

Mr SHAVE: I am telling the member what I have been advised, and I have confidence in the people involved.

Ms MacTiernan: Table your documents.

Mr SHAVE: The current status, of which I advise the member for Armadale to make her happy, are that investigations into this matter are almost complete.

Ms MacTiernan: It has only been two years!

Mr SHAVE: That is right. It continues -

In the interests of natural justice, interviews are required with John Wilson, Richard Wild, and the Settlement Clerk Rod Brown.

Ms MacTiernan: What have they been doing for two years? This is ludicrous.

Mr SHAVE: Let me answer the grievance and the member can then be critical. The background information continues -

Following these interviews determination will be made regarding the action in this matter.

Ms MacTiernan: Are they all on Mogadon?

Mr SHAVE: The member should listen because it is very important. The member can take this back to Dr Jose and feel quite comfortable with Christmas coming up. It continues -

It is anticipated that any action in this matter will be taken by the end of January 1998.

That refers to any legal action. It is now November. The member can have her Christmas pudding, drink a glass of champagne and know that the busy beavers at the Ministry of Fair Trading are going flat out over Christmas Day, New Year's Day and the whole lot.

Ms MacTiernan: They have been sitting on their bottoms for the past two years.

Mr SHAVE: Dr Jose has been fully informed.

Ms MacTiernan: When was this?

Mr SHAVE: Over the period of the investigation, and to the best of my knowledge he has never made any complaints to the ministry or the Minister regarding the time taken to complete this investigation because he was told it had to be a thorough and proper investigation, and had to be done on a certain basis.

Ms MacTiernan: Did he file a statutory declaration about the performance of Mr Wild contacting him and asking him to withdraw the complaint?

Mr SHAVE: I told the member I did not conduct the investigation and it would be improper for me to be involved. The member is asking questions about the investigation.

Ms MacTiernan: Do you have the file?

Mr SHAVE: I do not have the file. The member came to me with this grievance. This afternoon -

Ms MacTiernan: This morning.

Mr SHAVE: The member came to me with this grievance and said she needed to substitute it. She asked me to assist. I went to dinner and the member told me that she was first on after the break. I missed out on a glass of wine when I went home for dinner. I came back at 7.30 to accommodate the member and I asked her what she was doing. She told me she had been pushed down the list and would be the third speaker. I am not Superman. Up until now the member and I have had a very good working relationship. I would like that to continue. However, I will not get involved in the nitty-gritty of the investigation. It will all be before the real estate board and the ministry.

Ms MacTiernan: Not the settlement agents board?

Mr SHAVE: It will be kept advised because of its involvement.

Ms MacTiernan: Was the investigating officer pulled off the job?

Mr SHAVE: It could have happened but I have not been advised of it.

Ms MacTiernan: Did Dr Jose produce a statutory declaration to the department complaining about Mr Wild contacting him?

Mr SHAVE: It may have happened.

Ms MacTiernan: You do not think it is important?

Mr SHAVE: I have not said it is not important but whatever evidence is provided will be properly dealt with.

Ms MacTiernan: They are snowing you, Minister.

Mr SHAVE: No, they are not.

GRIEVANCE - FIREARMS

Buyback Scheme

MR BARRON-SULLIVAN (Mitchell) [8.17 pm]: My grievance on behalf of a number of my constituents is to the Minister for Police. If one issue over the past couple of years has aroused a great deal of controversy, it has been the firearms buyback scheme. I will not enter into the detail of the scheme, but one anomaly has affected my constituents and I am sure a number of others are affected in the same way.

The three gentlemen who approached me on this matter are John Arney, Peter Cowley and Trevor Morritt. They are all in the same situation whereby they willingly surrendered their firearms and were given valuations for them at one of the two local police stations. However, when the cheques arrived in the mail they were for amounts one-third of the value they had been quoted. One of the guns was a Barretta A303. I do not pretend to be an expert in these matters, but the local police officer who assessed its value has a great deal of experience of guns. He knows what he is talking about and he said it was worth \$2 400. However, the owner received a cheque for only \$700, and there was no explanation for the reduced amount.

I have taken up a couple of these cases previously and I am grateful for the attention given to these matters by the Minister for Police. We have also spoken about some of them. Before the buyback scheme is consigned to the archives I make this last ditch attempt to get some resolution of these difficulties. When I approached the Minister regarding Mr Morritt's case, I pointed out he had taken a Browning take-down Belgian grade 3 rifle into the police station. He was told that because of its Belgian origin it would be more valuable than its British counterpart, and it was valued at \$750. However, he received a cheque for only \$300. When Mr Morritt asked for the gun to be given back to him so that he could get an independent valuation, he was told it had been destroyed, because that was the process. The guns were instantly destroyed when handed in so that there could be no further use of those illegal weapons.

My concern is that if there is some dispute when the guns are sent to Perth for technical evaluation after the weapons have been valued at the local police station, it would make sense to keep the guns aside so that the owner has an opportunity to obtain an independent valuation. I was grateful to the Minister for Police for his response, and I note that he has taken the advice of the Commissioner of Police. A letter from the Minister for Police to me states -

The Commissioner of Police has advised me that it is apparent a wrong identification was made at the time of surrender. Therefore, a wrong valuation was placed upon the receipt. . . .

I am further advised that a disclaimer on the receipt indicates that the valuation is subject to review by an Identification Technician at the Police Ballistics section.

I accept that, but when the matter was reviewed the gun no longer existed so it was not possible for it to be revalued properly. I suggest that the people who provided advice on this matter obviously would not have seen the gun in question. The letter further states -

Notwithstanding the above it is acknowledged that discrepancies can be made during the process. However, to have every firearm examined by an Identification Technician at the point of receipt would cause inordinate delays in the program and payment to the owners.

I accept 100 per cent that not every gun could have been trotted off to an independent valuer. I know hindsight is a marvellous thing and the scheme has now closed, but this is my last opportunity to go into bat for my constituents. Unless there had been tangible proof that the guns had not been valued at that amount, these constituents should have been given the benefit of the doubt.

The question that arises out of this is what would it cost to do this? I have only three cases like this. I know a lot of members of gun clubs feel strongly about these cases and I welcome any advice the Minister has, but there are probably relatively few cases of dispute like this.

I understand a considerable amount of money is left in the kitty for the national firearms buyback scheme. I would appreciate the Minister's advice on whether it is possible under the federal legislation to use some of that money to resolve some of the outstanding anomalies. I suspect the Minister's job might be difficult in this respect and that the federal legislation probably prevents the State from using those moneys for this purpose. I welcome the Minister's advice in due course.

I have great confidence in the Police Service in general. The buyback scheme was very difficult to implement. I might have some reservations about some of the detail and background to this whole issue, but at this stage my prime

concern is to ensure that my constituents are reimbursed the full amount for the rifles they surrendered. In view of the doubt over this matter and that it is impossible to look at the rifles to determine their exact value, these rifle owners should be given the benefit of the doubt.

MR DAY (Darling Range - Minister for Police) [8.22 pm]: I thank the member for Mitchell for the information he has provided in this grievance debate. I understand the concern of firearms owners who expected to be paid a certain amount of money, based on the estimate that was given to them when they handed in their firearms at the police station. They would have experienced some degree of disappointment when they received their cheques in the mail after their firearms had been examined by the ballistics section.

I refer to the general procedure that was used for the valuation of firearms. In most circumstances the firearms were taken to the local police station and an initial estimate of value was given by an officer according to the list of valuations provided by the Commonwealth Government. Also at that time a property tracing receipt was issued to the person surrendering the firearm on which there was a disclaimer which explained that the valuation was subject to verification by the ballistics section of the Police Service which was responsible for the final identification of the firearm prior to destruction. Therefore, a certificate was given by the person surrendering the firearm that he would accept a final verification by the ballistics section at the Maylands academy. Once the firearm was received by the ballistics section, it was checked against the list provided by the Commonwealth to confirm its identity and value. Following that process, a cheque was issued to the owner.

In the case of Mr Morrith to which the member referred, he handed in what he understood to be a Browning grade 3 firearm which had a higher valuation attached to it than the final identification of that firearm which was as a Model A Browning take-down. Therefore, he was paid less than he expected. It comes down to the word of the person surrendering the firearm against the word of the experts in the ballistic section. I understand they were experienced people who had a great deal of expertise and skill in identifying firearms and it is difficult to argue against their identification. The firearms have been destroyed and it is not possible to argue the point any further. It is also worth pointing out that although some owners received less than they expected, others received more than they expected. On a global scale, the matter is balanced to some extent.

Unfortunately there is no provision to reconsider the situation as the member for Mitchell requests. The valuations were made according to the legislation put in place by the Federal Government and the generally agreed valuation list. Now that the firearms have been destroyed and the process has come to an end, there is no latitude in which to move to reopen the process.

The member suggested that the money left in the kitty - I understand it is in the order of \$180m to \$200m - could be used to recompense some of the people who feel aggrieved by the process. I am advised it is not possible under the commonwealth legislation. I know the Ministers for Health, not the least the Western Australian Minister, have their eyes on that kitty with a view to rectifying the shortfall in the public health system. The money could be used for other government activities, not the least in policing activities. I expect it will be used in the health area.

Unfortunately, it is not possible to satisfy the requests of the constituents of the member for Mitchell, but I thank him for bringing their concern to my attention.

The DEPUTY SPEAKER: Grievances noted.

POLICE ACT AMENDMENT (GRAFFITI) BILL

Suspension of Standing Orders

On motion without notice by Dr Gallop (Leader of the Opposition), resolved with an absolute majority -

That so much of standing orders be suspended as is necessary to enable a Bill for an Act to amend the Police Act 1892, of which notice was given yesterday, to be first read and forthwith taken to the stage that the second reading is moved.

Introduction and First Reading

Bill introduced, on motion by Dr Gallop, and read a first time.

Second Reading

DR GALLOP (Victoria Park - Leader of the Opposition) [8.29 pm]: I move -

That the Bill be now read a second time.

The Opposition is proud to be introducing the Police Act Amendment (Graffiti) Bill. For too long, Western Australians have had to suffer mindless and destructive acts of graffiti scrawled over public and private property.

It cost property owners, taxpayers and council ratepayers millions of dollars to remove graffiti. In 1993 the Premier's graffiti working party estimated that the annual cost of graffiti to the Western Australian community was \$6m.

There is the monetary cost in cleaning up the graffiti from buildings, trains, buses, walls, footpaths and so forth. The burden falls on ordinary families, business operators and local and state governments; ultimately, all ratepayers and taxpayers. Also involved is the cost of withdrawing services while the graffiti is being cleaned up. For example, each day up to 10 buses will be damaged by graffiti and those that are badly damaged will need to be pulled out of service at short notice, causing inconvenience to passengers. Some customers may decide to no longer use the train or bus if there is so much defacement that it makes travelling by public transport uncomfortable. It costs small business operators when they are forced to close their business while they clean up their graffitied premises. Not only is there a financial cost, but also there is the psychological burden that many people feel. Residents who live in an area plagued by graffiti louts feel angry at the way their suburb is being degraded by a small, yet out-of-control element. They fear that the market value of their homes will drop, that their streets are less secure, and that it is a less comfortable place to live in. Many people are distressed when the facilities that they use and enjoy, whether it be their home, workplace, school, bus, train or shops, are defaced by graffiti.

The cost can be of a more tragic kind. There have even been instances throughout Australia where graffiti offenders have been killed while painting graffiti on trains. Graffiti is not a victimless crime. For many Western Australians, it seems like a never ending circle. As soon as one lot of graffiti is removed, more appears. It is a problem spiralling out of control.

This Bill aims to outlaw the possession of spray cans and other graffiti implements in public after dark without a lawful excuse. Limiting the offence of carrying a graffiti implement without lawful excuse to the places specified means that carrying the implement on one's own property, or in other private situations - for example, at a friend's house - is excluded from the ambit of the provision.

The Bill provides that the unlawful possession of graffiti implements is a criminal offence, and carries a maximum fine of \$500. The offence created by this Bill will apply to both juveniles and adults. The offender will also be required to forfeit his or her graffiti implements to the Crown.

A graffiti implement is an instrument capable of being used to cause damage to property where such damage could consist of graffiti or if it is specifically proscribed by regulation. It is envisaged that the types of implements that could be covered by the regulation would include only the most common items used for illegal graffiti, such as spray cans. In this way, items such as pens or lipsticks can be legally carried, unless they are specifically being carried with the intention to damage property by way of graffiti.

This Bill complements the existing provisions in the Police Act that deal with the actual marking of graffiti. Under the existing provisions, graffiti offenders can be liable to a fine not exceeding \$1 000. They can also be ordered to clean up their vandalism or to pay compensation to the person, such as a property owner or local council that is responsible for getting rid of graffiti. The difficulty with the current laws is that it is virtually impossible to prosecute graffiti vandals unless they are directly caught in the act. This Bill means that the police now have very real powers to address the problem before the cost has been imposed, by being able to stop offenders before they have defaced yet more property.

Mr Speaker, the Opposition introduced this Bill because it recognised that many people are frustrated by the Government's continued rhetoric about the graffiti problem, and their failure to take any real action. On 12 December 1996, in the heat of the state election, the Premier claimed that his Government had reduced graffiti by an estimated 50 per cent. I am sure many Western Australians were dumbfounded by that claim. In March this year, the Premier, in an answer to a question on notice, claimed that -

The Graffiti Program Steering Committee is exploring the possibility of legislation that may place the onus on young people who are found carrying implements for graffiti to provide a lawful reason. This is currently under consideration, but no decisions have as yet been reached.

That was in March; it is now November. It was only after the Opposition stated its intention to introduce this Bill that the Government released its new phase in the fight against graffiti louts; but the Government is still considering the proposal that the carrying of graffiti implements for illegal purposes should be an offence, a proposal that has been suggested since the Lawrence Labor Government. The Opposition believes that Western Australians do not deserve to suffer any longer from the Government's refusal to introduce legislation to deal with the problem.

Graffiti vandalism, like many offences, is a complex social problem. This Bill dealing with the carrying of graffiti implements is intended to address only part of the problem. In fact, the non-legislative measures that need to be taken are just as important as the laws themselves.

The State Government has a responsibility to provide local councils, businesses and householders with access to the necessary equipment that is needed to remove graffiti as soon as it appears. It has been demonstrated by research that the prompt removal of graffiti gradually reduces the number of new attacks. In this regard, the Opposition will be interested in whether the campaign run jointly by the State Government's graffiti program, the City of Stirling and the Police Service is successful in reducing the rate of graffiti.

The majority of graffiti vandals are young people, particularly males aged between 12 to 18, from all types of economic backgrounds. Of course, the majority of young people have never been involved in any unlawful graffiti activity. It is just as much young people's surroundings that are being defaced and ruined as it is those of the rest of the community. In fact, for some young people, graffiti tags may be more threatening than for older people as they may understand the gang or other subculture connotations that particular tags indicate.

Some areas are plagued with graffiti, while others are not. We need to better understand why this is the case. Is it because other activities are available for young people, such as safe and non-threatening public space, cheap or free sporting facilities, opportunities for legally sanctioned urban art, and so forth? A better understanding of these types of issues could help in dealing with the graffiti problem, as well as other anti-social behaviour.

Law enforcement measures also need to be backed up by sufficient resources to local councils to provide these types of facilities, as well as proper resources to youth workers who are most likely to have direct contact with youth at risk. There needs to be counselling of those who break the law, and education of young people about the problems with graffiti.

Graffiti needs to be kept in perspective. For some youth, graffiti is just a phase. This does not excuse the crime, but it does mean any law enforcement response needs to be realistic. For others, graffiti is the start of more serious crime. As a society, we must ensure that there are good opportunities for our young people, who might otherwise get caught up in the criminal spiral, to direct their energies and talents into lawful activities. We cannot risk wasting a generation. I commend the Bill to the House.

