



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE COUNCIL

Thursday, 28 May 1998

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 11.00 am, and read prayers.

HON CLAUDE STUBBS

Condolence Motion

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [11.02 am]: I move -

That this House expresses its deep regret at the death of Hon R.H.C. (Claude) Stubbs, a former member of the Legislative Council for the South-East Province, Minister for Local Government and Chief Secretary; and places on record its appreciation for his long public service and tenders its profound sympathy to the members of his family in their bereavement.

Hon Claude Stubbs was born in 1905 and died recently at the age 93 years. He was a Goldfields Labor representative of the traditional kind, a former miner and a leading member of the Norseman community before his election to Parliament and a term as a Cabinet Minister.

Claude Stubbs was born in Northam and educated locally, later obtaining qualifications from the Norseman and Kalgoorlie Schools of Mines and the Perth Technical College. He began work as a miner in Collie in 1927, subsequently working in Kalgoorlie and Norseman after 1937. He became an underground supervisor and from 1957 until 1962 was a health inspector for the Shire of Dundas.

Claude Stubbs was a man who contributed to his small, and then somewhat isolated, community through the Norseman Rotary, Mines and Workers' Club, the Police and Citizens Youth Club and, as a keen cyclist from his younger days, as secretary of the Norseman Sportsmen's Council. He was also an active member of the Australian Labor Party and at the age of 56 years was chosen to contest the South East Province of the Legislative Council.

This election in 1962 was the last held under the old system of restrictive franchise and voluntary voting. The province consisted of the seats of Boulder-Eyre and Merredin-Yilgarn, and the sitting member of the Legislative Council due for election was Hon John Cunningham who held the seat for the Liberal Party. Claude Stubbs defeated the strong incumbent by 106 votes, out of 3 258, to enter the Legislative Council where he was the Australian Labor Party Whip after 1965. He was re-elected unopposed in 1968, and in 1971 became the Minister for Local Government and Chief Secretary in the Tonkin Labor Government. Claude Stubbs has the distinction of being one of the few members of this Parliament to first become a Minister at the age of 65 years. His age was no handicap in performing his work as a Minister, and in 1974 he was re-elected in another close contest for the South East Province. He retired in 1980.

I remember Claude Stubbs personally. He was here for the first three years of my term. He was a person for whom I had a great deal of admiration. He was very knowledgeable on many issues. I recall a number of debates in this House in which he became involved. At that point in his career he was getting ready for retirement. He was able to make the necessary comments when a brand-new member, such as I, got something wrong. On one occasion I quoted a specific percentage of nickel in an ore body. He jumped to his feet to remind me that that was not possible and that obviously I was making a very serious error. That indicated the vast wealth of knowledge Claude Stubbs had about the mining industry.

He served his electorate with great distinction. He also served as a Minister with great distinction. Members of Parliament, such as Claude Stubbs, serve their communities and this Parliament quietly and with great sincerity. We extend our condolences to his children and their families.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [11.05 am]: I second the motion. As Leader of the Opposition I take this opportunity to put on the record our sympathy to the friends and family of Robert Henry Claude Stubbs, our former colleague in this place, who rose to the distinction of being a Minister and, indeed, Chief Secretary during the Tonkin Labor Government years. As Leader of the Labor Party in this House, I have had the opportunity of meeting with Claude Stubbs. In his visits to this place, one could not help but notice the stature of this personality, if not the physical frame of the man. In the years in which I saw him, this man was of diminished frame and quite frail of body, but agile of mind. He came into this Parliament House quite regularly during his retirement. He regularly brought to Parliament House as his guests the people who looked after him in his old age. One, in particular, who I know will miss him is Sister Roberta, a Catholic nun, who has been involved with the very close care of him in his retirement, in his old and frail age, during the time he has lived in a facility for the elderly in Wembley.

In his earlier years, prior to and during his years as a member of Parliament he was a great champion of the people of the goldfields. That led him to being involved in the Labor movement and joining the Australian Labor Party and saw him produce in this Parliament a Labor Administration to deliver and respond to the needs of the people of that area. In many ways he was Mr Norseman. He was closely and directly involved in the life of that community. He was regularly involved in the presentation to the Parliament of the cares and concerns of the people of the remote areas in this State.

In his inaugural speech, which comes from a bygone era, on 15 August 1962, he told the Parliament of the cares and concerns of the people of that area and described a situation from that part of history, which is not very long ago, that is hard to imagine, in which people along the Eyre Highway could have their mail delivered once a month, and their opportunity for communication with the wider world was very restricted.

The extraordinary things about this man were the ages not only at which he was preselected and retired from Parliament, but also at which he was first appointed to the ministry. In fact, he was the oldest and Hon John Harman was the youngest from that period. We recently buried John Harman and now we see the departure of the oldest member of that Cabinet. I know the other members of that Cabinet have been watching the departure of their colleagues. They have been rattling off the names of those in that Administration. We are now left with Don May, Ron Davies, Dave Evans and Don Taylor, champions of the history of the Labor movement, of which Claude Stubbs was a part. He recently replied to an invitation to attend the former members' dinner. He accepted that invitation to be in the Parliament tomorrow night, but unfortunately he will not have the opportunity of joining his former colleagues and visiting this Parliament again. We bid farewell to a Labor hero, who rose to great heights by virtue of his personality, not the strength of his physical frame.

THE PRESIDENT (Hon George Cash): As has already been indicated, Claude Stubbs was elected to this House as a member for South East Province in 1962 and retired in 1980. He is well remembered for his ministerial career, in which he was Minister for Local Government and also Chief Secretary between 1971 and 1974.

I was interested in the Leader of the Opposition's comments about Claude Stubbs' earlier life, much of which was spent in the Norseman area. He had a great affinity with the goldfields and with the mining industry, having served time at the Kalgoorlie School of Mines and later at Perth Technical College, where he gained qualifications which allowed him to further his career in the mining industry. There is no doubt that Claude Stubbs was regarded as a champion of the people in the goldfields, in particular those in the Norseman area. He will be remembered as a man of principle and great integrity, and on behalf of all members, I extend deep sympathy to his family on his sad passing.

Question passed, members standing.

WESTERN AUSTRALIA POLICE SERVICE - CHILD ABUSE UNIT

Comments by Attorney General - Select Committee of Privilege

Resumed from 27 May, on the following motion -

That a Select Committee of Privilege be appointed to inquire into and report not later than 25 June 1998 on whether, in providing information to this House regarding the child abuse unit of the Western Australia Police Service and its operations with respect to the secondment of its officers and the implementation of relevant Wood royal commission recommendations, the Attorney General has committed a breach of privilege to the extent that the information was misleading or false, and the committee have power to send for persons, papers and records.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [11.13 am]: This is a very serious matter. I am very concerned at the decision that was made to move this motion in the first place. I am also seriously concerned at the precedent that such a motion may create in this House. Yesterday, Hon Peter Foss explained the circumstances that surrounded the information that he provided to the House on Tuesday in an urgency motion. He explained clearly and succinctly that this course of action is unnecessary; and I think he used the words that it is "using a sledgehammer to crack a nut".

All members of the Chamber will know that Ministers and other members provide advice and information to this House on the basis of the information that has been provided to them, and that it is not always possible for Ministers or members to check the absolute veracity of the information they provide, and invariably they provide that information on the basis of good faith.

Hon Peter Foss described some of the shortcomings of our current urgency debate process, which are that the content of the debate is often not known to the Minister until a short time before the debate takes place, and that often the Minister is required to debate an issue which relates to the portfolio of a Minister in the other place, which makes

it very difficult for that Minister to have the time, and sometimes also the knowledge, to be absolutely certain of all the issues that are raised in that urgency debate. However, putting that to one side, all Ministers endeavour to provide a response on behalf of the Government to matters that are raised, quite properly, by members in that urgency debate.

However, in the event that a Minister is advised that some of the information he has provided to the House is not correct - and I am not saying that in this case the Minister did that - I do not know of any case where the Minister has not then risen at the earliest opportunity and said, "What I said yesterday was not strictly correct, and these are the facts." That is usually done by way of personal explanation, and that is the proper process. In this case, the Minister responded to an urgency debate on the basis of advice that had been provided to him, and the next time the House sat, Hon Nick Griffiths advised that the information that had been provided by the Minister was not accurate, and moved that a Select Committee of Privilege be appointed. As I have said, a committee of privilege is a very serious matter, and to move that a committee of privilege be appointed in respect of a member is a very serious action to take, and one which I think no member would ever take lightly.

Hon Tom Stephens: We have not taken it lightly.

Hon N.F. MOORE: I am sure that is the case, but I am trying to explain that other avenues could be taken by a member before going down that path.

Hon Tom Stephens: That is not possible.

Hon N.F. MOORE: It is possible.

The PRESIDENT: Order! Yesterday, members were heard in silence, and that is what I want to maintain today.

Point of Order

Hon TOM STEPHENS: Is it the case that standing orders provide that matters of privilege must be dealt with immediately after the matter of privilege has arisen in the House? It would be unfortunate if we were being drawn into a debate about the standing orders when it might be just a misunderstanding on the part of the Leader of the House.

The PRESIDENT: Order! I do not understand the point of order.

Hon TOM STEPHENS: My point of order is whether matters of privilege need to be raised the moment the matter of privilege has been drawn to the attention of a member, because if, as the Leader of the House is saying, we could raise this matter down the track, we might well do that. However, as I understand the standing orders, we do not have that freedom.