Debate adjourned, on motion by Mr Osborne.

CRIMINAL INJURIES COMPENSATION AMENDMENT BILL

Second Reading

Resumed from 22 October.

The ACTING SPEAKER (Mr Sweetman): Before the debate on this matter proceeds, I am advised by the Speaker that the Bill before the House seeks to increase the compensation available to certain persons. All compensation awarded under the Act is charged against the consolidated fund and accordingly the Bill appropriates revenue by creating a contingent liability to pay compensation in addition to that which might otherwise have been paid.

Accordingly, I advise that the debate may proceed but the Chair will not put the question on the second reading at the end of the debate. The Bill will then go to the bottom of the Notice Paper until such time as a message from the Governor, recommending the appropriations in the Bill, is received.

MR PRINCE (Albany - Minister for Health) [8.38 pm]: I rise on behalf of the Attorney General whom I represent, to speak on this Bill, mindful of the direction by the Acting Speaker about the lack of a message from the Governor. In relation to the substance of the Bill which is very simple - namely, to increase the total amount payable under the Criminal Injuries Compensation Act to a much greater sum - I am informed by the Attorney and his office that the Criminal Injuries Compensation Act is the subject of a review which commenced recently. I gather that the review has reported to the Attorney who is in the process of bringing the matter to Cabinet for consideration. I am told that the review has recommended that the maximum award possible under the Act - \$50 000 - be increased, which would reflect such matters as CPI increases and would be broadly consistent with maximum awards payable under other jurisdictions.

The maximum provision in Victoria is \$60 000 for what are called "primary victims" in that State, and the maximum figure in Queensland is \$75 000. Both those States have a higher maximum payment than that which currently applies in this State. Undoubtedly, other matters will arise in the review, as is part and parcel of a review of an Act which has operated for so long to bring it in line with contemporary times and to expedite processes. Members would be aware that the Government moved last year to increase the number of assessors, which was to some extent overdue. This was a good development. I make that point in passing.

Members are aware that the totality of the Act is currently being reviewed; the Attorney has the matter in hand. I hope it will come to Cabinet in the near future and that some legislation will reflect that process when Parliament resumes in the new year.

I now refer to Mrs O'Neill's circumstances. A tragedy of that nature will occur, thankfully, very rarely, but that is no consolation at all to Mrs O'Neill who was severely injured following the killing of her children. I agree with the member for Fremantle who said that he could not imagine a more tragic set of circumstances than those which confronted Mrs O'Neill on that night some three years ago. The personal scars must be enormous. I am sure all members share that sentiment.

The question of how the State should respond to Mrs O'Neill's situation is outside any existing legislation, and probably outside any legislation we should contemplate. The Criminal Injuries Compensation Act has a very broad ambit and deals with a significant variance of crime victims. It relates to people who have been victims of comparatively minor offences, for whom a modest and appropriate amount of compensation is sought.

In many respects no amount of compensation can ever compensate the few victims who have suffered as a result of the most serious crimes under our Criminal Code. Mrs O'Neill is one of those tragic few. No amount of money will compensate her for what has happened. I appreciate what has been said by her, and on her behalf, that all she wishes to do is to start life again and to have a second chance. It is a perfectly reasonable and appropriate thing for her to say, for which I commend her.

I am sure that others who have suffered significantly, yet not to the same extent as Mrs O'Neill, would seek an enormous amount of money. She clearly seeks only enough with which to start her life again; I commend her and wish to support her in that endeavour. However, it raises the question of legislating in a general sense from a specific case. I have suggested to the member for Fremantle and to Mrs O'Neill privately, albeit briefly, that it seems that her case should be dealt with by an application for an ex gratia payment. It is of such an extraordinary nature that I doubt whether any change to this legislation, retrospective or otherwise, would meet her circumstance. In that sense, this Bill would perhaps visit an injustice on her.

I urge Mrs O'Neill, her advisers and those from whom she seeks solace and comfort to make the normal arrangements to make a request to the Attorney General for an ex gratia payment. What she is reported as seeking in the media would make the basis for a good application along those lines. Of course, I cannot pre-empt any decision of Cabinet other than to say that everybody who is acquainted with her circumstances would feel, first, great sympathy for her circumstances, and secondly, admiration for the modest way she seeks to be able to restart her life.

The member for Fremantle mentioned the Port Arthur massacre in his second reading speech, but to some extent he misapplies that situation to the current legislation. In the circumstances of the Port Arthur tragedy, which God willing will never be repeated, each relative of the victims would have been entitled to make an application for compensation, and each would have been eligible for the maximum award.

Mr McGinty: That is not right.

Mr PRINCE: That is my understanding of the Act, and I have done a number of compensation applications and clearly believe that that would be the result.

Mr McGinty: The legal advice that I obtained in this case is that the analogy with Port Arthur is correct and that you are wrong.

Mr PRINCE: I accept that that may be the case. However, my understanding, and the advice I have received through the Attorney's office, is that the member's claim is not correct.

It is debateable whether one should amend legislation on the basis of a single case, particularly when extraordinary means are available by which exceptional cases can be addressed. The retrospective application of the Bill is a matter of concern; I say that as a matter of principle as well as good administration. If passed, the legislation will provide for the assessor to re-hear all applications determined since 1 July 1997 to the commencement of the proposed amendments.

I think I understand why the member for Fremantle is proposing the amendment in that way to cover a specific case. However, the result would be a significant workload in repeating work previously carried out. We have enough delay in dealing with criminal injuries compensation matters without revisiting those matters. This would not be a good precedent in respect of retrospectivity, although I well understand why the member wishes to make this amendment.

The member for Fremantle may recall that when he was in Cabinet towards the end of the previous Labor Government, ex gratia payments were made to Donna Steel and Caroline Wheeler. Those cases were not part of his portfolio responsibilities. Nevertheless, extraordinary cases have been dealt with from time to time in an appropriate way by the Executive of the day.

I accept the intent of the amendments proposed by the member for Fremantle, and the Government's view is that they are worthy of debate; thus, I contribute to the debate tonight. However, the provision of the Act as it is, or as

amended, would not be sufficient to deal with Mrs O'Neill's extraordinary case. She should be encouraged to make an application for an ex gratia payment, as has occurred in the past.

Some concerns are held about the way the amendments might operate, particularly regarding retrospectivity and the resulting difficulties with re-hearings. The intent of the legislation is commendable, and the Government supports that intent. However, the review of the Act, which has been in hand for some time, and is before the Attorney, recommends an increase in the maximum award. From the points of view of good legislation, it would be desirable for that review through the normal process to appear in this House as a totality in amending legislation, rather than this form of amendment proposed by the member for Fremantle.

I appreciate that I have spoken briefly on the matter, but I have addressed the principle reasons for the Bill. The member for Fremantle provided a lot of detail on the matter, and it is not for me to reiterate those points. The Government supports the intent of wishing to do something for Mrs O'Neill. The Government is supportive also of the intent of the review of the maximum grantable under this legislation. That matter is already in hand and should come to the Parliament in the new year. In supporting the intent, the Government would not want to support the Bill in the sense of having it go forward, for it would be replaced by other amending legislation that I have no doubt will be introduced in the new year. The lack of any message from the Governor obviously precludes the Bill proceeding as such, although it does not prevent any form of debate.

MR MCGINTY (Fremantle) [8.50 pm]: I am bitterly disappointed at what we have just heard from the Minister for Health. I will relay to the House the circumstances that occurred three weeks ago when I second read this Bill. The woman who gave rise to this legislation, Ann O'Neill, was in the Speaker's Gallery to listen to the introduction of the Bill to amend the criminal injuries compensation scheme. On the way out we met the Minister. He indicated to her his sympathy and, as one with a background as a criminal lawyer who dealt with criminal injury compensation claims, he indicated his support for what this legislation was trying to do. He certainly left Ann O'Neill, who has been through hell in the past four years, with a considerable measure of hope that her situation would be properly met. He dashed that hope tonight.

We walked a little further along the corridor and bumped into the Premier. I introduced Ann O'Neill to the Premier who made similar sounding noises. I expected that from the Premier because he had been in the media when this tragic case received widespread publicity. The Premier made encouraging noises to Ann O'Neill that her case would be properly dealt with by the Government and that the circumstances of her case warranted special consideration.

Mr Court: Which would be done, you would think, through the ex gratia arrangements.

Mr MCGINTY: The Premier did not raise the issue of ex gratia payments.

Mr Court: You said exactly what I said earlier. You said that this case had special circumstances, and that is exactly what is handled through that process.

Mr MCGINTY: There is a sense of disappointment because what we heard tonight is a typical political fob off. The legislation is simple; it is limited and it is designed to meet particular circumstances. We said three weeks ago that we were hoping for a response. We were led to believe there would be a positive response to this legislation and to the circumstances confronting Ann O'Neill. It is no wonder politicians generally and this Government in particular are held in low regard when to the victim's face all the right noises are made but once the victim moves on, the bottom line is no. That is what we have received here tonight.

Mr Bloffwitch: It is not "no" at all.

Mr Court: You are doing more damage than good, my friend.

Mr MCGINTY: Is that a threat, Premier?

Mr Court: No. You know how the system of government works. I explained to you that the quickest process in this case would be for it to be handled through an ex gratia arrangement. You know that. Don't you think it is in your interests in helping your constituent to try to work it through in a cooperative way instead of just trying to get mileage out of the issue?

Mr MCGINTY: It is not a question of my getting mileage out of this matter. The Premier was the one who tried to get mileage out of the case by saying in the media and to Ann O'Neill personally when he met her that he was supportive of her position.

Mr Court: I am very supportive, but I am not supportive of you and the way you are trying to handle this exercise.

Mr MCGINTY: When the legislation comes before this House to enable the Government to be supportive, the answer is no. All the Premier's sophistry and gladhanding will not disguise the fact that he has rejected something that he

said publicly he supports. We heard from the Minister for Health that the Government supports the intent and thinks the legislation is right, but that it will not support it. Frankly, that is not an appropriate response in these circumstances.

Mr Prince: Mrs O'Neill should seek an ex gratia payment. She will receive more that way, and a lot more speedily, than any other way. A general change to the law is happening anyway. Mrs O'Neill would not be particularly well benefited by these changes. She should seek an ex gratia payment. I said that to you and to her three weeks ago. The Premier has said it, although not using those words. Why can that not be done for this lady? That is what we want to do.

Mr McGINTY: I will tell the Minister why. Mrs O'Neill has a view that what happened to her is not an isolated circumstance and that it is not a matter of fixing up her problem. It is a far wider problem.

Mr Prince: That is certainly so in relation to domestic violence, but the horror visited on her is extraordinary, as you said.

Mr McGINTY: Yes, but she is not alone.

Mr Prince: No, she is not.

Mr McGINTY: One of the points in this debate that has been made better by Mrs O'Neill than anyone else is that there is a structural problem with the legislation. Others will be affected in a similar way. Her interest is to ensure not only that her position is properly adjusted, but also that others who find themselves in the same position are covered. She takes a broader view of this issue than her own immediate interests. That is where the Minister's response is deficient.

Mr Prince: That is the first time you have put that point to me.

Mr McGINTY: Read the second reading speech.

Mr Prince: I am more than happy to take that point to the Attorney General. You know that I stand here as his representative. I know he has a review and I know it is coming to Cabinet soon. I know there is a recommended change to the maximums; however, I do not know what else the review encompasses. I will take the point you make to him. It is a reasonable point.

Mr McGINTY: I believe this legislation covers adequately what has been shown to be a deficiency in the Act. I do not think the Minister has suggested otherwise.

Mr Prince: There may be other deficiencies in the processes under the Act. It is relatively old legislation and it must be updated and reviewed.

Mr McGINTY: Will that review be made public?

Mr Prince: I could not tell you. Under normal circumstances I would expect so; however, I don't know. It is not my ministerial responsibility. You understand that.

Mr McGINTY: That review must deal with this issue and make a positive recommendation to government, and legislation must come forward to address the problems that arise when multiple crimes are committed. The Minister might recall that when I introduced Mrs O'Neill to him he acknowledged that from his own experience it was a major deficiency in the Act. The Minister mentioned the quantum of payment in the review.

Mr Prince: I know about that because the notes from the Attorney General mention it. The notes do not mention what else the review covers.

Mr McGINTY: The central point is the deficiency for multiple victims that has been shown up in the Act. If that review makes a recommendation to address that question and if the Minister can undertake that legislation will be brought forward to that effect -

Mr Prince: If I were the Attorney General, I could do that because I would know what the report says. However, I am not the Attorney; I represent the Attorney General in this place. I have not seen the report. I am a member of Cabinet; therefore, I expect that in due course I shall see the report. I cannot answer the question you put to me. I cannot give an undertaking because I do not know. I can give an undertaking to take what you say to the Attorney General, to ensure that whatever he is doing comes to Cabinet as soon as reasonably practical and that these points are debated.

Mr McGINTY: The Minister has indicated that the legislation as it stands is not, in his view, the way to deal appropriately with Mrs O'Neill's situation.

Mr Prince: That is right.

Mr McGINTY: What is the shortcoming in this legislation? A discretion rests in the assessor of criminal injuries compensation to award more than the prescribed amount. Where does that leave the situation as being deficient?

Mr Prince: It does not necessarily cover those extraordinary cases, of which Mrs O'Neill's is one.

Mr McGINTY: I think it does.

Mr Prince: We can beg to differ on that.

Mr McGINTY: The Minister has not given a reason to suggest that the assessor would not make a proper assessment in those circumstances. The problem is that at the moment the assessor is limited to treating all of the clients as one and, therefore, \$50 000 is the maximum payment that can be awarded. We have a proposal before us to say that he will not be so constrained. In other words, he has a discretion to regard it as four separate offences, and to make an award accordingly.

Mr Prince: I know. We can wind up with a process of having multiple amounts of money which, in themselves, may not be enough in a peculiar, exceptional case. This is where a total discretion is needed, which is what the ex gratia payment is about. It deals with everything in totality, rather than being constrained. It takes into account the particular circumstances. I understand the member's point. Do you see there is a difference?

Mr McGINTY: No, I do not. There is enough power in the legislation before the House to enable the assessor to take everything into account and not be constrained by the limit currently contained in the Act of \$50 000.

Mr Prince: I will take the point to the Attorney General again.

Mr McGINTY: The Minister and the Premier have spoken to Mrs O'Neill and given her considerable hope. What does the Minister now intend to do?

Mr Prince: I am not at liberty to offer my service to her as a solicitor, but I hope somebody will do that so that she can present in the normal fashion an application for an ex gratia payment.

Mr McGINTY: Given that the Premier has gone public in supporting Mrs O'Neill's claim and in the light of what has been said to her, surely a bit of initiative might be shown in getting the material brought forward with someone saying to her, "We are truly impressed with your situation and the gravity of what you have been through." I cannot understand why the Minister is fobbing off this matter tonight.

Mr Prince: I can also put to the Attorney General that perhaps an officer from within his organisation who knows about these things can see Mrs O'Neill. I can put that to him and see whether that can be done.

Mr McGINTY: Quite frankly, that is not coming across as a genuine offer, if that is the best that the Minister can belatedly come up with. He has said tonight that this legislation will not be passed by the Parliament because the Government will refuse to give it a message. I guess we have no option but to come to the Cabinet and ask for that ex gratia payment. I will need to talk to Mrs O'Neill about it because her concerns are considerably wider than what the Minister has understood them to be. That is unfortunate because this legislation was designed to cover all situations, not just Mrs O'Neill's in isolation. I conclude my comments with a note of great disappointment. Expectations have been raised in this matter by the Premier and the Minister, and they have been dashed in what has been said here tonight. The weak afterthoughts of the Minister do not go anywhere near meeting the circumstances of this case. I am sure Mrs O'Neill will leave this House tonight very unhappy with what she has heard from the Government.

The ACTING SPEAKER (Mr Baker): As the House was advised at the beginning of this debate, this Bill if passed into law would appropriate revenue. Consequently it cannot proceed without a message from the Governor. I direct that this Order of the Day be placed at the foot of the Notice Paper until such time as a message is received.

MULTICULTURAL AND ETHNIC AFFAIRS - AID WORKERS

Federal Government Funding Cuts - Motion

MS WARNOCK (Perth) [9.05 pm]: I move -

That this House condemns the Minister for Immigration and Multicultural Affairs and the Federal Government for the cuts in the funding of grant in aid workers to several migrant communities in Western Australia leaving them without the necessary resources to provide services for newly arrived refugees and migrants and calls on the Federal Government to reinstate the level of funding as a matter of urgency.

Both the Prime Minister and the Minister for Immigration and Multicultural Affairs have hoodwinked migrant communities in this State by withdrawing substantial funding from them for services essential to newly arrived migrants and refugees, those new settlers in our community who very often need our help. I say hoodwinked because before the last federal election promises were made that funding levels would be maintained and that migrant communities would be supported. Instead, according to the Coalition of Multicultural Interests, millions of dollars have been cut from migrant services across this country. Plenty of people out there must be more than a little cynical about the election slogan of the Liberal Party the last time around - "For all of us".

What have these most recent cuts meant for migrants in Western Australia? I will explain what I believe they meant. The Commonwealth Government has cut 100 per cent funding to several ethnic communities in Western Australia - the Chilean, Filipino, Iranian, Salvadorean, Polish, Afghani, Buddhist and Romanian communities - and to the Refugee Council of WA, and the Ethnic Communities Council that has lost two of its grants for grant in aid workers. A 50 per cent cut will apply to the Cambodian, Croatian and Macedonian communities, the Geraldton community education centre, the Lady Gowrie Centre (WA) and the Fremantle Migrant Resource Centre. In all of these cases we are speaking about grant in aid workers.

The smaller communities, such as the Cambodians and the Spanish speakers, have lost a worker who spoke their language and who understood their culture, someone who could help these people settle in to Western Australia, to a new country where they had to learn a new language to fit in. This is a very important aspect to this funding. Some migrants in our community have been here longer than I have, and I am Australian born. However, newly arrived people who are either migrants or refugees, particularly those who do not speak English, have a problem with settling in here. At this stage of their lives they need our assistance. Migrants will take longer to settle in to our community and become useful citizens because the information and practical help that was available easily in their own language is now no longer accessible as a result of these recent changes to migrant funding.

Some people who work regularly with migrant communities say that extra costs will end up being met by other government departments; for example, interpreters will have to be hired because of cultural and language barriers. This seems to me to be bad social policy as well as bad economics. This is what the Federal Government has set out to do in Western Australia.

A few weeks ago I attended a meeting of about 250 migrants from various communities in North Perth. Understandably they were angry at the cuts, and they were very frank about their concerns about the effect of these changes on their communities. Some described the funding cuts as a clear declaration of war on multiculturalism by the Federal Government and some claimed they believed the cuts were racially motivated. Is the Federal Government playing favourites among larger ethnic communities? Has the Government got the breeze up about ethnic affairs generally, thanks to the appalling views of the member for Oxley? We can only hope that they are not the Federal Government's motives; nonetheless some migrant communities in Western Australia are thinking along those lines. Ethnic communities have a right to be both cynical and disappointed about the Federal Government's performance in this area.

Mr Bloffwitch: What about?

Ms WARNOCK: About the fact that the Government has cut funds to a very large number of migrant grant in aid workers who work in the community.

Mr Bloffwitch: The aid workers.

Ms WARNOCK: Yes. The Federal Government has cut a large amount of funding. Grant in aid work is a very sensible way of helping newly arrived migrants. It is a very good system. It is surprising that the Federal Government has seen fit to cut the funding. I have my own ideas about why it has done it; it is a very silly decision. That is why I am speaking up on behalf of those communities, many of which have complained to me.

Pre-election rhetoric before the last federal election suggested one thing, and post-election policy tells another story. That is why it is necessary to bring this to the attention of the House. We were told one thing before the federal election, but what happened after was something entirely different. One of the speakers at the North Perth meeting to which I referred, the President of the Refugee Council of WA, Eira Clapton, said that because of the cuts a \$10 000 grant from the Federal Government to translate an information kit for new refugees into 10 different languages had been returned because the council no longer had the staff for the project. That is the sort of silly thing that happens. It is bad social policy and bad economics. It is the sort of absurd and wrong thing that happens when shortsighted cuts are made to important community programs. That is the picture of this Federal Government since it came to power.

I refer to examples of the kind of work that will be cut off as a result of these funding cuts. At that North Perth meeting a Polish person spoke about the work of the Polish Welfare Office which last year helped about 1 200 clients

through its one-to-one social welfare program. This very good service was stopped last month because of these cuts. Twelve hundred newly arrived Poles were helped as a result of it. Now they will not be able to do that work. That Polish representative said that other agencies, such as Legal Aid Western Australia, would come under pressure because of these cuts. That is another very good point. Other agencies will have to bear the cost of employing interpreters as a result of their increased workload because the grant in aid workers will no longer be available to assist with interpreting.

Costs will be shifted from the Federal Government - this seems to be where the State Government comes in - to State Governments and of course to community groups. The Croatian representative at this meeting said that his group, now defunded, regularly handled about 80 cases a month. He expected new arrivals to have many personal problems as a result of a lack of a special worker. People who have just arrived in Australia, particularly those who came as refugees - to a large extent these are the people I am talking about - need the assistance of somebody who speaks their language and understands their predicament. The grant in aid worker system is very good. I wonder why it is being so comprehensively dumped on by this Federal Government. Why have 22 FTEs, who are GIA workers, been lost in this State? It is completely mystifying and it is a wrong decision.

Why have 18 ethnic community organisations lost all or part of their funding in a round of savage cuts? Why are many of these groups that suffered cuts, smaller and less influential groups which deal with a high number of refugees as opposed to migrants? Why do some of the cuts involve access and equity positions filled by people whose job is to report to government on their department's provision of services to migrants? Is this part of the Federal Government's obvious plan to de-power and defund the Public Service generally? That is the sort of thing that comes to mind in the light of the way these cuts have been carried out.

I refer to some of the comments from communities in Western Australia which have had their funding removed. The Damayang Filipino organisation wrote to the Immigration Minister, Philip Ruddock in September, stating -

The Filipino community is a new and emerging community. As such, we have numerous problems with new arrivals. While Filipinos are not refugees, the Filipino community has the second highest in terms of statistical issues presented -

He refers here to the Department of Immigration and Multicultural Affairs statistics.

- and a very high number of domestic violence cases. The GIA worker, in helping sort out these cases, has also assisted in about 80% of unemployment cases in the community.

This is another important thing that these grant in aid workers do. It is obvious that anyone going to a new community as either a migrant or a refugee will need assistance with employment, particularly from somebody who understands them and their language. To continue -

A lot of settlement cases among the youth, women and seniors also exist. Parent-teen intergenerational conflict is widespread. Cases of suicide have also been identified. As you know, mainstream services cannot help resolve these cases as they provide culturally inappropriate services.

That is the key here and one of the reasons I support the grant in aid program. The letter also states -

We are also confused by the fact that grants were renewed to fully established communities ie Italian, Greek Orthodox and Macedonian.

In the belief of these Filipino people, for obvious reasons, the new communities need special assistance. The letter continues -

Our track record shows excellent management of the grant in aid worker. We are able to employ a worker of high calibre, dedicated, outcome-oriented and very sympathetic to the clientele. What a waste of skills in the community that deserves such a service.

I agree with that, knowing as I do that grant in aid worker and the wonderful work he did. I will also refer to a letter written by the El Salvadorean Association in which it speaks of the effect the cut will have on its community. It refers to 700 people directly assisted over a year and about 2 000 clients indirectly assisted; that is, family members. People come from El Salvador, Chile and Nicaragua where they speak Spanish. They were given assistance by the grant in aid worker, until funding was cut, with accommodation, employment, English learning, Department of Social Security emergency relief and health problems that refugees or new settlers in communities face.

The El Salvadorean Association said that about 80 per cent of its grant in aid clients needed an interpreter. It said that the client group will now lack culturally and linguistically appropriate services as all the Spanish speaking grants have been terminated. That is a source of great disappointment. It says that no Spanish speaking case workers are

available and that expenditure related to the use of interpreters will increase in other departments. From the evidence in several communities that is likely to be the case.

I have also received evidence from the Vietnamese community which has had its grant in aid worker cut. The GIA worker handled about 2 314 cases in a year, including a variety of issues such as assistance with immigration matters, employment, education, family conflicts, health, legal matters, etc. It says that due to language and cultural barriers clients had to rely on grant in aid workers to fill in forms, understand letters, write letters on children's schooling, look for employment, and so on.

All sorts of ordinary, every day programs that most of us cope with fairly easily are that much more difficult for people arriving in a new country without the language they are obliged to learn, which obviously presents great difficulty in settling in. That was the point of the grant in aid worker program and is one of the reasons these cuts are so mystifying.

The letter from the Vietnamese community states -

In addition, the Vietnamese Community Centre is the first place where Vietnamese people and other agencies telephone to seek information and advice on many matters or get assistance in communication between clients and agencies. Every day there are so many telephone calls that we are unable to record them. This indicates that nowhere else provides them with the similar services.

These people have been providing a particularly effective service for a large number of this relatively newly arrived community. I have had a great deal of experience of the work of this group. They say that in responding to the needs of clients, all three workers - one full time and two part time - use their time in the office to serve clients and use their own time to do the paperwork, write reports, do surveys, make funding applications, and read and reply to correspondence. This funding cut means that their efforts and vision have not been acknowledged. In addition, it indicates that the department does not respond appropriately to the needs of this community.

That is the essence of the problem about which I am complaining tonight and which I draw to the attention of the House. I ask for the Government's support in this matter, because we intend to tell the Federal Government that we believe that these cuts are not appropriate.

Another letter that I have received to back up this material states that many of the cuts have been directed at communities which use a high number of interpreters - for example, the Vietnamese and the Spanish - and that some of the numerous state government departments and agencies that will be directly affected by the grant in aid worker cuts and other commonwealth cuts include Family and Children's Services and services that are funded by Family and Children's Services, the police, the domestic violence unit, and Homeswest, which will all have a higher workload as a direct result of the loss of these grant in aid workers from the community.

I continue to find it surprising that the Federal Government has chosen to go down this path, and although a recent response to a letter that I had written contained the explanation that the Federal Government had simply changed the way in which the funding was granted, I and the communities which need these services do not find these changes satisfactory.

A further indication of the extent of this problem is the Ethnic Communities Council, which has lost much of its funding. This council is a peak group which performs advocacy of program development in the mainstream services. The denial of funding for this area leaves a big gap in systemic advocacy. The problems that are experienced by migrants need to be dealt with at an individual level - the case work level that is familiar to most of us - and it is also paramount that they be addressed at a systemic level. The Ethnic Communities Council has contributed enormously in addressing this matter. That is another reason that this series of cuts has been a mistake.

Before the recently announced decision, Western Australia had 32 full time equivalent grant in aid workers. Most of those positions were funded for three years on a full time basis, and there were some half time grants to the Italian and Greek communities. Most of these workers were specific to the ethnic groups with which they worked, and a smaller number worked in the migrant community generally. The advocacy that the Ethnic Communities Council has been able to provide in a systemic way will be lost, and that is a great disappointment, because the function of groups such as the Ethnic Communities Council is to constantly keep in touch with government departments and Government in general to bring to their attention how migrants and people in their care are affected by government decisions. Some of the people to whom I have spoken believe that this advocacy avoids a return to the paternalistic attitude of the past of service provision in the mainstream community while ensuring that migrants retain equitable access to the services that are now being mainstreamed further.

This motion is a criticism of the way in which this Federal Government is providing programs. It is certainly having, as I and the migrants with whom I have spoken see it, a bad effect on the way in which these communities are able

to advocate to the Federal Government about their needs. This important function cannot be underestimated in ensuring that we have a balance in the way we relate to migrant communities and the way they relate to the general community.

Unfortunately, the defunding of the Ethnic Communities Council, the peak body in Western Australia, follows a national pattern of defunding many advocacy and policy bodies which speak on behalf of this particularly vulnerable group of Australians. As a result, many people will not have available to them the services that were available previously.

Mr Johnson: For how long have these services been available?

Ms WARNOCK: They have been available for several years, some for the term of the former Federal Labor Government and some for longer than that, in one form or another. I find it mystifying that this Federal Government does not see fit to use the same system, because it appears to work very well, and it has been developed over a number of years. Migrants are very pleased with that system of advocacy to government agencies and find it surprising that the Government has chosen to take another path.

Mr Johnson: When you say several years, do you mean three years, five years or 10 years?

Ms WARNOCK: Longer than that - during the period of the previous Federal Labor Government.

Mr Johnson: They were all set up during the term of the previous Labor Government?

Ms WARNOCK: I do not know whether they were all set up during that period, but a great number date from that period.

Much of that funding, which was triennial funding, which is favoured by this State Government in various departments, has now moved to one year funding. Anyone who knows about these things will know that it is particularly difficult to have to appeal for funds every year and that many people who might be working hard for their communities need to spend most of their time applying for funding grants. If we had triennial funding, those people could spend most of their time working for their clients, which seems to me to be more important.

I ask the State Government to join us in condemning the Federal Government for its defunding of around 19 ethnic groups in Western Australia, because I believe the State Government will be obliged to pick up the pieces. The State Government will need to fund additional interpreter services for various departments, and extra stresses will fall on departments and their workers because people who used to go to grant in aid workers funded by the immigration department will now look elsewhere for help.

MR BROWN (Bassendean) [9.28 pm]: I second the motion moved by the member for Perth because I, like the member for Perth, attended a meeting called by the Ethnic Communities Council in North Perth about four weeks ago, shortly after the decision by the Federal Government was announced. It is true to say that at that meeting, members of ethnic communities expressed a great deal of hostility about that decision. Indeed, the meeting was attended not only by members of ethnic communities that have had their grant in aid worker removed but also by members of ethnic communities that have not been affected directly by that decision. What must be understood in relation to the feeling of ethnic communities on these matters is that when we attack one program, we attack them all. If funding is withdrawn from one or a number of programs in one year, it is believed that others might face the same fate the following year.

A number of resolutions were adopted by the North Perth meeting. Those resolutions called upon members of Parliament, both commonwealth and state, to do what they can to try to ensure that the funding is reinstated. This motion seeks to carry out the intent of those resolutions by having the Parliament vote hopefully in support of the motion and therefore place some pressure on the Federal Government to reverse its decision. The extent to which the State Parliament does that will be the extent to which the wishes and views of the North Perth meeting are met. If the State Parliament elects not to do that, many of those who attended that meeting will be greatly disappointed.

Members might not be aware of the important contribution that is made by grant in aid workers. The key role played by many of those people is to assist in the smooth transition of people coming to this country. Every member in this Parliament would have attended citizenship ceremonies. I am sure that at those ceremonies they have reflected positively on the very valuable contribution that is made to Australian society by people from other countries. I am sure our collective experience has been that a very high proportion of those who elect to make Australia their home come to this country wanting to make a contribution. Those coming from non-English speaking backgrounds or from countries experiencing war or civil disturbances often need support to be able to settle into the community before they can make an effective contribution. The grant in aid program provides that level of support so that they can start on that process.

We are all aware of the tremendous contribution that has been made by many people who have elected to make Australia and Western Australia their home. We must ensure that that continues for those members who come from other countries and who need assistance on arrival and in settling. We have a program which provides that, which is culturally sensitive and of which they can be confident. Indeed, the grant in aid program does that.