The PRESIDENT: Order! The Leader of the Opposition is entering a debateable area. Standing Order No 155 is very clear about when a matter of privilege should be raised, and we went through that yesterday. Whether the Leader of the Opposition agrees or disagrees with what the Leader of the House is saying at the moment is a matter for debate. The Leader of the Opposition has had his opportunity, and the Leader of the House has his opportunity now.

Debate Resumed

Hon N.F. MOORE: I thought that the process that members opposite might have adopted on this occasion would be the process that has been adopted on many occasions in the past. That is, they might ask a question without notice, they might move a substantive motion about this issue, or they might raise the issue in the adjournment debate or in an urgency debate, and if it transpired that the Minister quite deliberately misled the House and it became apparent that was the case, they might then give some thought to moving that a committee of privilege be appointed. I am not aware of any suggestion by any member that the Minister has deliberately sought to mislead the House. Yesterday, I listened to Nick Griffiths with some care, and he made that comment, as I recall, in his introductory remarks. I think what has happened here is that the member has proceeded to take a serious course of action well ahead of what the circumstances demand.

In his comments yesterday, Hon Kim Chance raised the issue of Ministers' accepting responsibility for what they say and do in this place. We do not argue with that. Hon Peter Foss does not argue with the point that he needs to accept responsibility for what he does. I accept responsibility for what I do, even in a representative capacity. However, by doing that, if I inadvertently misled the House, at the earliest opportunity I would accept responsibility to advise the House that I had done that, and to set the record straight. That is the process which over time Ministers have used in this House, and that is what they do when they accept responsibility. On the other hand, it is another question if Ministers deliberately mislead the House. That is when a committee of privilege may be the appropriate course of action. This is not one of those occasions.

We did not even have a chance for the Attorney to be made aware of the concerns of Hon Nick Griffiths prior to the motion being moved. Therefore, I am very much of the view that this motion is unnecessary. It is clearly jumping the gun on the issues being considered. I am also very concerned, as is Hon Peter Foss, that the motion has the potential for a serious breakdown in the relationship between members in this House. It has the potential to create a precedent: Whenever anyone, be it a Minister or a member, inadvertently provides incorrect information - it may not be incorrect, but in the opinion of a member is incorrect - a motion will be moved calling for the appointment of a committee of privilege.

Without being flippant or disrespectful to members, if we started doing that, I suspect we might have a committee of privilege every day. All members make comments in this House on the basis of information at hand, on the understanding of a situation; they make comments with no intention to mislead, deceive or cause anyone any difficulty, but afterwards the information may be found to be incorrect. If we were to go down the path that the motion suggests, and have a committee of privilege every time that happened, we would end up doing nothing else or no-one would say anything in this House.

Yesterday we had the same situation with questions. We now look very closely at answers to questions without notice to make sure that we are across the issues before we give answers. We will take no risks in the future, as perhaps we have in the past, in order to expedite the delivery of information to members.

I can understand that Hon Nick Griffiths, on the information provided to him, disputes some of the facts raised by the Attorney General in an urgency debate. That is what this House is all about; processes are available, other than the one he has chosen to adopt, to deal with such issues. In view of the way the House has conducted its business for many years, in view of the potential precedent this motion will create, and in view of my serious concerns about the effect that will have on the relationships in this House in future, I urge Hon Nick Griffiths to withdraw his motion. By doing that, he would be acknowledging that the process he seeks to put in place is inappropriate on this occasion, without in any way suggesting that he resile from the allegations he made about the correctness or incorrectness of what was said. If he is still not satisfied after the Attorney General has explained the substance of the urgency motion, the member can do many things to get to the ultimate truth of the situation. All we are interested in, I hope, is knowing what is true and what is not - not whether we can stitch up a member or cause a member grief by pursuing a course as serious as this.

Hon Tom Stephens: We agree.

Hon N.F. MOORE: In all sincerity I say to Hon Nick Griffiths that he would serve this House well by withdrawing the motion -

Hon Tom Stephens: We do not agree with that yet.

Hon N.F. MOORE: I am not talking to the Leader of the Opposition, because he is not involved, I hope. It is not his motion. I am talking to Hon Nick Griffiths, and I am talking as a person who has been here a long time.

During the time I have spent in this House, there have been very few committees of privilege, none that I recall on such an issue. Some have been appointed to consider what has happened on some select committees. I remember a person gave false evidence to a select committee, and a committee of privilege looked into that. On that occasion, the matters were of very serious import.

On this occasion, the member should go through the processes of the House, and if it transpires, in his opinion, that the Attorney General has deliberately and wilfully misled the House, and if that becomes apparent, he should move for a committee of privilege. The matter would be dealt with properly through that process. In my humble opinion, the member is going too far, too fast. I read somewhere that I am the father of the House, and as the father of the House I ask the member to withdraw the motion because I am very concerned about the serious precedent this will create for this House.

HON PETER FOSS (East Metropolitan - Attorney General) [11.26 am]: As I notified the House, I asked the police to give an explanation for the information I was given. I have a letter from Mr Atherton, assistant commissioner, crime support, which reads -

To enable you to be informed concerning issues arising out of the release of an internal police report on issues raised on child abuse investigation by Wood Royal Commission into New South Wales Police Service (Paedophile inquiry) and the implications to the Western Australian Police Service I advise:

Secondment of child abuse officers

An internal direction was given to OIC Personnel Crime Division that officers attached to Child Abuse Unit did not have to supply people to other units when there was extra demand.

The one exception was the secondment of Detective Senior Sergeant Miller who was seconded to head the Shoalwater Task Force, an investigation into the murder of 11 year old Gerard Ross. Detective Senior Sergeant Miller was chosen for this task due to his homicide investigation experience and child abuse background. (FBI trained in serial child abuse and homicide).

Two officers were assigned to investigate paedophiles or persons suspected to be paedophiles in the Rockingham area from 17/10/97 to 02/11/97.

These officers were not assigned to the Shoalwater Task Force. Their investigations targeted paedophile suspects in the area and they exchanged information with task force investigators.

I believe that my statement relating to the fact that the unit is exempt from response to manpower demands is correct. In this case, there was a particular reason for Detective Senior Sergeant Miller being called upon, because that inquiry was believed to be the ultimate child abuse of murder. Therefore, it was appropriate under those circumstances, not just because there was a shortage of people, but because he was the best suited person to deal with the case. Clearly, in this instance, the general rule is correct; the unit is exempt from manpower demands, and, in the particular case, the choice was made for this detective to head that task force because he was the person most able, and it was a case of suspected child abuse. As far as that is concerned, I believe that is correct.

The second part of the letter relates to compliance with the Wood royal commission's recommendations. It reads -

With respect to paedophilia, 140 recommendations were made in the Wood Royal Commission.

The issues identified as impacting on the Western Australia Police Service have either been addressed or are in the process of being addressed. Since the response to the report was completed in January, the Child Abuse Unit has met with 21 government or non government representatives in an effort to address and resolve the issues identified. This is an ongoing process.

41 recommendations were initially found to be relevant to the Western Australia Police Service.

Members will note that 140 recommendations relating to paedophilia were made, and 41 were found to be relevant to the Western Australia Police Service. The letter continues -

WAPOL Working Party formed to assess these 41 recommendations.

Of these 41 recommendations to be addressed -

6 recommendations already in place.

3 recommendations reconsidered - not now relevant.

I understand that of the 140 recommendations, 41 were relevant to the WA Police Service, and that number has been reduced to 38 on the basis that three thought to be relevant are not.

5 recommendations were sent for response by other agencies.

27 recommendations left to be addressed by the WAPOL Committee.

These 27 recommendations encompass the categories of training, resources, human resource management, joint agency response, interagency information exchange and legislation.

a number of these may be covered by existing legislation and policy.

He asked me to mention the following -

ADDITIONAL INFORMATION

In November 1996 Child abuse Unit awarded a Community Services Industry Award in the category of "Child Protection".

Child Abuse Unit received a Commissioner's Group Citation in January 1997 for their dedication, sensitivity and professional approach to the investigation of child abuse.

Viewed from certain aspects we could say that 27 recommendations left to be addressed is not a majority of the recommendations. I have tried to follow this through. If the House required it to be followed through further I am sure we could do it. However, I do not believe much can be done in this House. By way of interpretation, there are 140 recommendations on paedophilia. It is true to say that most of them are of no concern of the Police Force. I do not believe it is the role of a committee of privilege to decide whether it is appropriate to say that only 27 out of 140 or 27 out of 41, now 38, is a matter of privilege. It is a matter of how we view the statistics. The Leader of the House

is correct in saying that if the House is to form a committee of privilege on the basis of how members interpret statistics we will have a committee of privilege every day.

No-one in this House has been more insistent than I on taking full responsibility for questions answered. I led the way in removing the words "The Minister advised" in answers to questions. I have refused to use that formula; I accept responsibility. If members read the books, they will see that the consequences of that responsibility vary enormously with the culpability. I have always believed that if we believe that a person is inaccurate or wrong in what he says in this House it should be raised with him. The most powerful of committees, the committee of privilege, should not be formed because someone has inadvertently got something wrong.

With respect to the issue concerning the Leader of the House, a matter of privilege may be raised at any time. It may be raised under Standing Order No 155 only if it is raised immediately. Standing Order No 155 disposes of all other business ahead of it. It can be raised years later if members wish. If members came to the view that I had inadvertently misled the House and new information came forward that I had wilfully misled it, that would be sufficient to seek a committee of privilege under Standing Order No 155.