It is unfortunate, to say the least, that the Federal Government has seen fit to withdraw funding. As the member for Perth said, the question arises of whether the Federal Government in part has been spooked by the comments of the member for Oxley. It is interesting that a number of former members of the coalition, quite eminent people, have come out very forcefully in the media vehemently opposing those comments. I refer in particular to comments made by the former Prime Minister, Malcolm Fraser, who was the leader of the coalition and Prime Minister of Australia for nine years and who has been fierce in his condemnation of her comments. Despite the fact we have heard advocates from all sides of politics condemning the member for Oxley for her comments and their divisive nature and for trying to tear multiculturalism apart, and despite the fact that, as the member for Perth said, the Western Australian Government through its initiatives has been trying to ensure that that does not pervade this State, we still see hesitancy on the part of the Federal Government.

One question that has been raised with the coalition nationally is whether at the next election it intends to place the member for Oxley last on its how-to-vote card. It is still prevaricating about that despite the divisive views she has expressed and the damage that she is causing in our society and internationally. We know that the member for Oxley's views are not reported on simply in Australia - they are reported on elsewhere to the detriment of the excellent standing that Australia has had in the international community on these issues, whether it be under a coalition Government or a Labor Government. The member for Oxley is seeking to damage that reputation. It is disappointing that the current Prime Minister -

Mr Prince: It is a great pity she has had the media exposure she has.

Mr BROWN: That is true. Nevertheless, it is also a pity that the Prime Minister has been less than strenuous in his attacks on the member for Oxley. He was very tentative when she was getting all the limelight early in the piece. He has been motivated to try to counter her views only since it has become apparent that they are out of step with and will not be tolerated by mainstream Australia.

Mr Prince: He took a view at the time that if he did not beat it up it would die. Unfortunately that did not happen.

Mr BROWN: Like many other of his assessments, it was wrong. Australia had credibility second to none throughout the world on this issue, and it has suffered immensely as a result of the Prime Minister's fumbling and bumbling and his failure to be forthright.

Be that as it may, this funding cut undermines the social fabric of Australia. We want this to be an inclusive society. However, the Federal Government is secretly undermining that fabric. We have seen that in this area, as we have in a range of other areas. Examples of that are decisions such as the removal of the operational subsidy from child care centres; the proposals in relation to the youth allowance and young people not qualifying if they do not finish year 12; the botched introduction of upfront fees for nursing homes, the scaring of the aged and the policy on the run in relation to aged care; and, of course, the dreadful decision requiring people under the retirement age who are unemployed to draw on their superannuation benefits. We are seeing an almost cancerous eating away of the social fabric of Australia. This Federal Government decision is just one more step in that insidious process - a process that will rebound on us all unless we have the courage to stand up to it in this Parliament.

It is important to look at the Government's rationale for cutting this program. Has the Federal Government said that this program and the grants are no longer needed? My understanding is that it has not said that the need does not exist. I do not know whether the Minister heard his federal counterpart claim that.

Mr Board: I will respond if I am given the opportunity.

Mr BROWN: I will sit down soon. To my knowledge the Federal Government has not claimed that this funding is being cut because these organisations no longer need it.

Interestingly, the Federal Government has not claimed that this is only a budget measure. As we all know, as a result of the severe cuts that are being made, next year's federal Budget is predicted to be \$1.5b in surplus. At the end of the 1998-99 financial year there will be a \$4b surplus from cuts. One cannot argue at this stage with the knife cutting so deep that this is a revenue saving measure and that the Government has no money.

In addition, as the member for Bunbury knows, the Federal Government set up its federation fund, which is a nice name for a slush fund. That \$1b is in the Liberal Party taxpayer slush fund set up by the Federal Government. That money is to be put in Liberal marginal electorates before the next election to shore up the votes. We will see all these mickey mouse programs coming up. In my electorate I have said that if anyone can think of a good idea, they should

put in for it because the Prime Minister has a lot to spend on electoral purposes this time around. The contrast to the \$1b slush fund being set up by the Federal Government to pump prime Liberal Party seats in the lead-up to the next election is the miserly decision to snip away at the very small amount of funds that are made available to migrant communities. I hope the Government will join with us in adopting this resolution moved by the member for Perth as one way of trying to create some pressure on the Federal Government to reverse what is clearly an appalling decision.

MR BOARD (Murdoch - Minister for Multicultural and Ethnic Affairs) [9.42 pm]: I would support the member for Perth's motion if it were correct. However, the Government will be opposing the motion. I will indicate very clearly why the figures that have been put forward are incorrect. I am a little disappointed at the way in which the member for Perth and the member for Bassendean have painted a picture that indicates that migrants to Western Australia are not as well placed as they have been in previous years. If the members were to be totally honest, they would say that in Western Australia at present migrants are better placed for access, equity, programs and funding, particularly with state government programs, than they have ever been in the history of Western Australia.

To deal specifically with the motion and the so-called cut to grant in aid workers, the money granted to grant in aid workers in Western Australian in 1996-97 was \$1 474 995. The money granted in the last round for 1997-98 was \$1 716 380, an increase of 18 per cent. It is a record increase and the highest amount ever for grant in aid workers in Western Australia.

Mr Brown: So the Ethnic Communities Council is wrong, is it?

Mr BOARD: Yes. The member for Perth indicated that some 32 grant in aid workers received funds last year. There are now 42 successful grant in aid applications in Western Australia. It is true that some programs have lost their funding, among them, unfortunately, the Ethnic Communities Council, but many other programs have been funded and additional programs have received extra funding. For example, there is the Broome Multicultural Society, the Muslim Women's Support Centre of Western Australia, the Balga Anglican Admin Support Service, the Christmas Island Neighbourhood Centre, the Conference of Churches, the Patricia Giles Centre, the Sexual and Relationship Assault Centre and Communicare. Of the 42 successful applicants, 29 have a specific component of their work targeted for women and their special needs. The reason for this is that the Federal Government changed the emphasis this year more to refugee and humanitarian grounds. Because of the nature of migrants coming to Australia, members will know that a greater proportion of refugees come on humanitarian grounds and greater numbers are being accepted. The Federal Government has targeted greater emphasis on programs dealing with refugees and humanitarian grounds.

Ms Warnock interjected.

Mr BOARD: For the past 12 months many of these groups have been counselled about the change in the nature in which the funding would be allocated. The Ethnic Communities Council was contacted twice about the change in emphasis. It was counselled about the fact that it would need to realign its programs for refugees and humanitarian purposes. It was unable to do so. The Federal Government found itself in a position in which it was unable to fund the council. As I have indicated, there has been an overall increase of 18 per cent. I am quite proud of that program. It is disappointing that organisations have missed out. I believe those organisations have done fundamentally good and strong work in Western Australia. All those organisations in many ways deserve to be funded because they all do outstanding work. I would like to pay particular tribute to the Ethnic Communities Council for its coordinating role. All the members of those groups work primarily voluntarily. In effect, they deliver on the ground what multiculturalism is all about and the services of government. Without the efforts of the ethnic communities and the volunteers involved we would not have the program delivery that we have in Western Australia or anywhere else in Australia. However, the Government has changed the focus federally. Funding in Western Australia has significantly increased by some 18 per cent. I am pleased that at least the funding has gone up. We have 10 additional grant in aid workers if the member for Perth's figure of 32 grant in aid workers for last year is correct. I am not aware of exactly how many were being funded last year but this year there are 42 successful applications.

The Federal Government has also allocated an additional \$20m over four years for an integrated humanitarian settlement program. Western Australia will be getting quite a large share from that allocation, which will be above its 10 per cent related to population. From that point of view we will also be receiving additional funding. Members will be aware that the Federal Government has a \$5m anti-racist program.

Ms Warnock: What has happened to that program?

Mr BOARD: I agree that it has been slow in coming. I have been very concerned that the Federal Government has not allocated to Western Australia a proportion of that \$5m; in fact, it has allocated none of that money. The Federal Government has approached and engaged a consultant to look at national programs to deal with anti-racism. We

believe that in Western Australia our racial harmony program and the cultural diversity program we released the other day would be suitable programs to be funded and supported by the Federal Government. We are working with Canberra and hoping that it will support our initiatives. However, an additional \$5m is to come. Western Australia has far more money being spent and far more programs for migrant communities and newly arrived migrants, particularly in the refugee and humanitarian sense, than there has ever been before.

Ms Warnock: What about those unfunded communities, such as the Spanish, Vietnamese and Filipino communities? They have no grant in aid workers who speak their language to work every day with people.

Mr BOARD: The emphasis has changed from certain community needs to humanitarian and refugee needs.

Ms Warnock: That is not the view of the communities to which I speak. They say they have the same needs for assisting those people who are newly arrived. I am referring to relatively new communities. They still need that same sort of assistance, and they have not got it under this system. I mention Poles, other east Europeans, South Americans and so on. They need the assistance, but they are not getting it. This is a good program.

Mr BOARD: There will be an opportunity for many of those communities to reconsider the services they provide and to target their programs to fit the Federal Government program. I will make it my business to ensure that as many of those communities receive support in the next round of funding as possible. I say openly that it is of concern to me that some of those people and groups that have been doing fundamental and important good work have missed out on funding. However, had they been working in the areas that the Federal Government is targeting at this time they would have received funding. Many groups that are working in those areas have received additional funding because of the importance of their work and a number of programs are receiving funding for the first time. I will reiterate that there has been an 18 per cent increase in community grants in WA. That is a significant increase.

In the short time available to me, and as the member for Perth has raised the issue of multiculturalism and what is happening in Western Australia, it is a good opportunity to inform the House of some of the new initiatives in Western Australia. I am sure the Opposition would share the Government's pride in the programs that have been initiated since the launch of WA One. They have been significant programs which are being well developed through both government agencies and ethnic communities.

Our major focus is to take multiculturalism away from being a celebration solely for ethnic communities to one in which the whole of the community understands, accepts, endorses and engages its citizenship. Multiculturalism is not new to Western Australia; it has been with us since our foundation. On many occasions members will have heard me talk about the Chinese who helped build Kalgoorlie, the Japanese who played an important role in the development of Broome, the Italian community in Fremantle and the Europeans who helped build the timber industry in the south west. Migrants from all over the world helped build this State. While we talk about multiculturalism in modern terms the reality is that it has been with us since our foundation.

We are now developing programs that encompass the whole of the community. One of those programs "Celebrate WA" has been doing outstanding work in moulding the celebration of the wider community and that of the ethnic or migrant community into one celebration of what we are as a State. We celebrate a diverse culture and what we have achieved with that culture throughout the growth of Western Australia.

I will outline briefly some of the major programs we have already launched. The Living in Harmony strategy was launched some weeks ago at a wonderful celebration at City Beach. That program will develop an understanding that cultural diversity has brought great strength to Western Australia. We want people to understand that multiculturalism is not new; it is something we have lived with and enjoyed for a long time. We need to give it strength. We need people to understand that people from other countries have developed our great State in not only a cultural and social sense but also an economic strength. We have given strength to that program by introducing a charter of 200 foundation members, of which 25 of Western Australia's largest companies received their charter the other evening. Also the largest sporting groups in Western Australia, the West Coast Eagles, the Dockers, the Wildcats, and the Perth Glory are foundation members of our charter. I am proud to say that the Perth Glory has agreed to wear the harmony logo, and probably for the first time in the world a sporting group will celebrate multiculturalism in the development of Western Australia.

Yesterday morning I launched the Cultural Diversity program across Western Australian agencies. This program gives real strength to what is happening in government agencies in Western Australia. The access and equity that these agencies have provided to migrants over a long time is not new. It is not something our Government has solely developed; all Governments have recognised the contribution of migration to this State. We are taking multiculturalism to a new era. We need to identify the strengths of our work force, the language skills of our work force, how we can build on those skills and how they can help us connect with other countries; how we can use those people to develop commerce and trade, export and import; how we can connect through the Internet; and how cultural

diversity is something that we can not only be proud of but also use in an economic way to help build our great State and provide jobs, particularly for our young people. We are putting many practical programs on the ground. As members have mentioned, we need to respond in a strong way to Pauline Hanson. We need to put these programs on the ground and work effectively and constructively with the community so we build a strong and harmonious community in which people recognise the value of our cultural diversity.

Although I understand the sentiment of the member for Perth's motion, and I understand her passion and concern for the ethnic community and her love of multiculturalism, the Government opposes the motion because it is wrong in fact. There has been an increase of 18 per cent increase in funding to grant in aid workers. There is a change in emphasis. We are disappointed that some groups have missed out. We hope to work with those organisation to achieve what they want to achieve in Western Australia and to build our cultural diversity and give it even more strength.

Question put and a division taken with the following result -

Ayes (16)

Ms Anwyl	Ms MacTiernan	Mr Riebeling
Mr Brown	Mr Marlborough	Mr Ripper
Mr Carpenter	Mr McGinty	Mrs Roberts
Dr Gallop	Mr McGowan	Ms Warnock
Mr Grill	Ms McHale	Mr Cunningham (<i>Teller</i>)
Mr Kobelke		

Noes (30)

Mr Ainsworth	Mr House	Mr Pental
Mr Barron-Sullivan	Mr Johnson	Mr Prince
Mr Bloffwitch	Mr Kierath	Mr Shave
Mr Board	Mr MacLean	Mr Sweetman
Mr Court	Mr Marshall	Mr Trenorden
Mr Cowan	Mr Masters	Mr Tubby
Mr Day	Mr McNee	Dr Turnbull
Mrs Edwardes	Mr Nicholls	Mrs van de Klashorst
Mrs Hodson-Thomas	Mr Omodei	Mr Wiese
Mrs Holmes	Mrs Parker	Mr Osborne (<i>Teller</i>)

Pairs

Mr Thomas	Mr Barnett
Dr Edwards	Dr Hames
Mr Graham	Mr Bradshaw

Question thus negatived.

**BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND AND LEVY COLLECTION
AMENDMENT BILL**

Returned

Bill returned from the Council with amendments.

WILLS AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Prince (Minister for Health), read a first time.

BILLS (2) - INTRODUCTION AND FIRST READING

1. Fuel Suppliers Licensing and Diesel Subsidies Bill.
2. Acts Amendment (Franchise Fees) Bill.

Bills introduced, on motions by Mr Court (Treasurer), and read a first time.

EQUAL OPPORTUNITY AMENDMENT BILL (No 3)*Second Reading*

MR PRINCE (Albany - Minister for Health) [10.07 pm]: I move -

That the Bill be now read a second time.

Background: In January 1993 the Equal Opportunity Amendment Act 1992 came into force. The Act, among other provisions, amended the Equal Opportunity Act 1984 to include age as an unlawful ground of discrimination in all areas of public life covered by that Act, including employment.

Section 66ZN of the Act provided that there be an exemption to complaints of age discrimination because of compulsory retirement for a period of two years from the commencement of the amendments. This section provided a further exemption with regard to the compulsory retirement of certain holders of judicial office, these being judges, the Master of the Supreme Court and magistrates.

Section 66ZS of the Act also provided an exemption for any acts done pursuant to a requirement of any written law of the State. In January 1995 the sunset clause under section 66ZN operated to make it unlawful to compulsorily retire a person by reason of his or her age.

Inconsistencies between provisions of the Equal Opportunity Act: The 1992 amendment to the Equal Opportunity Act required the Commissioner for Equal Opportunity to review the written laws of the State and identify any provisions which discriminate against persons on the ground of age. Further, the commissioner was required to report her findings to the Attorney General by January 1995.

The commissioner's review and report revealed that many state Acts contain provisions which require certain public sector employees and office holders to retire at a particular age. The commissioner's findings thus revealed an inconsistency between provisions in the Equal Opportunity Act.

Compulsory retirement is no longer exempt under the provisions of section 66ZN, yet by reason of the exemption provided in section 66ZS in relation to acts done pursuant to the written law of the State, it continues to be lawful to compulsorily retire certain public sector employees and office holders. This inconsistency has caused the undesirable situation where some employees can no longer be compulsorily retired and yet in the same public sector organisation other employees can.