Hon Tom Stephens: Would you not use the wording of Standing Order No 155 on that occasion to argue against us raising the matter that had not been raised immediately after the event?

Hon PETER FOSS: I would not; although I am not saying that anyone else would or that the President would agree with me.

Two of the few occasions on which we can rise in this House during a member's speech are a point of order and a point of privilege. If we are to talk about inadvertently leading the House not just on opinion, but also on fact, I point out that during a condolence speech the Leader of the Opposition stated that the oldest member of the Tonkin Government was Mr Claude Stubbs. He was wrong. Mr John Tonkin was the oldest member.

Hon J.A. Cowdell: The oldest surviving member.

Hon PETER FOSS: He did not say "surviving". I would not even contemplate rising in this House on a point such as that; nonetheless, he was wrong. I do not regard that in any way as being something culpable. It is probably so insignificant that having drawn his attention to the matter I am not certain he owes it to the House to check it and correct it. I might be wrong. However, I refer him to the Biographical Register of Members, Volume II, which shows that Mr Tonkin was three years older than Mr Stubbs.

Hon Tom Stephens: Are you sure I did not use the word "surviving".

Hon PETER FOSS: I did not hear the word "surviving". I am not accusing the Leader of the Opposition of misleading the House; I am saying that we must have a degree of latitude in our reaction when people say certain things.

Hon E.R.J. Dermer: This is a matter of core responsibility, not trivial historicis.

The PRESIDENT: Order, Hon Ed Dermer! This is a serious matter and the Attorney General is entitled to put his view.

Hon John Halden: Would you be prepared to table the letter?

Hon PETER FOSS: I would be very happy to table it. I read it with the intent of informing the House.

Hon John Halden: That would help.

Hon PETER FOSS: If we are to follow the same principles enunciated in this motion and pick out fine distinctions in every debate in this House, especially when we go through the uncorrected reports, we will spend every day constituting committees of privilege.

I accept responsibility. Certainly on one interpretation and even on a common interpretation of these words, without further explanation, it is not correct to say that most of the royal commission recommendations have been addressed. I have not had the opportunity to look at which other recommendations have been addressed or whether there is some argument to the contrary.

I have not spoken to the officer. He claims he said or intended to say they had been addressed or were being addressed. That is my recollection. My recollection was that they had little fear from it because most did not affect them. On one basis that could be said. Frankly, when something is so qualitative as that, I am surprised that this is how the House proceeded; yet on something not qualitative - it is either right or wrong - Hon Tom Stephens got it wrong. We must have some balance.

I fully accept responsibility. If I know about a matter or if it is raised with me I will investigate it and report to the House. I have reported to the House. This note explains why the detective senior sergeant was seconded and why that, nonetheless, fits within the general rule. It indicates how many of those recommendations have been implemented and how many are affected or unaffected. Members now have the facts and can make their judgment about whether it was an appropriate, qualitative opinion on that. However, at this stage members have nothing that indicates that I should do anything in respect of my responsibility as a Minister.

If they would like me to do so I am happy to consider that. I have discharged my responsibility, having had the matter raised with me. I have ascertained the facts and provided them.

Hon Tom Stephens: Do you think that as well as those two facts your overall presentation of the case for the Police Service was that there was no problem at the child abuse unit?

Hon PETER FOSS: Yes. Is that a matter of privilege?

Hon Tom Stephens: That is for the House to determine.

Hon PETER FOSS: The words of the Leader of the Opposition were considerably stronger than mine. He said that it was an absolute disaster and crisis at the child abuse centre. Frankly, his words were hyperbole. If we are to have hyperbole in this House, as a matter of privilege we will have to change considerably. It would probably prevent anything other than "Yes" or "No" or his standing up and saying he does not think the Government is right and our standing up and saying that we think it is right and then sitting down.

That is all we would be allowed to do. We would get through it faster.

Hon Tom Stephens: We are dealing with serious issues.

Hon PETER FOSS: I know. I am concerned that what is a very powerful remedy in this House has been used at such a time. The member thought he had a good idea, but it has gone horribly wrong. He did not think through the consequences. He does not appear to understand why we have these processes. I am happy for that power to be used in appropriate cases and with the utmost rigour. I have said previously that at times we are too slow to have committees of privilege. However, this is too fast.

The first point is wrong and I have given an adequate explanation. The second point deals with opinion and hyperbole, and we will always disagree on that. That happens in this House. However, that does not mean we can go ahead -

Hon Ken Travers: You must make your statements in context. You ridiculed the report and said there was nothing wrong.

Hon PETER FOSS: I have made my point. What I said may have upset members opposite, but it is not my job to make them feel good about things. It is my job to present an argument and keep my facts correct. I accept that I have an obligation in that regard. I believe my facts were correct in respect of the first point, and I have revealed the facts about the second point. It is now a matter of opinion as to whether one can hold that view. I have put forward the facts. I now leave it to individual members to decide whether that is an appropriate response. It was what I was told at the time and it was the information I had. It may be that further investigation justifies that opinion. I can suggest an example now.

I have sat through many speeches from members opposite which I thought were unfair, unreasonable and which misrepresented the facts. However, in a political context, members see the point from their perspectives. We have all listened to members and said that what they are saying is utter nonsense and totally misrepresents the situation. However, it is totally different if members give hard facts and they are wrong. Unless members think it is something that must be remedied, we should not have a committee of privilege. If this House is to function properly in future, this motion should be withdrawn. We should not use it in this instance. If we go ahead with this, members will find that very few questions will be answered because Ministers will not wish to do so without producing all the witnesses to prove that something which appears to be correct is in fact correct. That applies to my department. I rely on my officers; I am not saying that I am not responsible for them.

Hon E.R.J. Dermer: Are you threatening to withdraw from your responsibilities to this House?

Hon PETER FOSS: No, I am not. However, if members opposite say that that responsibility means that I must face a committee of privilege every time I rely on my officers and in the process mislead the House, I will ensure that I do not face a committee of privilege. Members opposite can set the rules if they want. Often Ministers have no personal knowledge whatsoever about the questions they answer.

Hon Ken Travers: How do you suggest we keep the officers of your department accountable?

Hon PETER FOSS: If the member believes the answer is wrong, he should say so.

Hon E.R.J. Dermer: We have a right to expect reliable answers from Ministers.

Hon PETER FOSS: As it turns out, the answers are reliable. Members are not right about one of the points they raised.

The PRESIDENT: The Attorney General will address the Chair. There is no need for interjections.

Hon PETER FOSS: The Opposition is plainly wrong about one of the issues it has raised and the other is a matter of opinion. I have provided the facts. I always check the answers and I insist that questions I answer in a representative capacity come to me to be approved. If I am not happy with them, I send them back. However, I cannot call in witnesses and cross-examine them and say that I will not give the answer until I am absolutely certain that I have checked them to the third degree. Somewhere the system must work with people informing me and my passing on the information. Are members suggesting that I should be subject to a committee of privilege if in good faith I pass on information provided to me by officers of my department or any other Minister's department? If that is what they are saying, I will accept that. I will also ensure that in future I say that I am not able to answer questions because I have not had the opportunity to speak to the officers concerned. If I cannot give the degree of certainty required by this House, I will not provide the information. I do not want that to happen; it is a stupid idea. However, it is the necessary consequence of what members have said.

The appropriate way to move is to withdraw the motion. If it is not withdrawn, I am still under threat at any time that if in good faith I convey what I have been appropriately told - in this case properly told - next day I will be subject to such a motion because someone believes that what I have said in debate is inconsistent with what I have said in answer to a question. It is perfectly explicable and members opposite have it wrong. In the interests of the running of this House, the motion should be withdrawn.

I have made my point. If members believe a Minister has not provided an accurate answer, they should raise it again. As the Leader of the House has said, there are numerous ways of doing that. Only if they find themselves incapable of making any further progress on the matter should they resort to this remedy. This is extraordinary and it presents a major problem in the running of this House.

[See paper No 1633.]

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

[Continued on p 3277.]

INTENSIVE LIVESTOCK FARMING

Petition

Hon Bob Thomas presented the following petition bearing the signatures of 244 persons -

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

We, the undersigned, respectfully request the Parliament to urge the Government to enact laws which make it illegal in this State to practise intensive livestock farming whereby animals are kept in metal cages devoid of natural sunlight and where they are deprived of their natural instincts to tend their young and to interact with other animals in a non stressful environment.

We further request that the government immediately inspect all such existing operations and to prosecute those proprietors who are found to be engaging in such inhumane practises.

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

[See paper No 1632.]

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Report on "The Working Group of Parliamentary Committees with a Role to Oversee Criminal Justice and Law Enforcement Bodies"

Hon Derrick Tomlinson presented the second report of the Joint Standing Committee on the Anti-Corruption

Commission entitled "The working group of parliamentary committees with a role to oversee criminal justice and law enforcement bodies", and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 1634.]

OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996 FOR PRIMARY INDUSTRY

Review

Resumed from 20 May on the following motion -

That the Occupational Safety and Health Regulations 1996 for primary industry be reviewed with the intention of developing and implementing a code of practice.

to which the following amendment was moved -

That all words after "That" in the first line of the motion be deleted and the following words be inserted -

the primary industry sector be encouraged to develop an industry code of practice for approval by the Minister for Labour Relations under section 57 of the Occupational Safety and Health Act 1984 to enhance and support compliance with the duty of care provisions of that Act and the Occupational Safety and Health Regulations 1996.

Amendment to Motion

HON KIM CHANCE (Agricultural) [11.50 am]: The House will recall that some time ago I began my contribution to this debate in support of the amendment. Rather than recapping the whole debate, I believe I said then that the amendment provides a mechanism by which the aims of the motion can be achieved but along lines which provide an opportunity for the spirit and intent of the Act to be more appropriately fulfilled. It is certainly true that we need to support the application of draft regulations which are applicable to, and compatible with, the farm workplace. I made that point in my earlier contribution.

I also raised some of the negatives which have come out of the incorrect or inappropriate application of regulations intended for the broader workplace. Some of these have produced ridiculous outcomes when applied to the farm workplace. Without referring to *Hansard*, I think I gave an example from the construction industry. That industry has a requirement for large water containers to be empty or covered overnight when no-one is in attendance at the workplace. Initially this meant that every water trough and tank in the farm workplace would become an offence if it were allowed to remain filled overnight. The farm lobby pointed out the ludicrous situation vis-a-vis the regulations. The requirement to cover or empty large water containers when unattended in the workplace overnight had application right across the regulations and not just in the farm workplace. At the behest of the farming lobby the original intent of the regulation to provide safety from that hazard for employees on construction sites was removed. It is an application which works both ways. There are some provisions which were intended for application in other workplaces. Strict accordance to these regulations makes the farm effectively unworkable. It cuts the other way also because regulations which ought to be there are being removed as a result of that contradiction. The construction industry is an example of that.

My first experience with this was as executive of the farmers' union reviewing, I think, the farm machinery safety Bill of 1974. It was No 74 of 1974 but it did not go through this place until about 1978. In reviewing the Act we found some quite ridiculous provisions including one which required all cutting surfaces to be covered. That meant that the knife drive and the cutter bar on a harvesting machine or hay mower had to be covered. Members can imagine the effect of that. Putting a covered cutter bar into a crop simply knocks the crop down, it does not cut it. That was something that needed to be looked at and we were able to address it fairly quickly.

I make that point because the Australian Labor Party understands why the farm lobby has called for the implementation of a code of practice. Our amendment is simply aimed at making that move towards the implementation of the code of practice more applicable under the current situation.

There are some serious deficiencies in the definition of what constitutes a safe practice in some operations. We have been talking about history to some extent but we get into much more recent times when referring to safe practice, particularly in the area of tyre and wheel changing involving heavy equipment. Recently there was a tragic case in the south eastern wheatbelt area where an employee was killed by a tractor falling on him during a wheel changing operation. That case was successfully prosecuted by WorkSafe. After that successful prosecution the farm lobby asked WorkSafe what constitutes safe practice if safe practice was not carried out in that instance. WorkSafe's disturbing reply was that it could not tell them. The farm lobby asked if WorkSafe could demonstrate safe practice.

If safe practice could not be defined then could WorkSafe show the farmers what it was. Once again the response was that it could not help and that the issue was in the hands of the farmers. The farming industry was put into a situation where one farmer had been successfully prosecuted on the basis that he did not carry out safe practice in an operation but safe practice could not be defined by the agency that enforces the law. That is reaching a ridiculous level. In the end it fell to the Western Australian Farmers Federation to demonstrate what it thought was safe practice. I believe WorkSafe ultimately put its seal of approval on the practice. That is a powerful argument for a code of practice. It calls for some very serious and I expect very expensive work in the construction of that code of practice. The ALP supports the moving towards such a code of practice.

Farming and pastoral management are dangerous occupations. Farmers and farm workers frequently work alone, which adds to the existing risks. They work alone in isolated places, sometimes without even radio contact for assistance. They work with sometimes unpredictable animals and dangerous machinery which has a propensity to kill and maim because of one split second of carelessness. Very few people who have been involved in farming have not lost a family member, a friend or a neighbour to an accident in their industry.

In my experience as a farmer, I have lost three such people. These are fatal accidents; they do not include serious accidents. I was rather surprised that farming did not rate much more highly in the lost time injury figures quoted by Hon Ljiljanna Ravlich. While they were quite high, they seemed out of step from my understanding of the injury statistics. I will not try to quote figures that a former member of this place, Hon Sandy Lewis, quoted at a FarmSafe breakfast that I attended with the then Minister for Productivity and Labour Relations; however, my recollection of that was that in those areas of serious and fatal injuries -

The PRESIDENT: One hour having elapsed since the commencement of the House this morning, leave of the House will be required if debate on this motion is to continue.

Point of Order

Hon N.F. MOORE: I seek a point of clarification. A standing order requires us now to deal with committee reports. I am a little confused. If I were to agree to continue this debate, I would be in breach of another standing order which says we must deal with committee reports. I seek to suspend so much of the standing orders which would allow the member to continue his speech.

The PRESIDENT: We can do that by the Leader of the House granting leave to the extent that would enable Hon Kim Chance to complete his speech. Is that what the Leader of the House is trying to achieve?

Hon N.F. MOORE: I am, but two standing orders would clash.

Debate Resumed

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

Hon KIM CHANCE: I thank the Leader of the House and honourable members for their accommodation.

In that area of serious and fatal injury, farming is over-represented. I will not attempt to recall those figures that Hon Sandy Lewis gave to us on that occasion. If members were to inquire from Hon Sandy Lewis just how over-represented we are as a farming industry in the area of serious and fatal accidents, I am sure he will be pleased to tell members. I am sure that members would be shocked by those figures. I wish I had the confidence in my memory to let members know what they are; however, they are very high indeed. In fact I believe that Hon Bruce Donaldson may have some of those figures with him and he may share them with us soon. They are startling figures when they are looked at in those two accident statistics sectors. No room is available for members of this place to be complacent about those figures. We all have our personal experiences. We all have access to those figures. They are not figures of which we can in any way be proud, and as a result of that, members of this side of the House, and I am sure members on the other side, would not countenance the situation in which we even looked as if we were saying to the farming and pastoral industries, "We want to exempt you from the law with regard to workplace accidents, because the statistics are just too bad for us to do that."

The fundamental position of the Australian Labor Party - I am sure with the support of the government and other opposition parties - is that by all means let us try to make the regulations applicable and workable, and give the participants in the farming and pastoral industries the possibility of working with the law in a constructive way to reduce the level of these fatal and serious accidents. However, please do not ask members of this House to say to the farming industry, "We will give you a code of practice so that you can drive around the law", because I do not believe that any honourable member of this place would want that. I do not suggest for a moment that it was the intention of Hon Murray Criddle for that outcome to be achieved. We simply cannot condone an outcome that puts the farming sector beyond the regulations under the Act, but we can ensure that the regulations are effective and appropriate. I refer honourable members to a paper to which I believe Hon Murray Criddle also referred; it is a

publication of WorkSafe Western Australia of April 1998. Its title is "Guidelines for the development of industry codes of practice for approval under the Occupational Safety and Health Act 1984". On page 1 of that report under the second heading, "Legislative framework in Western Australia", we have a very clear picture of the way in which WorkSafe sees codes of practice in the matrix of the legal structure of safety regulations.

It works through a three stage process. The first part of that stage is the Occupational Safety and Health Act. It has its major provisions, which are enumerated. The Act is then supported by the next stage. That stage is the Occupational Safety and Health Regulations, which set out the minimum requirements for specific hazards and work practices, including reference to the national standards developed by the National Occupational Health and Safety Commission and Australian Standards developed by Standards Australia. The third component in the matrix is under the title of "Guidance Material". Guidance material is an aim, if one likes, to assist industry in complying with those regulations. It includes codes of practice, specifically in this case, approved for Western Australia in accordance with section 57 of the Act, which is relevant to the amendment. It also includes guidance notes developed by WorkSafe Western Australia, the national codes of practice, and the national standards developed by the Occupational Health and Safety Commission, and they include the Australian Standards.

In that group of four, we find that the third level of the matrix, which includes those codes of practice, very much puts the question of codes of practice in perspective. They are not and should never be seen to be an alternative to the regulations. They are an aid to assist industry to comply with the regulations. I believe - I could be wrong - the essential difference between the substantive motion moved by Hon Murray Criddle and the amendment moved by Hon Tom Helm lies in the recognition of the place of codes of practice. The amendment moved by Hon Tom Helm makes it very clear if it was not in the first place, that the function of codes of practice is to assist in the ability of industry to meet those regulations.

Finally, I refer to part 8 on page 6 of the same document under the heading "A Final Word" -

Industry groups can continue to provide occupational safety and health information as they have in the past. It is not compulsory for this information to be checked by the Commission or approved by the Minister. However, the option of seeking formal approval of the information in a code of practice is now available. Approval under section 57 of the Act would demonstrate to industry and the community that the legal and technical content of the code of practice has been independently reviewed and endorsed by the Commission.

That is WorkSafe. To continue -

Industry groups are encouraged to pursue this option as part of an information strategy aimed at reducing work-related injury and disease.

Members on this side of the House have had an occasional disagreement with WorkSafe over the years. However, in the conclusion to that paper, WorkSafe have put our argument. In those words lies the justification for our support of the amendment.

Debate adjourned, pursuant to an earlier order of the House.

COMMITTEE REPORTS - CONSIDERATION

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Standing Committee on Public Administration - Fourth Report on the Events Surrounding the Denial of Tenure to the Late Dr David Rindos by UWA

Hon N.F. MOORE: I move -

That the report be noted.

Hon KIM CHANCE: I support the motion. The issues concerning the late Dr David Rindos were the subject of an inquiry by two committees: the Public Administration Committee, which I currently chair, and the Government Agencies Committee, ably chaired by Hon Barry House. I know that he is also keen to contribute to this debate.