The commissioner's review also identified a number of judicial officers whom it would be appropriate to include in the permanent exemption contained in section 66ZN in order for there to be consistency. The judicial officers identified are the President and members of the Industrial Relations Commission, the Solicitor General and the judge of the Liquor Licensing Court. The main reason for making judicial officers subject to compulsory retirement is that they are not subject to performance review. There is therefore no other way in which a judicial officer who became incompetent could be required to retire.

Main features: Clause 6 of the Bill amends section 66ZN to include the judicial officers identified by the commissioner's review. Clause 8 amends various state Acts listed in schedule 1 of the Bill. Schedule 1 lists those Acts which will be amended to remove reference to a retirement age for certain office holders and employees.

Other amendments: During the drafting of the Bill certain other issues arose which resulted in drafting amendments unrelated to the issue of compulsory retirement. Section 66ZL of the Act refers to the Occupational Superannuation Standards Act 1987. This reference is obsolete and clause 4 is amended to refer to the Superannuation Industry (Supervision) Act 1993.

Section 66ZN of the Act makes an exception to age discrimination for terms and conditions imposed for health and safety considerations. The section refers only to division 2 at the present time; that is, the division dealing with employment. However, it was clearly intended that the exception apply to other areas contained in division 3 and clause 5 amends that section accordingly.

Conclusion: This Bill is designed to enhance the effectiveness of the provisions in the Equal Opportunity Act relating to age discrimination and remove inconsistencies in the Act. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

PUBLIC NOTARIES AMENDMENT BILL*Second Reading*

MR PRINCE (Albany - Minister for Health) [10.10 pm]: I move -

That the Bill be now read a second time.

The Bill constitutes the implementation of the intention originally established in 1994 on the passing of the Acts Amendment (Legal Practitioners, Costs and Taxation) Act that the legal costs committee established by the Legal Practitioners Act should determine costs charged by legal practitioners in all contentious and non-contentious business.

Legal opinion was obtained from the Crown Solicitor's Office to the effect that section 58W of the Legal Practitioners Act which provides that the legal costs committee may make determinations in respect of non-contentious business carried out by legal practitioners did not enable the committee to make a determination in respect of notaries fees.

The Public Notaries Act, among other things, gives the judges of the Supreme Court power to appoint public notaries and to prescribe the fees they may charge. The Public Notaries Act requires an applicant for the position of public notary to be a legal practitioner and that when a practitioner is appointed as a public notary he occupies a position separate from and beyond his qualification as a practitioner.

On the enactment of this Bill, complementary amendments to the Supreme Court Rules 1971 will be required. The Bill enables the legal costs committee to determine maximum fees to be charged by public notaries. The Bill remedies the situation in terms of which the legal costs committee could determine other fees charged by legal practitioners, but not fees charged by legal practitioners in their capacity as public notaries. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

INDUSTRY AND TECHNOLOGY DEVELOPMENT BILL

Committee

Resumed from 11 November. The Deputy Chairman of Committees (Mrs Holmes) in the Chair; Mr Cowan (Minister for Commerce and Trade) in charge of the Bill.

Progress was reported after clause 6 had been agreed to.

Clause 7: Powers of Minister -

Mr BROWN: I note the Bill provides the Minister with the power to acquire, hold, manage, improve, develop and dispose of any real or personal property. I interpret that to mean that the Minister has the power deal in land. A matter considered by Price Waterhouse in its report was whether it is appropriate for the Minister for Commerce and Trade to deal with matters of land or whether those matters should properly reside with the Minister for Lands. I recollect that the consultants reached the conclusion that it is appropriate for the Minister for Commerce and Trade to have powers in this regard and that there be a joint arrangement between him and the Minister for Lands. I cannot recollect whether this was covered in the Minister's second reading speech. I ask the Minister to advise how this will work between the two departments and the two Ministers.

Mr COWAN: The member is quite right: The Bill gives the Minister for Commerce and Trade the power to deal in property. That provision is in one of the Acts that will be replaced by this Bill.

I am sure the member is aware that a review of the operations of LandCorp is being undertaken. When that review is completed one of the recommendations may be that this power be removed and that the operations for dealing with land and property be consolidated into one agency. At this time it is considered that the Department of Commerce and Trade should retain responsibility for Technology Park and a number of other industrial parks, for example, Coogee. The Department of Commerce and Trade has given LandCorp the responsibility to act as its agent for Coogee. A similar thing occurred when the South West Development Commission handed the responsibility for Marlston Hill to LandCorp. The option is there for me, as Minister, to do that. It was felt appropriate that the Department of Commerce and Trade should retain the capacity to deal in land until the review has been completed and while the land dealings in connection with the extension of Technology Park in Bentley are being finalised. It may be a temporary measure, but it was felt we should retain the powers under which we operate under this Act until the review is completed.

Mr BROWN: Subclause (2) sets out with great specificity the powers of the Minister and there is a general head of power in subclause (1). Paragraphs (c) and (d) give the Minister the power to borrow money by way of loan advance or overdraft and to obtain or provide credit. I am not clear about when that sort of arrangement may need to be necessary. The Minister may care to explain the circumstances where that type of power would be appropriate, given the nature of this legislation.

Mr COWAN: There are only two reasons. The first deals with the borrowing of funds. An occasion could arise

where there is an opportunity to borrow funds at a rate which is lower than that which can be acquired by Treasury. That would be very rare, but it is possible. Again, the power to borrow is in the existing legislation which we are repealing.

Mr Brown: Would that include borrowing for the purpose of providing a grant or assistance and getting them to repay it at a lower rate?

Mr COWAN: Yes, or borrowing for the purchase of land or, for example, undertaking extensions to Technology Park or putting improvements into Technology Park. It provides for an arrangement to be made where it becomes apparent that the funds could be obtained at a rate lower than the Treasury rate. The safeguard is that action cannot be taken in respect of that power without the full approval of the Treasurer.

The issue of obtaining or providing credit is taken into account when, for example, an agreement is reached with a company that it should have a payment for land deferred. The accountability requirements include a rule that the market value must be paid for land. If an agreement in a financial assistance package was that payment for land be deferred for some time, we would have to pay for the land and provide some credit to the company that was receiving financial assistance.

Paragraph (h) provides that the Minister may, with the approval of the Treasurer, invest any money, including holding shares, units and other interests, standing to the credit of the account. The Price Waterhouse report touched on this matter and recommended that the power to invest be permitted, with the approval of the Treasurer, and that recommendation is reflected in this Bill. However, from memory, the report of the Public Accounts and Expenditure Review Committee recommended that there should not be investment in shares for this purpose. Why has that power to invest been included, and to what the degree is it envisaged that it will be used?

Mr COWAN: The member is correct in saying that it was a recommendation in the Price Waterhouse report, and I am also conscious of the fact that the PAERC report made a recommendation to the contrary. The Government believes that it should have the option of securing whatever assets may be held by a company that has failed to meet its obligations, which may include shares, in order to recover funds from that business. However, it was found difficult to word this provision in a way that will preclude the taking of equity in the form of shares, so it is possible that that will occur. Although I can give the member an assurance that from the experiences I have had, that is not a course of action that we would follow in the first instance, we would like to have the option of securing anything of value in a company that had failed, which might include shares, in order to recoup some of the funds that the Government had lost in providing financial assistance.

Clause put and passed.

Clauses 8 and 9 put and passed.

Clause 10: Guidelines -

Mr BROWN: This clause deals with the guidelines that will be drawn up for the purpose of providing transparency of the programs under which financial assistance may be provided. The notion of using guidelines for this purpose was recommended by Price Waterhouse in line with other Acts that have been passed by the Parliament in recent years, and the report draws an analogy between the guidelines in this legislation and the guidelines that are used in the Public Sector Management Act.

When we were briefed about this matter, I understood that the guidelines were close to finalisation. This Bill has yet to go through the other place. Will copies of the guidelines be made available by the time this Act is proclaimed and comes into operation, and will those guidelines be circulated to members of this place and other people who have an interest in this matter?

Mr COWAN: That will certainly be the case. The guidelines are being printed. Two examples of guidelines that I can give to the member now are the guidelines and assessment processes for the industry incentives scheme, and the guidelines for the pre feasibility study funding program. The guidelines will be made available to companies that intend to apply for the various assistance schemes. The guidelines will all be completed in the same format and will contain a quick self assessment process which will indicate to a company whether it is eligible for assistance. That will save time not only for that company but also for the departmental officer, who may otherwise have to take a number of hours to identify whether that company is eligible for assistance.

Clause put and passed.

Clause 11: Provision of financial support -

Mr BROWN: The clause provides for financial support to be granted in accordance with the guidelines. However,

the clause also provides that financial support may be given where there is no guideline, or outside the guideline, with the approval of the Treasurer. I assume that sort of general discretion may be used in the larger style of financial assistance provided from time to time to large and important projects. The Minister has informed the Chamber of the policy he intends to follow in relation to the provision of financial assistance at various levels. However, the view of the Public Accounts and Expenditure Review Committee was that financial support in excess of \$2m should come to Parliament for approval. Under the policy adopted by the Minister, amounts in excess of \$200 000 will be reported immediately after the conclusion of an agreement. That is a reporting function, not an approval function.

I have noted the Minister's statement made in June 1995 in response to the then Auditor General's report, in which the Minister left open the question of proper accountability in such arrangements. This was an area in which we contemplated moving an amendment to reflect the view of the PAC and to query why the recommendation of the PAC was not considered appropriate. If there is some hesitancy by Parliament to approve a package, that hesitancy would be expressed in any event when the Minister reported the matter to Parliament. However, that would be after the event, and it could be quite damaging for a project on which the Government had made a commitment, to have some fairly sharp debate in this place about whether such funding should have been provided, as opposed to a debate about the merits of the proposal if the matter were brought to Parliament earlier.

I appreciate that there may be some delay, and that sometimes it is necessary to capture the moment, but equally, when talking about \$2m or more, those decisions are not the type made by the Government or Ministers overnight. They are generally well thought through, because one must be confident that that sort of investment will be rewarded in the form of economic development and other benefits. I seek the Minister's views on this matter. I know that members in another place will look at this legislation carefully, just as we have. We did not reach the point of moving an amendment. Nevertheless we would like the matter to appear in *Hansard* and at least to be given some consideration at this point.

Mr COWAN: A number of points have been raised by the member for Bassendean. Firstly, I will deal with the guidelines and the Treasurer's approval. When small grants are made there may not need to be any guidelines. As an example, the Department of Commerce and Trade and the Chamber of Commerce and Industry of Western Australia might join together to award a prize to a student or to make an industry award. That prize may be worth \$500, and in that case there may be no guidelines attached. It would be obvious that the department could make those contributions to such projects without doing anything other than recording them and then letting the responsible Minister know that the payments have been made. If the figure were to climb, and no guidelines existed on that form of assistance, anything above \$10 000 should require ministerial approval. There will be checks and balances for making provision for exceptional cases where no guidelines fit the applications.

I have had experience in other circumstances. For example, under the regional headworks fund, guidelines are set aside for the private sector and for local government, particularly where local government is filling the breach which would normally be met by LandCorp in country areas. LandCorp is required to operate in a commercially prudent manner. It looks at anything regionally and if it thinks it will make a loss or a project is not commercially prudent, it will confine its activities to more urbanised areas where a profit can be made. As a consequence, local government often becomes the land developer for the region. We have a scheme that assists local government in small commercial developments when charges are applied to businesses. For example, Southern Wire in Gnowangerup sought to have an increase in demand met by Western Power. Western Power said that to do that it would cost \$30 000 per kilometre to hook on, and there were 60 kilometres of line to pay for. That would be beyond the capacity of the company, and it would be outside the guidelines for the regional headworks fund, but the company was a genuine applicant for funds to offset costs which mitigate against the policy of any company to establish or improve its efficiency and productivity in regional areas. Therefore, we have sought to cover all our bases by saying that guidelines exist and they must be met and that, additionally, any amount requires ministerial approval, and anything of a substantial nature outside the guidelines or a significant amount must go before Cabinet. In that way, we have put in place the checks and balances.

Mr BROWN: I invite the Minister to address my second point relating to the need for Parliament to determine whether funds should be provided.

Mr COWAN: We had a significant discussion during the second reading debate about the role played by the Parliament as opposed to that played by the Government. In that sense, I indicated very clearly to the Chamber that I did not expect the Public Accounts and Expenditure Review Committee or the Parliament to be a player in this game, but an umpire, and to arbitrate on any decision that had been made. It should not participate in the decision making process in respect of this issue.

I will concede one thing that I believe must happen: It is appropriate for very large sums of money to be dealt with in a particular way, especially if no appropriation comes forward in the budget papers or in the appropriation Bills for financial assistance to industry. There is always an appropriation for a department, but it does not necessarily

identify specifically what that appropriation is for in the departmental list. It might be in the Program Statements, but it would be more appropriate for an appropriation for industry assistance to be included in the appropriation Bills. That has never been done to my knowledge.

Often problems have been caused in the past with tacking; that is, one finds an amount set aside for a particular purpose in the miscellaneous section or somewhere else. I would much prefer to see a special Bill introduced for large amounts that does precisely what the member wants to do. At this stage, I want to take one step at a time. We have improved the accountability requirements through reporting.

In the nearly five years that I have been the responsible Minister we have dealt with amounts of \$2m on only two occasions - Albany Spinning Mills and Coflexip Slena Offshore Asia Pacific Pty Ltd. They are the only occasions that we would have had a special appropriation for sums of that nature. I am considering that, but we have delayed the Bill long enough and we have not been able to get through that process.

I would be quite amenable to that as a separate appropriation to ensure that it is considered in the same way that an agreement Act that commits the State to a whole range of things is considered. Often there is no figure attached to that, whereas in this case we could be precise. For example, no-one is sure what amount will need to be appropriated to meet the Government's commitment to the development of the Oakajee site. In this case it would be simple to have a Bill appropriating a certain amount. I would like to see that happen with sums over \$2m. However, I am still trying to work through that and this Bill has been delayed long enough. I am amenable to that, but at this stage I do not have full agreement. This is better than it was, and I ask the member to support it.

Mr BROWN: I thank the Minister for that explanation. I certainly agree that where there is no provision in the budget papers for an amount to be provided - that is, it is simply developed by the Government to be provided - there should be an appropriate mechanism for the Parliament to be involved. Whether that is by way of some mechanism introduced in this Bill, in a separate Bill or whatever else, it seems to be an appropriate approach.

I refer to the role of the Public Accounts and Expenditure Review Committee. The committee did not see a role for itself in an approval process. However, it did see a scrutiny role after the event. As the Minister knows, it is difficult even in the Estimates Committees to deal with these matters in great detail because one must look at individual decisions, why they were made, the guidelines and so on. Even the estimates committee process does not enable members to do that unless they focus on one issue. The role the committee saw for itself was not being involved in the game, but leaving that to the appropriate processes under the Bill. At the end of the day, perhaps even when the matter is tabled once a year, if the PAC wanted to look at the issue and then go through it, it could. I know that the committee has a right, if it wishes, to do that, but it must formulate terms of reference and embark on another inquiry and so on. Questions are raised then about whether something fishy is going on because the committee is looking at a matter again. For example, as a member of the committee I know that a normal part of its functions in the past few years has been to look carefully at all the Auditor General's reports. This relates to the recommendation about state support to industry. The PAC will not be a player but, rather, will have some overarching form of scrutiny. The committee might well decide that all that is necessary is that from time to time it should simply receive a report and do nothing further. That was a reasonable recommendation.

Leaving that matter to one side, at some other time I would be interested in looking at the accountability processes that might be appropriate in respect of very large commitments by the State.