The inquiries, specifically those investigated by both committees, absorbed a vast amount of resources of the Parliament. Before entering into those inquiries - initially the Government Agencies Committee and subsequently the PAC - we thought very carefully about the role of a parliamentary committee inquiring into an agency such as the University of Western Australia. It has been a controversial issue ever since then, and I suspect it had been a matter of some dispute even before the initial inquiry by the GAC. The question is: How does the Parliament of Western Australia relate to a tertiary institution, in particular a university? Those administering tertiary institutions

argue that they are federally funded organisations and that, consequently, the State Parliament has no right to intervene.

Hon Derrick Tomlinson: Only through section 96.

Hon KIM CHANCE: It is an interesting point made by Hon Derrick Tomlinson because in a fairly recent case in the Australian Industrial Relations Commission I recall a university - whose name escapes me - argued that since that university was established under a Statute of the State of Western Australia, the Commonwealth had no jurisdiction in its affairs and, therefore, the case should not be heard by the Australian Industrial Relations Commission.

Hon Derrick Tomlinson: The honourable member is dealing with a federal award.

Hon KIM CHANCE: I have heard of jurisdiction jumping, but this is the first occasion I have heard of jurisdiction dodging. Suffice to say that the GAC, and subsequently the PAC, formed the view very clearly that the Parliament of Western Australia does have jurisdiction in matters concerning the administration not only of the University of Western Australia but any other university in this State.

Having come to that determination, which was not a complex legal issue, both committees had to decide whether to devote the resources of the Parliament and the committee system to such an inquiry. The resolution of that question opened a box as large as one would like to make it. The question that arose from that is as wide: If the Parliament of Western Australia does not undertake the inquiry, who will? That question still occupies the minds of the PAC because although we have reported on term of reference 1(a), we are still to report on term of reference 1(c) on how to resolve disputes. This includes references to the role of the visitor.

I diverge for a moment to look at the role of the visitor. My understanding is that the visitorial competence - I am told it must be called competence, not jurisdiction - is a mediaeval concept arising from ecclesiastical law. The role of the visitor was to move among the monasteries of mediaeval Europe providing independent and unbiased means of dispute resolution to those parties in the monastery who could not resolve issues with the management of the monastery. The concept spread to the university system as a result of the monasteries' first taking that function of tertiary education and then ultimately separating from it. In that separation, the universities retained the role. The visitor in the State of Western Australia is His Excellency the Governor.

The visitor competence in its application in WA universities - although the committee will no doubt comment further in a report on term of reference 1(c) in the future - has still played a large part in the consideration that we have taken so far. One of the difficulties with the visitor competence - and this goes right back to the very reasons why the committee opted to pick up the inquiry in the first place - is the question: Did the existence and the role of the visitor play any part in the matter coming before the committee in the first place?

One of the matters that we considered and one of the questions that was asked of the late Dr David Rindos was why he came to us and did not resolve the matter through the dispute mechanism procedure available to him. Dr Rindos' answer was that it was simply too expensive. Therein lies a difficulty in any common citizen's right to justice. We find in the area of criminal and commercial law that so often a citizen's right to resolution and to justice is restricted by the cost. This is not an area in which the community of the University of Western Australia is immune. Access to the visitor jurisdiction was estimated by the late Dr Rindos to cost him in the order of \$40 000. The visitor jurisdiction was an unattainable aim for him, and as a result the issue was brought before the Parliament.

The cost of the visitor jurisdiction and its antiquity are not the only reasons for our taking a good look at its applicability in the future. The other problem is that the existence of the visitor jurisdiction stands in the way of a party seeking legal remedy through another source. One of the difficulties in approaching another source of resolution, perhaps the Western Australian Industrial Relations Commission, is that another authority is unable to take on the case presented by the complainant because the available mechanisms for resolution have not been accessed; that is, the access to the visitor jurisdiction has not been taken up. Not only is the visitor jurisdiction questionable in its ability to resolve a complex issue, but it also stands in the way of access to other forms of resolution. In a sense I am referring to that which we are still to report on. However, it comes back into the question of term of reference 1(a) because the genesis of this matter is why was this issue not resolved without coming to Parliament.

Hon BARRY HOUSE: I was Chairman of the Government Agencies Committee when the decision was made to take on this inquiry. That decision has been a matter of debate at many stages since. However, at the time the decision was made for a variety of reasons. It was felt that the case presented by Dr Rindos had nowhere else to go. Perhaps in hindsight that may not have been the true situation.

This issue has many dimensions, one of which is the jurisdiction issue. The universities vigorously protect their independence. Throughout the course of this inquiry the universities were outspoken in their role in meeting the

committee. Another dimension was the personal animosity involved in the issue. We all know about the bitter personal animosity between Dr Rindos and Dr Bowdler in the department of archeology at the University of Western Australia. It is a pity, because that led virtually to the disintegration of that department within the University of Western Australia. We all know that both Dr Rindos and Dr Bowdler were homosexual. Allegations have been made along the way that involved that factor.

One of the committee's findings is that the University of Western Australia is a body subject to the common law rules of procedural fairness. The committee clearly established - this goes back to the days when Hon Norman Moore was the chairman of the Government Agencies Committee - that the universities come under the jurisdiction of the parliamentary committee because they are established under state Statute. They have always maintained, and vigorously defended, their academic freedom. They also maintain that because the bulk of their finances come from the federal jurisdiction they have no responsibility to the State jurisdiction. In the end, the universities reluctantly acknowledged the committee's right to be involved in the matter. However, they went to great lengths and great expense to defy the committee's access to information and to knowledge. In fact, at times I found their protection of their position to be a little precious. They would front up to the committee surrounded by legal advisers and public relations experts in order to support their position. Most of the time we felt that it was totally unnecessary and expensive.

While nobody in this place wants to interfere with the universities' academic freedom the financial and administrative accountability of universities to the taxpayers of this nation and this State is clearly a role and a function of a parliamentary committee.

The second conclusion and recommendation that forms part of section 23 of the report is that the decision not to grant tenure to Dr Rindos is clearly a decision to which the principles of procedural fairness should apply. The committee clearly established that the process of procedural fairness applied to the issue of tenure at the university. I will not read all of the conclusions and recommendations. However, section 23.5 states that the committee finds that it was reasonable at the time of his appointment that Dr Rindos had an expectation he would be granted tenure at the end of his initial period of employment. The committee concludes that Dr Rindos did not have adequate and fair opportunities to present his case and was not in all the circumstances afforded common law procedural fairness due to the university administration's apparent reliance on material not disclosed to Dr Rindos.

It was clear that Dr Rindos was almost head hunted to come to the University of Western Australia in the first place, in about 1988. Dr Bowdler, who was then the only tenured archeologist at the University of Western Australia, played a prominent part in seeking out Dr Rindos and encouraging him to come to the University of WA.

The relationship between the two went sour about a year after Dr Rindos' initial presence at the University of Western Australia. He was in the position for only a short time when Dr Bowdler took sabbatical leave. Dr Rindos was acting head of the department for 12 months. Whether it was a fair and reasonable load to put on Dr Rindos, was queried by the committee. Remember that Dr Rindos was an American in a university system which was different from that with which he was familiar. He found himself quickly in the acting head of department position; I am sure he did not have much opportunity to establish the procedures under which the department operated. Nevertheless, those procedures were reasonable clearly established, and Dr Rindos had some responsibility to follow the procedure outlined in guidelines and manuals.

Another finding was that the university administration apparently relied on material which was not disclosed to Dr Rindos. It seems clear ultimately that the vice-chancellor, Professor Gale, made the decision to deny Dr Rindos tenure on a range of evidence. However, she certainly took into account three memorandums provided by Dr Bowdler which had not been available to Dr Rindos regarding his teaching and administrative workload; more importantly, he did not know of their existence and was not made aware of them. The next finding reads -

The Committee finds that the procedures adopted by the University to review and determine the tenure of Dr Rindos and his subsequent appeals were ad hoc . . .

Procedures seemed to the committee to be put together on the run. This was taken as a one-off situation. I think the university will admit now that the processes were lacking in their ability to deal with the situation. Overall, the committee found that they did not adhere sufficiently to common law rules of procedural fairness.

Hon B.M. SCOTT: As a member of the Standing Committee on Government Agencies, and the subsequent Public Administration Committee, I was involved in the inquiry from the outset. This is probably one of the most extensive inquiries that a standing committee of this Parliament has undertaken. The number of oral and written submissions and evidence received from 20 witnesses indicates that it was an extensive inquiry.

As the current and previous chairmen of the committee, Hon Kim Chance and Hon Barry House, have indicated, this inquiry was not only intensive, but also conducted under a premise to which the University of Western Australia took

some objection; namely, that Parliament has jurisdiction over the university because of funding procedures. From the outset, the University of Western Australia did not believe that Parliament had jurisdiction to conduct this inquiry.

The previous speakers detailed the tenure review of Dr Rindos, and commented on the processes used at UWA. Finding 23.6 on page 57 of the report reads -

The Committee finds that the procedures adopted by the University to review and determine the tenure of Dr Rindos and his subsequent appeals were ad hoc . . .

The committee found that no proper review procedure was put in place. Therefore, academics new to the university could find that their future tenure was not secure, and no proper procedure was available by which they could contest any decision made by the university.

We looked closely at whether common law rules of procedural fairness were applied. It is appropriate to recognise at this stage not only all the staff involved, but also to make special mention of Elizabeth Lawton, the research assistant at the time of the inquiry. Her legal work in this area was of high calibre, and she greatly assisted the committee in making its findings. The efforts of Mr Len Roberts-Smith, QC, have also been acknowledged, and his comments on Elizabeth Lawton's work were extremely favourable.

The committee went through many university reports, in which some differences of opinion were found. Therefore, it was necessary that the inquiry be extensive. A series of reports were made on Dr Rindos' tenure and this subject took an enormous amount of investigation.

This report relates only to term of reference 1(a), and the committee will make a decision on whether to move on to other terms of reference. Outstanding issues remain from the review of the tenure of Dr Rindos. These matters were first raised in Parliament by Hon Mark Nevill prior to this inquiry. I refer to the concerns of many students in the then archeology department at UWA who felt aggrieved that a lack of leadership in the department and conflict within the department led to them being grossly and unfairly treated. In fact, many of them left the University of Western Australia to take up studies elsewhere.

The committee should not close its inquiry, even though it has been extensive, as generic issues were raised relating to all universities in Western Australia. Hon Kim Chance alluded to the need for a grievance procedure for staff and students in the universities. He referred to the position of the visitor, which is an ecclesiastical position adopted by universities. This is an expensive means by which staff can pursue justice, and by which it is almost impossible for students to pursue grievances. The committee did a great deal of work studying the position of visitor; namely, considering whether students knew about it, what access they had to it, and the situation with staff. I hope that when the committee deals with the next terms of reference, grievances raised in this Parliament regarding a number of students will find justice.

The terms of reference may well cover that.

Hon Kim Chance: It is 1(c).

Hon B.M. SCOTT: Yes, we have covered 1(a) only. It should be covered in that area. When we have public universities under our jurisdiction, people in the community, students and university staff feel that the Parliament is their last place of resort. If we do not clarify this issue, we will be denying the public of Western Australia a clarification of where students are able to go for grievances. The whole issue of procedural fairness and the common law rules of procedural fairness that are disclosed and discussed in this issue were handled in an extremely disciplined and legal way. For me, as a member of Parliament, to be part of this sort of extensive legal inquiry was extremely interesting and intellectually extending. I commend the report to the House.

Hon BARRY HOUSE: One of the backdrops to this whole issue has been a newspaper war between *The West Australian* and the *Sunday Times*. I am sure that we will see a book at some time about this issue.

Following up the point referred to by Hon Barbara Scott, I mentioned that Professor Bowdler and Dr Rindos fell out seemingly over allegations about Professor Bowdler's administration of the Department of Archaeology and allegations about sexual impropriety within the Department of Archaeology and the victimisation of certain students. Those allegations were relayed by Dr Rindos to what he thought were the appropriate authorities in the university. To my knowledge, those allegations have not been adequately investigated to this day. The university was certainly negligent in that matter and still has a responsibility to thoroughly investigate those allegations. I believe those matters have severely affected the careers of some ex-students of the Department of Archaeology and have certainly affected their lifestyles.

I will flip through some of the recommendations. Paragraph 23.7.1 refers to the fact that the university did not provide Dr Rindos with sufficient opportunities for counselling. At no time did he appear to have been taken aside

by anybody and had systems and processes explained to him and the concerns expressed that were seemingly being discussed in other quarters of the university. My impression is that after Dr Rindos had relayed the allegations, he was treated as a leper around the place and not given very much opportunity to answer the accusations that were being made against him in the corridors of the university.

The university should have given more detailed consideration to the appointment of Dr Rindos as Acting Head of the Department of Archaeology. He was in a new jurisdiction and I am sure he was unprepared for his role as acting head of the department. I do not know that the position was resourced very well. The committee believes that there was some evidence that Dr Rindos perhaps was negligent himself in not realising the full extent of the requirements of research output and the exact nature of tenure review. It seems as if he may well have taken at face value the situation he understood from American universities and transferred it directly to his new employment in the University of Western Australia. Perhaps he should have taken a bit more notice of that.

The tenure review committee was established by the university senate to provide some advice to the vice-chancellor on this matter. One serious omission of that tenure review committee seems to be the lack of opportunity for Professor Oxnard to provide evidence to the committee. Professor Oxnard throughout the whole of this saga seems to have been the one academic who was closest to Dr Rindos in terms of supervision and perhaps trust. I do not believe that Professor Oxnard's views on the matter were ever even listened to, let alone given much credence. If one analyses the whole situation, one could easily gain the impression that the tenure review committee was established to provide some justification for a decision that had already been made. There seems to have been a predetermined outcome which needed some basis. That seems to have been much of the motivation behind the tenure review committee. The tenure review committee seems also to have been denied any opportunity to view evidence that would in any way have been favourable to Dr Rindos. It was provided with information and its terms of reference were put together by Dr Partis, who seems to have been selective at best about the sort of information he put together to provide to the tenure review committee.

Paragraph 23.8 states -

It is the Committee's view that the performance and research output of Professor Bowdler should have been used by the TRC as a guide for what Dr Rindos supposedly needed to produce, given that Professor Bowdler was the only tenured archaeologist at the university at the time in question.

It seems that Professor Bowdler's research output was not even considered as a guide to what could have been expected of Dr Rindos. I mentioned that there were no formal guidelines. Paragraph 23.10 states that Dr Rindos did not pursue his case with the visitor. That point is worth dwelling on for a minute, and it may well be the subject of a further report of our committee. The option was available to Dr Rindos to go to the visitor. However, he had ascertained that it was really only a Clayton's option because to have gone to the visitor would mean that he would have been saddled with the enormous costs of legal representation to meet the university which would certainly have engaged all the expert advice on the other side. That is one of the factors we took into account when we initially decided to take up this matter.

Paragraph 23.11 refers to the decision, which at the end of the day was made by the Vice-Chancellor, Professor Gale, and rested solely with her. She acknowledged that was the case and took full responsibility for it. The committee determined that she "should have ensured that any documentation she considered in reaching her decision to deny tenure had been made available for review and rebuttal by Dr Rindos". A couple of critical memos from Dr Bowdler, which entered the system, were clearly not made available to Dr Rindos for his rebuttal. The committee thought that was a serious omission.

It is interesting that subsequent to this whole saga, Professor Gale was presenting a speech in recent days to a forum in the eastern States, and she spoke about the Rindos case as the most difficult time of her tenure as the Vice-Chancellor of the University of Western Australia. A newspaper article covering the speech reported that she knew "the shit would hit the fan" over the Rindos issue. It was an issue in which she took on traditional elements in the university and she knew that it would arouse antagonism and a large degree of conflict. In that matter, I am sure she is right.

Hon KIM CHANCE: Because I was somewhat overwhelmed with dealing with three years of inquiry in a 10 minute speech, I omitted a very important part of what I should have said. I am grateful to the deputy chairman of the committee, Hon Barbara Scott, for mentioning this in my place. I formally record the appreciation of the committee to those members of the committee staff who, in producing this report, acted far beyond the expectations of many members. Their contribution was simply superhuman in some areas. Their review of the quantity of evidence, and their success in following the sometimes extremely tortuous trails of evidence and producing, from the complexity of the situation, a very clear and defensible, albeit challenged, document, is a testament to their skill.

I particularly record the appreciation of the committee to the committee clerk, Mr Jason Agar, and to the three advisory research officers, Ms Jenny Cutri, Ms Elizabeth Lawton and Mr Chris Roberts, and to the committee's legal counsel Len Roberts-Smith QC.

Hon N.F. Moore: How many staff do you have?

Hon KIM CHANCE: Not all those staff served concurrently. In answer to the question from the Leader of the House, the committee is still five short of staff.

Hon N.F. Moore: How many do you have?

Hon KIM CHANCE: Five fewer than we really need. I am practising to be a Minister.

Hon N.F. Moore: How many do you have? I would like to tell you how many staff the committee had when I was chairman and the Labor Party was in government. We had no staff.

Hon KIM CHANCE: It is reasonable to answer the question. The committee has a full time advisory research officer and a part time clerk.

Hon N.F. Moore: Comparatively speaking, it is very generous.

Hon KIM CHANCE: I am sure it is, comparatively speaking, but it is still not generous enough. This is a quality report. It is defensible, it is challenged, and it is fair to say that not all the outcomes of the report were welcomed with open arms by the University of Western Australia. I simply acknowledge that, without making any comment. The committee determined that there was a denial of natural justice, as Hon Barry House has very clearly stated. The committee notes the objections of the University of Western Australia but, with all the benefit of hindsight since the release of the report and since members have had the opportunity to consider those objections, every member of the committee feels satisfied that the report still stands in its every word.

Question put and passed.

Report

Resolution reported and the report adopted.

Sitting suspended from 12.56 to 2.00 pm

WESTERN AUSTRALIA POLICE SERVICE - CHILD ABUSE UNIT

Comments by Attorney General - Select Committee of Privilege

Debate resumed from an earlier stage on the following motion -

That a Select Committee of Privilege be appointed to inquire into and report not later than 25 June 1998 on whether, in providing information to this House regarding the child abuse unit of the Western Australia Police Service and its operations with respect to the secondment of its officers and the implementation of relevant Wood royal commission recommendations, the Attorney General has committed a breach of privilege to the extent that the information was misleading or false, and the committee have power to send for persons, papers and records.

HON NORM KELLY (East Metropolitan) [2.00 pm]: I appreciate having the opportunity to speak on this motion for the Australian Democrats. First I will make a few comments about the documents on which this motion is based. Yesterday I listened to some quite compelling arguments from Hon Nick Griffiths for why this motion should be passed. He outlined in detail not only the relevant recommendations of the Wood Royal Commission into the New South Wales Police Service, but also the extent to which they have not been implemented in Western Australia.