Mr COWAN: That issue will need to be dealt with at some time. The big issue that comes to everyone's mind is the \$50m put into miscellaneous services in previous Budgets for payments in relation to the Petrochemical Industries Co Ltd deal. There is no way in the world that those issues should ever be the subject of anything other than stand-alone legislation. It is not appropriate to tack them onto the Budget in miscellaneous services, although that section has disappeared from appropriation Bills. However, if we have not made an appropriation we must tack them on somewhere. That is certainly not something for which I am an advocate. As the member has said, the Public Accounts and Expenditure Review Committee has that role to play. If it sets some rules for itself and decides it will examine financial assistance packages over a certain level, that will remove a degree of suspicion that people might have.

Another very important issue must be remembered. Members should bear in mind that we are legislating for some time and we all know the wheel turns. As I said, in the life of this Government one would expect that, given the need for greater accountability and the record of the past five years during which we have had only two cases of assistance greater than \$2m, even without this legislation having to be altered in any way, we could develop a general policy that we will have a separate appropriation measure for anything in excess of \$2m. It will not require any change to this Bill. It could be set in concrete by making changes to the legislation, but it could also be done as a matter of government policy.

Clause put and passed.

Clauses 12 to 21 put and passed.

Clause 22: Composition of Council -

Mr BROWN: This clause deals with the composition of the Western Australian Technology and Industry Advisory Council. The Minister has very broad powers of appointment to TIAC, as it is known. Is it envisaged under this Bill that a change of membership will occur? Without naming names, what is envisaged to be the nature and composition of that membership?

Mr COWAN: There is no intention to make any significant variation to the composition and membership. As the member will be aware, some addition to the membership has occurred on an annual basis as some members have retired after long service with the council. I look forward to ensuring these different aspects of industry continue to be well represented. TIAC has been given authority and capacity to instigate investigations and to deliver reports of its own volition, which is a very important point. Some people believe that the Government needs to have some dictate over what TIAC may choose to inquire into, but I do not share that view. I have always advocated that advisory councils tell the Government, and Ministers specifically, what they should hear, not what they would like to hear - sometimes there is a difference between the two. The member will note that the provision dealing with TIAC's capacity to inquire and report indicates that such matters are not necessarily those driven by the Minister. The council can act of its own volition in that regard, which is important.

Although members will always change and membership can vary significantly, I see no need to change the tradition of the council. I do not intend to appoint a range of new people. When a competent advisory council is capable of determining for itself matters of inquiry, the relationship between the council, the chair and the responsible Minister needs to be cordial. Out of courtesy, the chair will then advise the Minister of the matters the council would like to investigate.

Some good people are on that council, and one likes to give them credit for free thought. I am sure they are capable of identifying issues which they believe are impacting upon industry. It has done well in the five years in which I have been involved with the council.

Clause put and passed.

Clauses 23 to 34 put and passed.

Schedule 1: The Council -

Mr COWAN: When we proofread this Bill, we missed a penalty provision which is somewhat outdated. We were advised by parliamentary counsel, that it would be more appropriate for us to amend that part of the schedule. Therefore, I move -

Page 30, line 22 - To delete "\$1 000 or imprisonment for 3 months, or both." and substitute the following -
\$5 000.

Amendment put and passed.

Schedule, as amended, put and passed.

Schedule 2 put and passed.

Title put and passed.

Bill reported, with an amendment.

House adjourned at 10. 58 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

GOVERNMENT INSTRUMENTALITIES - EMPLOYEES

Number and Conditions of Employment

1550. Mr KOBELKE to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

For all departments and agencies within the Deputy Premier's portfolios, what are -

- (a) the total number of employees;
- (b) the number of these employees who were employed on a workplace agreement;
- (c) the number of these employees who were employed on an enterprise agreement;
- (d) the number of these employees who were employed under an industrial award; and
- (e) the number of these employees who were employed under some form of contract not included in the above?

Mr COWAN replied:

Department of Commerce and Trade

This response counts the number of current employees not full-time equivalents (FTEs). A part-time employee is counted as one employee. Trainees are included. As at 18 June 1997 the Department of Commerce and Trade figures are as indicated below -

- (a) 174.
- (b) 96.
- (c) 67.
- (d) Nil.
- (e) 11.

Small Business Development Corporation

As at 18 June 1997 -

- (a) 48 employees - comprising 36 full-time staff, 4 part-time staff and 8 contracted staff.
- (b) 15.
- (c) 32.
- (d) 1.
- (e) 0.

International Centre for Application of Solar Energy (CASE)

- (a) 9.
- (b)-(c) Nil.
- (d) 1.
- (e) 8.

Technology Industry Advisory Council (TIAC)

- (a) Two employees.
- (b) Originally both were employed under a Public Service award and both volunteered to transfer to a Workplace Agreement in 1996.
- (c)-(e) Nil.

Gascoyne Development Commission

- (a) 11.5.
- (b) 7.5.
- (c)-(d) Nil.
- (e) 4.

Goldfields-Esperance Development Commission

- (a) 9.
- (b) 8.
- (c) Nil.
- (d) 1
- (e) 1.

Great Southern Development Commission

- (a) 11
- (b) 11.
- (c)-(e) Nil.

Kimberley Development Commission

- (a) 9,375.
- (b) 8,375.
- (c)-(d) Nil.
- (e) 1.

Mid West Development Commission

- (a) 11.
- (b) 9.
- (c) Nil.
- (d) Two - includes the Chief Executive Officer who is employed under the provisions of the Senior Executive Service with Public Service award conditions.
- (e) Nil.

Peel Development Commission

- (a) 10 FTEs.
- (b) 10.
- (c)-(e) Nil.

Pilbara Development Commission

- (a) 10.
- (b) 9.
- (c)-(d) None.
- (e) 1.

South West Development Commission

- (a) 20 FTEs.
- (b) Nil.
- (c) 19.
- (d) Nil.
- (e) 1.

Wheatbelt Development Commission

- (a) 14 - includes 3 part-time and 1 trainee.
- (b) 12.
- (c) Nil.
- (d) 1 - trainee.
- (e) 1 - CEO.

POLICE - SOLVENT SNIFFING BY CHILDREN

Policy

1715. Ms MacTIERNAN to the Minister for Police:

- (1) What policy is followed by the Western Australia Police Service in enforcing section 138B of the Child Welfare Act 1947 in cases where children are found intoxicated as a result of solvent sniffing?
- (2) Are police officers unaware of their powers in this regard and decline to take any action to assist children so affected?

Mr DAY replied:

- (1) There is no written policy for Police Officers to enforce section 138B of the Child Welfare Act 1947, however, specific guidelines are covered in the Commissioner's Orders and Procedures Manual, item J110.
- (2) Officers receive training on section 138B of the Child Welfare Act 1947. It is commonly used by officers to deal with juveniles affected by volatile substances.

MINISTERS OF THE CROWN - MINISTER FOR POLICE

State Settlement Plan

1750. Ms WARNOCK to the Minister for Police; Emergency Services:

- (1) What are the objectives to the Minister's departments' State settlement plan?
- (2) What -
 - (a) internal; and
 - (b) external,
 access strategies have been developed and implemented?
- (3) What -
 - (a) financial; and
 - (b) human,
 resources have been allocated to implement the State settlement plan?
- (4) What consultation process has been undertaken by the Minister's department?
- (5) Who from the -
 - (a) community;
 - (b) business sector; and
 - (c) academic sector,
 has been consulted?

Mr DAY replied:

- (1) The aim of the Western Australian State Settlement Plan is that migrants are able to participate fully as soon as possible in the community through the provision of necessary settlement services for the community to reap the economic and social benefits of the immigration program.
- (2) As part of the continuing evaluation and review of the Plan, a range of internal and external access strategies has been developed and implemented appropriate to the agency delivering the service. These include:
 - (a) Internal Strategies:
Collection of ethnicity data
Cross-cultural training including Interpreter and Translator Awareness
Consultative mechanisms
 - (b) External Strategies:
Language Services Policy
Provision of information to the community
Use of ethnic media
- (3)
 - (a) Agencies allocate resources for services to migrants as part of their annual budget planning process.
 - (b) Each government agency represented on the State Settlement Planning Committee has allocated an officer with responsibility for State settlement planning issues.
- (4) The ethnic community is represented on the State Settlement Planning Committee and wider agency-specific consultations are undertaken by agency working parties to establish issues, and evaluate the strategies developed to address those issues.
- (5)
 - (a) Ethnic Communities Council Inc.
Migrant Resource Centres
Non-government service providers
Migrant clients

Migrant Women's Interests Committee
Western Australian Council of Social Services

- (b) Not applicable.
- (c) Edith Cowan University
Research related agencies: Bureau of Immigration, Multicultural and Population Research
Australian Bureau of Statistics

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

Expenditure

1752. Mr BROWN to the Minister for Police; Emergency Services:

- (1) How much did each department and agency under the Minister's control spend on -
 - (a) television advertising;
 - (b) radio advertising; and
 - (c) newspaper advertising,
 between 1 July 1996 and 30 March 1997?
- (2) How much does each department and agency under the Minister's control plan to spend on -
 - (a) television advertising;
 - (b) radio advertising; and
 - (c) newspaper advertising,
 between 1 April 1997 and 30 June 1997?

Mr DAY replied:

This answer includes advertising campaigns and advertising for job vacancies.

Western Australia Police Service

- (1) (a)-(c) Total \$145,810 including, \$30,236 Firearms Buyback (Commonwealth funded) and Vehicle Immobiliser Schemes.
- (2) (a)-(c) Total \$ 390,959 including \$371,776 Firearms Buyback (Commonwealth funded) and Vehicle Immobiliser Schemes. The records of this agency do not break down the cost of advertising to the level requested. To comply with the request would involve a manual search of records, and an unreasonable use of resources.

Bush Fires Board

- (1) (a) Nil.
(b) Radio advertising is funded through sponsorship from Fire Prevention Committees and Local Government.
(c) \$2139.
- (2) (a)-(c) Nil.

Fire & Rescue Service

- (1) (a) \$89,849.
(b) \$29,762.
(c) \$37,168.
- (2) (a) \$83,774.
(b) Nil.
(c) \$18,589.

State Emergency Service

- (1) (a)-(b) Nil.
(c) \$3,233.
- (2) (a)-(b) Nil.
(c) \$6,718.

GOVERNMENT INSTRUMENTALITIES - CONTRACTS

Value and Terms

1832. Mr BROWN to the Minister for Local Government; Disability Services:

(1) What functions or services has each department or government agency under the Minister's control contracted out since 1993, stating -

- (a) the date;
- (b) the amount;
- (c) the recipient;
- (d) whether the recipient was Western Australian, Australian or foreign; and
- (e) the term of the contract,

for contracts worth the following amounts -

- (i) more than \$100 000;
- (ii) between \$50 000 and \$100 000;
- (iii) between \$10 000 and \$50 000;
- (iv) between \$1 000 and \$10 000?

(2) What functions or services are being planned or intended to be contracted out by each department or government agency under the Minister's control during the current term of government, stating -

- (a) the approximate date it will take place;
- (b) the amount;
- (c) the recipient;
- (d) whether the recipient is Western Australian, Australian or foreign; and
- (e) the term of the contract,

for contracts worth the following amounts -

- (i) more than \$100 000;
- (ii) between \$50 000 and \$100 000;
- (iii) between \$10 000 and \$50 000;
- (iv) between \$1 000 and \$10 000?

Mr OMODEI replied:

(1) Procuring services from the private and not-for-profit sector is and has traditionally been part of the routine business of government. In 1995/96, public sector agencies spent an estimated \$2.3 billion on many thousands of contracts across an extremely diverse range of goods and services. Unfortunately, the information sought by the member for Bassendean is not readily available and would require considerable resources to collect. I would like to direct the member's attention to those public documents emanating from the State Supply Commission in regard to expenditure on goods and services. Furthermore, I will ensure that the member is provided with a copy of the report on the third annual survey of competitive tendering and contracting in the public sector, which sets out broad information on the level and nature of contract expenditure on services.

The Government is well aware of the potential benefits in the provision of information pertaining to contracts. These data are useful tools in assisting local businesses to identify opportunities to supply to Government as well as providing relevant information to potential subcontractors and subsuppliers to Government contractors. Work has already commenced on developing systems which will assist in the provision of information relating to the public sector's purchasing and contracting activities. Investigations are proceeding to identify effective ways of publishing such data in electronic form. These measures will also fulfill the Government's commitment to implement the Commission on Government's recommendation 11.

(2) It is not possible to determine the extent of contracting out which will occur during the remainder of the Government's current term. The report on the third annual survey of competitive tendering and contracting referred to above, however, includes some information on agencies' contracting intentions and the type of services likely to be market tested. In line with the Government's competitive tendering and contracting policies, public sector agencies will continue to progressively review their activities in order to identify potential contracting opportunities with the aim of providing best value-for-money and quality services to the community.

GOVERNMENT INSTRUMENTALITIES - INDEMNITIES

Nature and Extent of Liability

2041. Mr KOBELKE to the Minister for Local Government; Disability Services:

- (1) Have any agencies or departments for which the Minister is responsible offered any form of indemnity or remain liable under any indemnity?
- (2) If any such indemnity has been offered then -
 - (a) to whom has it been extended;
 - (b) what is the reason for the indemnity;
 - (c) what is the maximum potential liability that could be called on through this indemnity?

Mr OMODEI replied:

- (1) There are two sources of power for the Government to offer a guarantee or indemnity. They are either:
 - (a) offered pursuant to a specific statutory power to do so, in which case they are characterised as a Statutory Guarantee or Indemnity or,
 - (b) if there is no specific statutory provision, the guarantee or indemnity is referred to as a Surety.

Some common guarantees and indemnities, generally those which are not offered pursuant to a statute, referred to above as "sureties", are:

 - (c) incidental to another function, such as the purchase of a good or service (for example a contract where the purchaser indemnifies the supplier of software against any unauthorised use of that software or a contract for advertising where the advertiser indemnifies the publisher against legal action arising out of the publication of the advertisement) or,
 - (d) granted to persons or officers in the performance of their duties for the State or for any public authority or public body of the State (some of which are statutory).

All Statutory Indemnities, Guarantees and Sureties which are either (c) or (d) are excluded from the operation of Treasurer's Instruction 821 (TI 821).

TI 821 requires all indemnities and guarantees which are not of the excluded types, statutory and otherwise, to be entered in a register. They are then included in the Treasurer's Annual Statements which are tabled in Parliament. For details of all such guarantees and indemnities as at 30 June 1996 see the Treasurer's Annual Statements 1995-96. TI 821 does not apply to indemnities falling within (c) and (d). This is appropriate as the nature of these indemnities means that they arise as part of the everyday affairs of government.

- (2) Researching contracts entered into in order to ascertain whether there is an incidental indemnity in each contract would be an unreasonable diversion of resources. It would also not be a particularly useful exercise because:
 - (a) in many instances the contract has already been successfully completed;
 - (b) circumstances surrounding a contract and an arising claim may give rise to an implied obligation to indemnify even where there is no express obligation; and
 - (c) it would be impossible to state any maximum potential liability.

GOVERNMENT INSTRUMENTALITIES - INDEMNITIES

Nature and Extent of Liability

2047. Mr KOBELKE to the Minister for Police; Emergency Services:

- (1) Have any agencies or departments for which the Minister is responsible offered any form of indemnity or remain liable under any indemnity?
- (2) If any such indemnity has been offered then -
 - (a) to whom has it been extended;
 - (b) what is the reason for the indemnity;

- (c) what is the maximum potential liability that could be called on through this indemnity?

Mr DAY replied:

- (1) There are two sources of power for the Government to offer a guarantee or indemnity. They are either:
- (a) offered pursuant to a specific statutory power to do so, in which case they are characterised as a Statutory Guarantee or Indemnity or,
- (b) if there is no specific statutory provision, the guarantee or indemnity is referred to as a Surety.

Some common guarantees and indemnities, generally those which are not offered pursuant to a statute, referred to above as "sureties", are:

- (c) incidental to another function, such as the purchase of a good or service (for example a contract where the purchaser indemnifies the supplier of software against any unauthorised use of that software or a contract for advertising where the advertiser indemnifies the publisher against legal action arising out of the publication of the advertisement) or,
- (d) granted to persons or officers in the performance of their duties for the State or for any public authority or public body of the State (some of which are statutory).

All Statutory Indemnities, Guarantees and Sureties which are either (c) or (d) are excluded from the operation of Treasurer's Instruction 821 (TI 821).

TI 821 requires all indemnities and guarantees which are not of the excluded types, statutory and otherwise, to be entered in a register. They are then included in the Treasurer's Annual Statements which are tabled in Parliament. For details of all such guarantees and indemnities as at 30 June 1996 see the Treasurer's Annual Statements 1995-96. TI 821 does not apply to indemnities falling within (c) and (d). This is appropriate as the nature of these indemnities means that they arise as part of the everyday affairs of government.

- (2) Researching contracts entered into in order to ascertain whether there is an incidental indemnity in each contract would be an unreasonable diversion of resources. It would also not be a particularly useful exercise because:
- (a) in many instances the contract has already been successfully completed;
- (b) circumstances surrounding a contract and an arising claim may give rise to an implied obligation to indemnify even where there is no express obligation; and
- (c) it would be impossible to state any maximum potential liability.

POLICE - COMMUNITY CRIME PREVENTION COMMITTEES

Regional Western Australia

2070. Dr GALLOP to the Minister for Police:

- (1) How many Local Community Crime Prevention Committees are in operation in regional Western Australia?
- (2) What country towns are involved?
- (3) Are local aboriginal groups encouraged to participate on Local Community Crime Prevention Committees?
- (4) If yes to (3) above, how are they encouraged?

Mr DAY replied:

- (1) 11 District Community Crime Prevention Committees and 3 Local Crime Prevention Committees in operation in regional areas.
- (2) District Community Crime Prevention Committees: Albany, Broome, Bunbury, Carnarvon, Geraldton, Kalgoorlie, Karratha, Kununurra, Merredin, Narrogin, Northam.

Local Community Crime Prevention committees: Derby (reporting through the Broome District Committee), Hedland (reporting through the Karratha District Committee), Northampton (reporting through the Geraldton District Committee).

- (3) Yes.
- (4) Aboriginal groups are encouraged to participate in crime prevention with a number of local projects currently being piloted through the State Crime Prevention Strategy. Some of these projects are directly coordinated by Aboriginal people for the community and include the Narrogin Family Healing Project and the Langford Youth Initiative. Further, to encourage a commitment from Aboriginal groups to crime prevention, a list of nominated representatives from the Aboriginal Affairs Department has been forwarded to the State Crime Prevention Strategy Office to ensure input from Community Policing Crime Prevention Committees at a local level.

POLICE - DRUG OFFENDER

Issue of Driver's Licence under False Name - Traffic Breaches

2079. Mrs ROBERTS to the Minister for Police:

- (1) Will the Minister advise the current policy regarding a drug offender who has had his driver's licence suspended for a long period and is prepared to assist police on drug matters and possibly be subject to payment for these services?
- (2) Is it current policy for the police to approach the courts and obtain a driver's licence for such a person under another name?
- (3) If so, what conditions would apply?
- (4) What happens to traffic breaches under the false name?
- (5) Would this person be considered suitable to act as an undercover officer?

Mr DAY replied:

The Commissioner of Police has advised me of the following -

- (1) The Western Australia Police Service accepts information relating to drug matters from any member of the community, regardless of the status of their driver's licence or whether they wish to receive payment.
- (2) No.
- (3)-(4) Not applicable.
- (5) A stringent analysis and review of informants is conducted prior to any consideration of them acting in undercover activities.

POLICE - CHILD ABUSE UNIT

Reports and Training

2086. Dr CONSTABLE to the Minister for Police:

With respect to the Police Child Abuse Unit (PCAU), in each of the last five years -

- (a) how many reports of child sexual, and other, abuse were made;
- (b) what percentage of the total police budget did the PCAU budget comprise;
- (c) what period of time does each officer spend in the unit before being rotated out;
- (d) what special training do PCAU officers receive; and
- (e) what was the average length of time between the date of the report and the commencement of prosecution proceedings, or closure of the case?

Mr DAY replied:

- | | | | | | |
|-----|------------------|----------------|----------------|----------------|----------------|
| (a) | 1992-93
1,749 | 1993-94
664 | 1994-95
690 | 1995-96
786 | 1996-97
773 |
|-----|------------------|----------------|----------------|----------------|----------------|

- (b) The allocation of the Western Australia Police Service budget is determined by the Commissioner of Police and senior executive members to address the needs of specific areas. Flexibility of resource management

within the Crime Operations Portfolio and Personal Crime Division allows for resources to be devoted to squads and units as necessary.

- (c) Each officer has a tenure period of two years with an option of one additional year.
- (d) Applied Policing course
Detective Training School courses
Interviewing Officer's Course conducted by the Detective Training School
Formalised intense 3 day orientation course conducted by staff at the Child Abuse Unit
Continual on the job training from senior staff
Continual coaching and mentoring and
Other relevant inter-agency training sessions/conferences as available.
- (e) It is only at the conclusion of all phases of an investigation that an inquiry officer is able to initiate prosecution proceedings in the best interests of the child victim. As the time frame for each investigative phase fluctuates dependent on the attendant circumstances, it is not feasible to nominate an average length of time taken to initiate a prosecution or close the case.

GOVERNMENT INSTRUMENTALITIES - PILBARA REGIONAL OFFICE

Location and Staff

2219. Mr GRAHAM to the Minister for Police; Emergency Services:

- (1) In which town is the Pilbara Regional Office of each department under the Minister's control?
- (2) How long has the regional office been in that town?
- (3) Where was the previous location of the regional office?
- (4) How many people are employed in the regional office?

Mr DAY replied:

Western Australia Police Service

- (1) South Hedland
- (2) One year.
- (3) Perth.
- (4) Four.

Bush Fires Board

- (1) Geraldton.
- (2) Four years.
- (3) Perth.
- (4) Five.

Fire & Rescue Service

- (1) Karratha.
- (2) Three years seven months.
- (3) Perth.
- (4) Three.

State Emergency Service

- (1) Port Hedland.
- (2) Fourteen years six months.
- (3) South Hedland.
- (4) Four.

GOVERNMENT INSTRUMENTALITIES - MARKETFORCE

Contracts - Number and Value

2343. Mr BROWN to the Minister for Local Government; Disability Services:

- (1) Since February 1993, has the Minister and/or any department or agency under the Minister's control engaged the company Marketforce?
- (2) How many contracts has the company received?
- (3) What is the value of each contract?
- (4) When was each contract let?
- (5) What has been the total amount paid to the company each financial year since that time?

Mr OMODEI replied:

- (1)-(5) The member should be aware that it would require considerable resources to go back over five years of archives to obtain the information sought. It would be unreasonable to expect the resources to be committed but if the member has a specific question about any particular contract with Marketforce, I will consider providing that information.

GOVERNMENT INSTRUMENTALITIES - MARKETFORCE

Contracts - Number and Value

2349. Mr BROWN to the Minister for Police; Emergency Services:

- (1) Since February 1993, has the Minister and/or any department or agency under the Minister's control engaged the company Marketforce?
- (2) How many contracts has the company received?
- (3) What is the value of each contract?
- (4) When was each contract let?
- (5) What has been the total amount paid to the company each financial year since that time?

Mr DAY replied:

- (1)-(5) The member should be aware that it would require considerable resources to go back over five years of archives to obtain the information sought. It would be unreasonable to expect the resources to be committed but if the member has a specific question about any particular contract with Marketforce, I will consider providing that information.

POLICE - VIDEOTAPES OF INTERVIEWS

Disclosure to Complainants

2403. Mr BROWN to the Minister for Police:

- (1) When the police take a videotape of an interview with a suspect, is it common practice for that tape to be -
 - (a) shown;
 - (b) made known,
 to the person/s who laid the complaint or information with the police?
- (2) Would there be any circumstances under which such a video tape is -
 - (a) shown;
 - (b) made known,
 to such person/s?
- (3) What circumstances would they be?
- (4) Is it the policy of the police to inform the person who has laid information or a complaint that the person they complained about has been arrested and the time of the arrest?

(5) If so, under what circumstances is the information provided?

Mr DAY replied:

(1) (a)-(b) No.

(2) (a) No.
(b) Yes.

(3) If the information is sought.

(4)-(5) In accordance with operational policy, the case officer advises the complainant of the resolution of their complaint, which may include that a person has been arrested and the time of arrest.

COLLEGES OF TAFE - VOCATIONAL EDUCATION TRAINING COMMUNITY COLLEGES AWARD

Use - Disadvantage to Staff

2569. Mr RIEBELING to the Minister for Employment and Training:

Has the Minister communicated with other Ministers as to ways to take advantage of the differences between the Technical and Further Education (TAFE) award and the Community Colleges award to reduce staffing levels and academic staff within TAFE at the expense of academic staff within the TAFE system?

Mrs EDWARDES replied:

No.

COLLEGES OF TAFE - PORT HEDLAND AND KARRATHA

Workplace Agreements - Tabling of Papers

2581. Mr RIEBELING to the Minister for Employment and Training:

In relation to the Enterprise Bargaining Agreement for TAFE and Community College staff at Port Hedland and Karratha, is the Minister prepared to table all ministerial and departmental communication and documentation to establish the integrity of their process?

Mrs EDWARDES replied:

The integrity of the process has been the subject of numerous questions or part questions and comprehensively answered.

QUESTIONS WITHOUT NOTICE

LIBERAL PARTY - CANDIDATES

Receipt of Corrupt Payments

777. Dr GALLOP to the Premier:

I refer the parliamentary leader of the Liberal Party to the Royal Commissioner's finding that Dr Wayne Bradshaw used some of the \$15 000 bribe he received in relation to the Woodvale Tavern development in 1987 "to advance the cause of the Liberal Party". I also refer to the commissioner's acceptance of evidence from Diana Borserio that the money from Rosanita - the corrupt \$15 000 payment - "was disbursed to pay accounts connected with the election campaign of Liberal Party candidates" and ask -

- (1) What action has the Premier taken to ascertain which Liberal Party candidates were the recipients of corrupt money?
- (2) Given that this matter has now been referred to the Director of Public Prosecutions, will the Premier reassure the House that the Liberal Party will cooperate in that investigation by releasing all necessary financial records to the DPP?

Mr COURT replied:

(1)-(2) All of the Liberal Party financial records of donations over that period are in the hands of the authorities. If any issues of wrongdoing need to be followed through by the Director of Public Prosecutions, they will be followed through.

Dr Gallop: What about checking up where the money went?

Mr COURT: There was an allegation about some moneys given to the member for Kingsley. They were identified as not having come from corrupt funds.

Several members interjected.

The SPEAKER: Order!

SPORT AND RECREATION - WORLD DARTS CHAMPIONSHIPS

*Absence from Advertising Panorama***778. Mrs van de KLASHORST to the Parliamentary Secretary:**

While attending the World Dart Championships held last month at the Burswood Dome I was asked by players and officials to find out from the Minister why, on the east side of the railway bridge over Great Eastern Highway, situated at the approach to Perth, have darts been left out of the display on the coloured panorama depicting all the world championship sporting events being held in Perth this year?

Mr MARSHALL replied:

I thank the member for some notice of this question.

The year 1997-98 is an incredible year for Western Australia with national sporting events; in fact, there are 11 of them, hence the slogan "the best on earth in Perth". I remind members that the Aerobica FIG Sport Aerobics World Championships, the 1997 World Track Cycling Championships, the World Cup Darts and Rally Australia - World Rally Championship Round have been held. The ITU Triathlon World Championships commence next week. Also to be held are the Whitbread Round the World Race, the ISAF Windsurfing World Championships, the Hopman Cup international mixed teams tennis tournament and the FINA World Swimming Championships - for only the second time in the history of the world at the same venue.

Several members interjected.

Mr MARSHALL: I would like to educate members opposite. This is something to be very proud of - not something to laugh about. There is also the Heineken Classic international golf tournament and the Coca-Cola surfing contest.

Mr McGinty: What about darts?

Mr MARSHALL: If the member for Fremantle had listened, he would know I mentioned that. The Minister has supplied the following response: The brief for this display was to provide an indicative range of symbols that would demonstrate the variety of activities coming to Perth. Given the limited space and the use of visual icons on the bridge, the following were selected: A golfer, representing the Heineken Classic; a flagman, representing API Rally Australia; dancers, representing aerobics; cyclists, representing world cycling; a tennis player, representing the Hopman Cup; a swimmer, representing the World Swimming Championships; and a windsurfer, representing the World Windsurfing Championships. I apologise that darts was not mentioned.

ROYAL COMMISSION - CITY OF WANNEROO

*Mr Edwardes' Conduct - Investigation***779. Mr RIPPER to the Premier:**

I refer the Premier to the report of the Royal Commission into the City of Wanneroo in which the commissioner, Mr Davis, states in relation to the payment of money to Dr Phat: "I conclude that Mr Edwardes is unable to satisfactorily explain his conduct." I refer the Premier also to the commissioner's findings that Mr Edwardes passed an unknown amount of money in banknotes to Dr Phat at the Shelvock Reserve on 20 April 1991 and that there is insufficient evidence on which to base a finding as to why the payment was made.

Given Mr Edwardes' inability to provide a reason for his actions in this regard and the serious questions this leaves unanswered, will the Premier refer this matter to the Director of Public Prosecutions for further investigation?

Mr COURT replied:

As they say, members opposite never give up. There was a finding that someone gave someone some money. Members opposite do that every day of the week.

Mr Ripper: You won't refer it to the DPP? Is that what you are saying?

Mr COURT: Refer a case of someone giving money to someone?

Mr Ripper: You won't refer this matter to the DPP?

Mr COURT: The member has not mentioned that the royal commission said there was nothing improper or corrupt in that action.

Mr Pental: Page 718 of the report does not say that. That is why your motion before the House is inaccurate.

Mr COURT: Not at all. If something improper had occurred, it would be mentioned.

Mr Pental: It has been mentioned.

Mr COURT: The report does not say that anything improper occurred; it says there is not enough information to substantiate the allegation. Let us stick to facts in this matter. We have had enough fabrication.

FUEL AND ENERGY - GAS

Dampier to Bunbury Pipeline - Sale

780. Mr OSBORNE to the Minister for Energy:

- (1) Following the introduction of legislation yesterday to enable the sale of the Dampier to Bunbury natural gas pipeline, will the Minister outline what further steps must be taken for the completion of the sale process?
- (2) What would be the impact of any delay to the sale of the pipeline?

Mr BARNETT replied:

(1)-(2) I thank the member for Bunbury for this question because this matter is of great importance to the south west. The sale of the Dampier to Bunbury natural gas pipeline stands to be Western Australia's largest privatisation to this point, with expected proceeds in the order of \$1.5b. Today I am able to announce the short list of final bidders, which initially contained 40 expressions of interest for the project. That short list includes major Australian and international companies, including Wesfarmers Energy Limited, Australian Gas Light Company, Epic Energy Pty Limited, PG & E Corporation and Nova Gas Australia Pty Limited.

The sale process is at its most critical stage. Those five companies are now invited to go through a due diligence process, which will involve teams from each company working through all the documentation to prepare their final and binding bids expected at the end of this year or early next year. This is the critical stage at which the bids are determined. By moving motions and in debate yesterday the Opposition indicated that it wished to use the Parliament to delay the sale process. The costs of that are potentially immense. The interest bill on the pipeline paid by AlintaGas is \$87m a year. The potential savings on interest to Treasury from surplus proceeds are of the order of \$40m a year. The cost savings to gas consumers through lower transport costs are of the order of 27 per cent. That can flow through to all of the sectors.