The first document to which I will refer is that tabled by Hon Tom Stephens last Tuesday during the urgency motion, the extract from the "Response to Recommendations made and Issues Raised on Child Abuse Investigation by Wood Royal Commission into New South Wales Police Service (The Paedophile Inquiry) and the Implications to the Western Australian Police Service".

Although I have not read this document in detail, I have examined parts of it. This document also has some very compelling arguments to support some intensive investigation into the Police Service to ensure those recommendations that have not been followed through and the problems that exist in the child abuse unit to enable it to work effectively are addressed; for example, the lack of funding, the backlog of cases awaiting investigation and the need for an increase in staff.

I remind members that this is a photocopy of a document, one that has been leaked, obviously intentionally, so that these matters can be brought into the public forum. I am quite glad they have been because it is an extremely serious matter that warrants the attention of this Parliament.

This motion is also based on the pink uncorrected proof copy of the *Hansard* in which Hon Nick Griffiths referred to responses made by the Attorney General during the urgency motion. I read this document because I had an interest in another matter raised in the Parliament on that day. I asked a question of the Minister for Finance representing the Minister for the Environment about Dombakup block, near Northcliffe. In the *Hansard* document, the answer to the question stated that the Department of Conservation and Land Management is allowing 7 hectares of that block to be logged this year. I and a lot of other people in Northcliffe would be overjoyed about that. However, the reality is that 70 ha are to be logged. That is what the Minister stated on Tuesday, and that is what appeared on the copy of the answer that was handed to me on Tuesday.

I raise this matter merely to illustrate that that was a simple typographical error in the uncorrected proof of the *Hansard* for that day. When people base their arguments on this sort of document, it leaves them open to accusations later. Every page of this version of *Hansard* states that it is an uncorrected proof and is not to be quoted or distributed. Obviously there will be errors throughout these documents. As such, we must make sure that we base any arguments on the final, correct version of the document containing what has actually been said in the debates in Parliament.

The Labor Party has raised a very important issue. It warrants lengthy investigation. It is a very serious issue. Apart from cases of murder etc, the policing of child abuse in this State is one of the most serious aspects of police work. Any inadequacies in the squad that investigates such complaints must be speedily addressed. As I said, it is wrong - I might say, very premature - for the Labor Opposition to base its arguments on the contents of these two documents that, at this stage, have not been substantiated.

In his remarks today the Attorney General also referred to a briefing paper from Mr Atherton, the assistant commissioner for crime support. It outlines the views of the Police Service about how it has dealt with the Wood royal commission recommendations. That briefing paper mentions that 27 recommendations have yet to be addressed by the WAPOL committee. In my mind, that number is far too high at this stage - I am not too sure how long ago those recommendations were brought down -

Hon Peter Foss: It is my understanding that it was at the end of last year.

Hon NORM KELLY: We have had about six months to deal with those recommendations. To my way of thinking, the Police Service has been too slow in addressing those recommendations.

Hon Peter Foss: We do know how far they have been investigated.

Hon NORM KELLY: That is not the issue we are asked to deal with; it is this motion to establish a Select Committee of Privilege. Without going through the full details, it is related to the Attorney General committing a breach of privilege to the extent that the information he gave was misleading or false etc. As the Attorney General said earlier today, there may have been errors in what he said. However, I do not think the Parliament has used all the avenues available to it to investigate this issue properly.

I have been in this place for only a little over a year, but I imagine a far better practice would be, for example, to ask a series of questions to ascertain whether the contents of the response document are factual. Following ongoing questions on this matter, if the Attorney General continued to stand by his original comments, and it was found that his statements were wrong, the Attorney General would have been digging a deeper hole for himself in any event. That is just one way in which this issue can be investigated.

Another is during other times when members can make speeches on matters of concern to them; for instance, during the adjournment debate or in debates on the Appropriation Bills, when these issues can be brought to the attention of this House and the public. We have a standing committee structure in which matters can be referred for further investigation, and this avenue is probably warranted on this occasion. This is an extremely important issue for the Western Australia Police Service. I would quite readily support such a referral to a committee to investigate not only the statements of the Attorney General and the total structure of the child abuse unit, but also the way in which the information was presented to Parliament in the past couple of days and made its way to the Attorney General. These are all valid ways in which we can deal with this matter. I do not think establishing the select committee, the subject of this motion, is the way to go in this instance.

Last night, during the Estimates Committee hearings in the other place, members of the Labor Party had over three hours to investigate the Police Service and to ask the Minister for Police, the Commissioner of Police and senior police officers about the finances, workings and staffing of the child abuse unit, and any other matters that they would

like to investigate further. I will not read from that debate, because I have only the uncorrected proof of the *Hansard* of that hearing, but in over three hours, the Labor Party did not ask one question about the child abuse unit. If the Labor Party were serious about addressing the problems that most likely exist in that unit of the Police Service, it would use that avenue to further investigate that matter. The Labor Party did have time to ask a question relating to garden gnomes being stolen. I know that is a serious matter for people who have had their garden gnomes stolen, but -

Hon Ljiljanna Ravlich: I have a garden gnome!

Hon NORM KELLY: Perhaps not for much longer! The Labor Party could ask a question relating to garden gnomes being stolen yet in three hours not even touch on the subject of the child abuse unit.

Point of Order

Hon BOB THOMAS: It was not a question. Reference was made to that matter, but it was not a question.

The PRESIDENT: Order! There is no point of order. The member can, as Hon Bob Thomas would know, claim as he sees fit; and, in due course, Hon Bob Thomas can speak, and if he wants to refute that comment, he may.

Debate Resumed

Hon NORM KELLY: Thank you, Mr President. I accept that the Labor Party finds garden gnomes a bit of a touchy subject. It had ample opportunity last night to fully investigate the workings of the child abuse unit, but it did not use that opportunity.

The PRESIDENT: Order! There is too much audible conversation. Other members were heard in silence, and I ask members to afford the same courtesy to Hon Norm Kelly.

Hon NORM KELLY: Thank you, Mr President. If the Labor Party were serious about improving the role of that unit in the Police Service, it would have used that avenue to further highlight the inadequacies that most likely do exist in that unit.

I had given serious consideration to whether the Democrats should support this motion to appoint a Select Committee of Privilege, but after I saw the actions of Labor Party members last night in the other place, I realised that this was not an attempt by the Labor Party to try to correct some of the things that should be corrected within the Police Service but was just its way of doing some political grandstanding about a matter that is far too serious to have the time of this place wasted in this way.

The Estimates Committee is just one avenue that is available to investigate this matter. If we do not support this motion, that will not preclude us from exploring other avenues. Next week in the Council Estimates Committee, we will have the opportunity to question the Police Commissioner. I hope other members will also use that opportunity to ask questions about the child abuse unit. This issue can be dealt with in other ways. It should not be used as a vehicle for political grandstanding.

Labor Party members may be a bit touchy about having been sidelined, and this may even put them out for the season, but, as I have said, the work that the child abuse unit does and the pressures that it comes under in doing that work is critical, and it should receive the support of members of Parliament rather than have its work abused by certain members of Parliament who are attempting to advance their political cause. For those reasons, the Australian Democrats will not support this motion.

HON KEN TRAVERS (North Metropolitan) [2.14 pm]: I thank Hon Norm Kelly for his advice, but the issue with which we are dealing today is the accountability of this Parliament and the ability of members of this Parliament to ensure that they can keep a good check on what is taking place within the State and within the administration of government in this State. Hon Norm Kelly was right in one respect: Regardless of whether this motion gets up, the issue of the administration of the child sexual abuse unit will not go away. It will be addressed.

I will try to stick to the motion - and I am sure you will make sure that I do, Mr President - about why we need a Select Committee of Privilege on this issue, which is the need for Ministers and members of this place to ensure that the answers and the information that they give to this Parliament are correct.

I was amazed to hear the Attorney General's response in this place this morning, because that response was very different from the response that we received on Tuesday when this matter was debated, when the Attorney General said that everything was fine in the child sexual abuse unit. That was the spin that the Attorney tried to put on this issue at that time.

Yesterday, Hon Nick Griffiths outlined to this Parliament two areas where that speech was wrong. More importantly,

we need to put that in the context of the speech which the Attorney General gave after his briefings. I accept the Attorney General's comment yesterday that some of the information that was provided to him might be incorrect.

Hon Peter Foss: The first lot was correct.

Hon KEN TRAVERS: I am happy to go through that issue, and I hope that with the indulgence of the President I can put that statement into some context. It was not just a little mistake made by the Attorney General. The Attorney General tried to suggest this morning that the Leader of the Opposition had missed out the word "surviving" when talking about the oldest surviving member. It was not as though the Attorney had just missed out one word in the process or had made one statement that was slightly wrong. We need to take the statement in the total context. The Attorney General's speech was not just about secondment. He said -

Hon Barry House: You are seeking to quote from the uncorrected version of *Hansard*.

Hon KEN TRAVERS: Yes.

Hon N.D. Griffiths: And the Attorney has not disputed it. In fact, he has endorsed his comments.

Hon KEN TRAVERS: If what is in the uncorrected version is wrong, I invite the Attorney General to point that out to me.

Hon Peter Foss interjected.

The PRESIDENT: Order! Hon Ken Travers should speak to me; I will not interject, and he will be able to be heard in silence. Other members were heard in silence.