Yesterday in debate the Opposition indicated that it was acting in the public interest and was looking after the process. I will give the House some indication of what might be the true motive of the Opposition which is contained in correspondence to the office of the Leader of the Opposition from the member for Cockburn. The essence of the motion is that the Government defer the privatisation of the Dampier to Bunbury natural gas pipeline.

Dr Gallop: You received that inadvertently. This is disgraceful.

Mr BARNETT: I will get to that Leader of the Opposition. That correspondence lists some points under the heading of "Background" which give the real motivation for what the Opposition was on about.

Dr Gallop: You have really demeaned yourself.

Mr BARNETT: I will answer the Leader of the Opposition in a moment.

Dr Gallop: I will talk about your attitude to the debate on the report today. Does the Leader of the House want me to talk about how he tried to rat on his colleagues in the Crichton-Browne faction. The Leader of the House was supporting the Labor Party and was trying to delay this issue. You agreed with us that this should not be debated today because you wanted to have a go at your colleagues.

Mr BARNETT: In correspondence to the office of the Leader of the Opposition on the motion to defer the privatisation of the pipeline, the member for Cockburn gave an indication of the Opposition's motivation and this is not about public interest. He states -

3. If there is any impropriety found there is a good chance we might link Barnett as he has defended the deal and is required by statute to approve it.
4. The gas pipeline sales advisory committee reports to Barnett not AlintaGas. We should take the high and painless moral ground of calling for deferral until the situation is cleared.
5. In presenting the argument as to why the sale should be deferred we can allude to breaches of trade practices legislation but not accuse anyone of that.

This is scurrilous. Nothing at all has changed with the Labor Party. This is not about protecting the interests of Western Australian taxpayers or energy consumers; this is a deliberate attempt to gain a political advantage by derailing the privatisation process at its most critical stage. This is a political stunt. It is economic vandalism damaging the State's interests internationally and financially. It is an absolute disgrace. It is the Labor Party once again up to its dirty tricks.

Dr Gallop: Let us tell the Parliament how you undermined your own Premier. Let us tell the Parliament about how you agreed with us that this should be delayed to undermine your Premier.

Mr BARNETT: How did I come by this documentation? This is dirty tricks by the members for Cockburn and Eyre in collusion with the Leader of the Opposition. This is the sort of disgrace we had during the 1980s.

Point of Order

Mr GRILL: The allegation that I have been in collusion in that fashion is unparliamentary and I ask that it be withdrawn, especially as I have never seen that memo.

The SPEAKER: Order! The comment did not impugn the member in any way.

Questions without Notice Resumed

Mr BARNETT: This is vile economic vandalism. It is political stunts at their worst. As I said, this is the dirty tricks of the Labor Party in the eighties and clearly the late 1990s. Nothing at all has changed. Members might be wondering how this information became available to me. The member for Cockburn was so dopey that he tabled the correspondence!

ROYAL COMMISSION - CITY OF WANNEROO

Mr Edwardes' Conduct - Commissioner's Findings

781. Mr RIPPER to the Premier:

This morning on Radio 6PR the Minister for the Environment claimed that her husband, Colin, had handed over money to Dr Phat as a donation, a claim Commissioner Davis found to be untrue. He said, "I have already found as a fact that if Mr Edwardes handed money to Dr Phat it was not for a donation." Is the Premier concerned that the Minister for the Environment does not accept the commissioner's findings in this matter?

Mr COURT replied:

I suggest the Deputy Leader of the Opposition should ask the member for Kingsley.

Mr Ripper: I am asking you.

Mr COURT: I want to reinforce -

Mr Ripper: Do you accept the findings?

Mr COURT: I ask the Deputy Leader of the Opposition to let me answer the question.

Mrs Roberts: Do you?

Mr COURT: Yes. The findings have said that there was nothing improper about those actions. How much further do members opposite want to go on the issue?

NATIVE TITLE - PASTORAL LEASES

Comments by Mr Paul Keating

782. Mr SWEETMAN to the Premier:

Is the Premier aware of comments made last evening by former Prime Minister Paul Keating on the issue of the extinguishment of native title on pastoral leases as it affects Western Australia?

Mr COURT replied:

Last night during an interview on "The 7.30 Report" the former Prime Minister said that he never had any intention for this legislation to extinguish native title on pastoral leases. I have sat in meetings, one to one with the former Prime Minister, where he has told me in no uncertain terms that he made it clear to the Aboriginal people that native title has been extinguished on pastoral leases.

Dr Gallop: Read *Hansard*.

Mr COURT: I do not have to do that. That is what he said face to face with me. I can remember the meeting only too well. This is important because a lot of people supported the proposals based on what the former Prime Minister told them. In a radio interview in October 1993 after meetings with the farming representatives he said, "What it will mean is that native title will be extinguished on pastoral leases. That is not to the extent of any inconsistency, but extinguished."

Dr Gallop: That is what the High Court ruled. You have no idea. You are a 7:0 Premier. You should stay right out of this issue because every time you enter into it, you cost us money.

Mr COURT: It is a simple issue. It is about the truth being told by the former Prime Minister. I have been told this face to face and members of the public have been told the same over the airways. It has been put into the preamble of the legislation. During the interview last night he said that the Native Title Act did not extinguish native title on pastoral leases. He said, "I led a Government that introduced an Act after that date, and it did not extinguish native title." This is like Graham Richardson. We have an incredible situation where we are all told one thing, yet it turns out that what we were told was a lie.

Yesterday I made some comments and tabled the minority report prepared by the Labor Party and the Australian Democrats on this legislation. The Labor Party is running around saying that its amendments will provide more security in this legislation. Has the Leader of the Opposition had an opportunity to read that minority report?

Dr Gallop: No, I have four volumes of a report which are a matter of local concern. Do you know about these issues?

Mr COURT: I will be very interested to hear from the Leader of the Opposition when he has had time to read that minority report, to know whether he supports the position put forward by the Labor Party. What an appalling situation it is when a Prime Minister publicly says one thing and a few years later publicly says -

Several members interjected.

The SPEAKER: Order! I know the Premier paused and may have wanted to take an interjection, but he cannot take two or three at the one time.

Ms MacTiernan interjected.

The SPEAKER: Order! The member for Armadale.

Mr COURT: I paused because I could not talk over that particular voice.

We have all been misled by the Labor Party. I hope that before the Leader of the Opposition provides an answer on whether he supports the amendments proposed by the Labor Party, he will put some thought into it.

PUBLIC SERVICE - EMPLOYEES

Women - Government's Commitment to Equality

783. Ms ANWYL to the Minister for Women's Interests:

(1) Is the Minister aware that the annual report of the Director of Equal Opportunity in Public Employment 1996-97 is a damning indictment of the Government's commitment to women in the public sector?

- (2) Is the Minister aware that the report states there is a lack of accountability for the achievement of the office and no responsibility for the management of the office, and that many plans are seriously outdated?
- (3) What strategies is the Minister considering to address the appalling situation of women in the public sector?

Mrs PARKER replied:

- (1)-(3) The Government has a strong commitment to women, not only in the public sector but also in the community as a whole. In particular, I refer to the Government's two year plan for women on which a report is being prepared on the progress that has been made throughout government departments on that commitment to women in those agencies.

Ms Anwyl: Have you read the report to which I am referring?

Mrs PARKER: I am not familiar with the details of the report to which the member referred. If she will put a question on notice or give me notice of a question, I will be happy to respond.

The Government has a real commitment to more women being appointed to government boards and committees. I bring to the attention of the House and the member that in the past six or seven months - I am presently getting the detail together - there has been a 2 per cent improvement in the number and proportion of women represented on government boards and committees. Significant changes are being made and the Government has a commitment to women's involvement in the public sector. If the member will give notice of the question, I will obtain the detail and will be happy to respond to it.

HOSPITALS - ARMADALE-KELMSCOTT MEMORIAL

Comments by Member for Armadale

784. Mr TUBBY to the Minister for Health:

- (1) Is the Minister aware of comments by the member for Armadale that the Government is attempting to blackmail the Armadale community into accepting a hospital that will be built and managed by a private operator?
- (2) Is this statement correct?

Mr PRINCE replied:

- (1) Yes, I am aware of the comments by the member for Armadale. I am surprised by them. It is absolutely extraordinary that she should make such outrageous statements about blackmail, particularly where she comes from.
- (2) Of course, the statement is not correct. Once again, the member for Armadale is scaremongering for her political faction, undoubtedly trying to drum up some support - because she is certainly not getting it in her electorate. The Government has launched a program to redevelop and revitalise the public health services in that region. It has advertised today for expressions of interest for the non-government sector to build, own and operate a new public hospital. The campus will include rehabilitation, primary and mental health services, and associated facilities, and some of the existing facilities will be refurbished. The staff are delighted and the doctors support it. By seeking expressions of interest her community will wind up with the best health service - the best for her electors. We will also wind up with the best value for money for the state taxpayers; something she would not understand. The expression of interest process is to benchmark non-government sector proposals against the best the public sector can do.

Mr Court: The only opposition I am aware of is from the local member.

Ms MacTiernan: That is so interesting.

Mr PRINCE: The Premier is quite right; it is the only voice of opposition. The redevelopment program will begin before the end of 1998. It will be completed by 2002, ahead of the time I promised in the 1996 election campaign.

Ms MacTiernan: That says very little.

Mr PRINCE: The Government will be funding some new specialised services starting almost immediately. A CT scan facility is installed and being worked up now. Endoscopy units, renal dialysis, mammography and child adolescent mental health facilities will be included this year. Far from blackmail, the result will be a health service with more resources and a greater range of services for the people of that region.

Rather than knocking the service for her people, why does the member for Armadale not support the provision of better services to her electorate, which her Government did not provide.

Ms MacTiernan interjected.

Mr PRINCE: She does not support bringing new and better health services to the people of her electorate because she does not like an expression of interest to bring in the non-government sector.

Ms MacTiernan: Exactly.

Mr PRINCE: She has her head in the sand. If Marx, Engels, Lenin, Trotsky and Doc Evatt have not written it, it cannot be done!

POLICE - CORRUPTION

Allegations by Former Detective Frank Scott - Report of Inquiry

785. Mrs ROBERTS to the Minister for Police:

- (1) Has the joint Western Australian-Australian Federal Police inquiry into corruption allegations by former detective Frank Scott been completed?
- (2) If so, when was it completed and what were the findings?
- (3) When will the report be tabled in Parliament?
- (4) If it will not be tabled in Parliament, why not?

Mr DAY replied:

The member for Midland seeks detailed information on an inquiry. I will seek that information from the Commissioner of Police.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY - AIRCONDITIONING POLICY

Wheat Belt and Eastern Goldfields Region

786. Mr BLOFFWITCH to the Minister for Housing:

Will the Minister inform the House on progress on the installation of airconditioning in government employee housing in the wheatbelt and eastern goldfields region, following his announcement of the new guidelines for airconditioning in these regions for government employee housing accommodation?

Dr HAMES replied:

I have further information about the project to put ducted airconditioning into houses in a line running north of Norseman for a huge range of GEHA properties. In total, ducted airconditioning is being installed in 770 GEHA properties in the wheatbelt and eastern goldfields region. The tenants of a further 100 houses who installed their own airconditioning will be reimbursed. Eighty-five per cent of those properties have now had that work done. The rest will be done over the next few weeks. I was pleased to announce earlier that the great majority of that work was carried out by local contractors.

A tremendous effort was put in by the installers. They are not only ahead of schedule but also under budget by about \$500 000 for a project estimated to cost \$3.3m. I am very pleased that the Government can say it has a project completed under time and under budget in providing ducted airconditioning to a group of homes whose occupants were suffering as a result of very high temperatures in summer. Feedback indicates that it has been extremely welcomed by those GEHA tenants.

EDUCATION - SCHOOL AGE THERAPY SERVICES

Privatisation

787. Mr CARPENTER to the Minister for Education:

I refer to the Government's decision to privatise school age therapy services and ask -

- (1) Why was the decision made?
- (2) Were the parents of children using school age therapy services consulted; if so, how and when?
- (3) Do parents support the move to privatise school age therapy services?

- (4) Why was Doctor Warren Lowden chosen to head the new organisation to provide school age therapy services and who else was considered for the position?
- (5) Was the position advertised; if not why not?

The SPEAKER: Order! I will allow the question, but in doing so I am really allowing six questions. I draw the attention of all members to the fact that one question with six parts is equivalent in length to two questions with three parts, and we could have many more questions from members if they were not so long.

Mr OMODEI replied:

- (1)-(5) The decision to set up a non-government agency for the outsourcing of school aged therapy services was made by the Disability Services Commission under the Disability Services Commission Act, which empowers it to make that decision. I will provide the member with a briefing note on the issue. On my direction, the Disability Services Commission was required to seek approval from Contract and Management Services and also advice from the Crown Solicitor with regard to that issue.

Dr Warren Lowden is a well known and highly regarded person who contributes to disability services in Western Australia. My recollection to date - I will check the facts - is that it was within the domain of the Disability Services Commission to determine how to set up the new non-government agency.

Mr Carpenter: You cannot tell me. You are the Minister and you do not know.

Mr OMODEI: I will check that and give the member a briefing on that matter. It is a rather complex matter. There is no great conspiracy here. The Disability Services Act allows the commission to set up that agency, and that is what it has done after seeking all the relevant advice.

DISABILITY SERVICES COMMISSION

North Metropolitan Office - Relocation

788. Mr BAKER to the Minister for Disability Services:

As the Minister is aware, the Disability Services Commission has expanded its services in recent years to meet the demand resulting from population growth in the northern corridor. Will the Minister consider relocating his department's north metropolitan office from its present location into the Joondalup city centre?

Mr OMODEI replied:

I thank the member for the question and commend him for the close interest that he has always taken in the disability services area in his electorate. The north metropolitan regional office of the Disability Services Commission is currently located in Inglewood. Planning is under way for the relocation of the regional office to the first floor of Joondalup House. It is hoped the move will be carried out in mid to late January. Initially 77 staff will be located in that office, with the possibility of the employment of an additional 20 staff. It is intended that the commission will also operate a smaller office to service areas closer to the city.

INDUSTRIAL RELATIONS - MINIMUM WAGE

\$3 per Week Increase - Adequacy

789. Mr KOBELKE to the Minister for Labour Relations:

I refer to the Minister's recent increase to the minimum weekly wage of an inadequate \$3 a week some six months after workers on federal award minimum wages received an increase of \$10 a week, which leaves Western Australian workers still \$40 a week worse off for a 38 hour week. Is that in keeping with the Minister's advice from Mr Plowman that his system provides wages in keeping with the level of economic activity in this State?

Mr KIERATH replied:

It is interesting that the Opposition would even question the amount of increase to the minimum rate of pay, because, if my memory serves me correctly, the Opposition opposed every step of the way the introduction of the Minimum Conditions of Employment Act, which, for the first time, imposed a minimum rate of pay for all non-award employees in this State, who number about 100 000.

We said that we did not believe that an arbitrary figure, such as a percentage of a base metal trades award rate, was the right way to develop a minimum wage and that the concept of a minimum wage should be a needs-based wage for a single person. That was in essence what Professor Plowman delivered. He said that once we had determined what the minimum wage should be on a needs basis, it should be fully indexed to the consumer price index each year.

I agree that an increase of \$3 a week appears to be a small amount of money, but it indicates that inflation has been so low that that is the amount of money that is required to up the purchasing power for a basket of goods. That is the difference. Not only was it a first for Western Australia that we introduced a minimum rate of pay, but suddenly the federal commission, which had never in its history had a minimum rate of pay, got a fit of conscience and decided to impose a minimum rate of pay across all federal awards and certified agreements. We welcome that, but we repeat that the rationale for arriving at that figure is fundamentally flawed, and the only sensible method is the one that Professor Plowman devised, which is a needs-based wage for a single income earner.