Hon KEN TRAVERS: I quote from page 6 of the uncorrected *Hansard* of Tuesday, 26 May, where the Attorney states -

It has the people it requires. It has the resources it requires. It is immune from being plundered by other areas to meet flexibility requirements and it is carrying out its responsibilities.

The Attorney stated at page 4 -

This is one of the few units which is not required to supply people to other units when there is an extra demand. Most other units are subject to that requirement.

One would assume from those statements that this area had the full quota of 20 staff at all times.

Hon Peter Foss: Assume whatever you like. The statement was correct.

The PRESIDENT: Order!

Hon KEN TRAVERS: That is the impression that we were given. The other issue was that no-one was on secondment.

Hon Peter Foss: Where is that statement?

Hon KEN TRAVERS: It was about the issue of secondment of that unit's officers; and that is what the motion refers to. The Attorney was saying to us -

Hon Peter Foss: Read my statements!

The PRESIDENT: Order, Attorney General! We cannot turn this into a Committee stage with cross-Chamber chatter. The member is entitled to put his point of view. I call on Hon Ken Travers.

Hon KEN TRAVERS: I would like to quote from page 15 of the report. We were given the impression that staff were never taken away from the unit -

Point of Order

Hon PETER FOSS: My problem is that this is a proceeding against me. I have responded to the accusation made against me. However, rather than being content to quote from my speech - and he must do that if he seeks to say that I have said something wrong - Hon Ken Travers is interpreting my speech. It is not appropriate to allow that form of interpretation, leaving me to say only that he should have quoted me. He should quote my words rather than interpret them.

The PRESIDENT: The Attorney General has made the point. He has informed the House of his point of view. It is not a point of order. The member is entitled to interpret what the Attorney said. He may be right; he may be wrong. Only the House can judge that, in due course.

Hon Bob Thomas interjected.

The PRESIDENT: Hon Bob Thomas will come to order! Hon Ken Travers should confine his remarks to the motion. He should speak directly to me, so that there will be no need for interjections.

Debate Resumed

Hon KEN TRAVERS: I refer again to page 4 of the uncorrected *Hansard*, where Hon Peter Foss stated that this is one of the few units which is not required to supply people to other units when there is an extra demand; most other units are subject to that requirement. At page 6 he states that it has the resources that it requires; it is immune from being funded by other areas to meet flexibility requirements; and it is carrying out its responsibilities. That statement by the Attorney General was as clear as mud.

I now quote from page 15 of the document tabled by the Leader of the Opposition on Tuesday, which reads -

The current Officer in Charge is seconded away indefinitely on Operation Shoalwater, with one vehicle from this office. One receptionist position is still vacant within the Unit and one investigator's position is waiting to be filled. Six Interviewing Officers have been seconded from Metropolitan Districts for a period of 12 months and are due for transfer back to those Districts in April 1998. We anticipate that they will be replaced by untrained interviewing Officers. These officers have been vital as all experienced Interviewing Officers have been transferred or are on maternity leave awaiting transfer.

Page 17 of the report reads -

In April 1997 the permanent Interviewing Officers still attached to the Unit, were able to personally provide each of these trainees with on the job training. However, in April 1998 this Unit will not have the experienced officers to train them and will be relying on detectives to do this training, when they themselves are not experienced in the field of interviewing children.

It is clear that for the child support unit the problem is staff - whether they are seconded into or out of the department - and it must be addressed. Members should recall the context in which the Attorney General's speech was delivered. He was shooting the messenger; he was saying that there was nothing wrong at the child support unit; everything was okay and working well. The unit had the necessary resources.

I turn again to page 4 of the uncorrected *Hansard* of 26 May where the Attorney General said -

The Leader of the Opposition is wrong in saying the unit is not following up matters of its own accord. The unit is doing that, and in a sensible way.

However, the tabled report highlights the fact that the unit is so understaffed, and in such a dangerous way, that it cannot carry out any proactive work. The unit cannot fill those positions. The motion moved by Hon Nick Griffiths contains the words -

. . . the implementation of relevant Wood royal commission recommendations . . .

I turn now to page 6 of the uncorrected *Hansard* where the Attorney General states -

Most of the things recommended by the Wood royal commission that need to be done are already happening, and were already happening in Western Australia.

The document tabled by the Attorney General this morning reads -

With respect to paedophilia, 140 recommendations were made in the Wood royal commission.

The issues identified as impacting on the Western Australia Police Service have either been addressed or are in the process of being addressed. Since the response to the report was completed in January the Child Abuse Unit has met with 21 government or non-government representatives in an effort to address and resolve the issues identified. This is an ongoing process.

41 recommendations were initially found to be relevant to the Western Australia Police Service.

WAPOL Working Party formed to assess these 41 recommendations.

Of these 41 recommendations to be addressed -

6 recommendations already in place.

3 recommendations reconsidered - not now relevant.

5 recommendations were sent for response by other agencies.

27 recommendations left to be addressed by WAPOL Committee.

These 27 recommendations encompass the categories of training, resources, human resource management, joint agency response, interagency information exchange and legislation.

a number of these may be covered by existing legislation and policy.

That indicates that everything has not been sorted out. Matters may have been considered, but not since the response to the report was completed in January.

This morning the Attorney General did not confirm his statement that everything was okay, or that most of the recommendations by the Wood royal commission were already being attended to in Western Australia. He left it open, on the basis that he may have been misled. I accepted the comments by the Attorney General that he would not knowingly mislead this place. I know that it is the case.

Hon Derrick Tomlinson: So you will not support the privilege motion!

Hon KEN TRAVERS: I will, for one simple reason: What other process is available to members to ensure that they receive accurate information; that a briefing given to the Attorney General and relayed to this House is not a snow job? Even if we accept that the misleading was unintentional, and it is not a matter for the committee of privilege to show intent by the Attorney General, where would we go? How do we hold the State accountable?

I recall the days when this place was controlled by members opposite, and we on this side were in government. Members opposite would complain about the actions of the then Government -

Hon Derrick Tomlinson: You weren't here!

Hon KEN TRAVERS: I recall the situation because I followed the debates. I do not claim to have been here. Members opposite held control but they did not exercise that control; they sat back and did nothing. I will not sit here and do nothing, and later try to claim that the wrong thing was done, because I am in a position to do something.

The PRESIDENT: Order! I do not understand how those comments relate to whether a Minister has misled the House, or has been provided with false information. The motion invites the House to establish a committee to inquire into and report on various matters. The member must discuss those matters only.

Hon KEN TRAVERS: Mr President, yesterday Hon Nick Griffiths put a prima facie case in support of the misleading of the House. Even if members accept that the misleading by the Attorney General was not deliberate, that perhaps the Attorney General was given misleading advice by other people -

Hon Derrick Tomlinson: It is not a matter of privilege.

Hon KEN TRAVERS: It is - if the information was misleading -

Hon Derrick Tomlinson: The accusation is that the Attorney General misled the House. If the accusation is that he received the wrong information which was misleading, this is the wrong avenue in which to pursue that. You just said it is.

Hon Tom Stephens: We do not know whether that is the case.

The PRESIDENT: Order! It is not for me to give anyone a lesson in procedure. However, it is my duty to say that as has already been explained, Hon Ken Travers knows there are other options because they were relayed to him today.

Hon KEN TRAVERS: Thank you, Mr President. I expect a privilege committee would examine whether the Attorney General misled this House. Hon Nick Griffiths has given a prima facie case for that. During an investigation I expect a committee to find out how and why the Attorney General misled this House. I am not trying to cast aspersions against the Attorney General by accusing him of providing false information deliberately. I hope a privilege committee will find out whether this House was misled and why and how it was misled. That is obviously because of the words uttered by the Attorney General, but why did he utter them? No doubt he received advice to that effect.

It is a simple case. If we want to ensure that this House can properly scrutinise the activities of government in Western Australia we must be sure that the information brought into this House is accurate and correct. Hon Nick Griffiths has put together a prima facie case that the information provided was misleading. I could probably find in the speech of the Attorney General another four or five areas that were misleading.

Several members interjected.

The PRESIDENT: Order!

Hon KEN TRAVERS: I am not one to jump straight into seeking a Select Committee of Privilege when a Minister misleads the House.

The PRESIDENT: Order! There is too much conversation.

Hon KEN TRAVERS: I understand the seriousness of calling for a privilege committee. During an adjournment debate about two weeks ago I raised a matter about what I felt was misleading information provided to the House by the Minister for Transport concerning contaminated soil on the Northbridge tunnel site. I still believe the information was incorrect. I raised it at that time to give the Minister an opportunity to provide a reason for his providing incorrect information to the House in answer to parliamentary questions. I still have not had a response from him. The fact remains that an answer that was misleading in that respect is still on the books.

I understand the significance of moving a privilege motion in this capacity. I do not think that every time someone makes a misleading statement in the House he should be hung, drawn and quartered for it. However, when someone in a speech tries to shoot the messenger and says that nothing is wrong in the police child abuse unit, and that everything is fine and in accord with all the Wood royal commission recommendations when in the meantime we have a document listing all the problems, it is not an isolated little mistake; it is a clear attempt to mislead this Parliament about what is occurring at the police child abuse unit.

There is probably nothing more important for members of Parliament than making sure children are protected from child abuse. I have had my house broken into and at the time it was disturbing. However, one moves on from that experience. I have been involved with constituents who have had to deal with their children facing up to child abuse. It is crucial they are protected and that when they report the case they are treated promptly, efficiently and in a manner that will allow them to get justice.

The PRESIDENT: Order! Hon Ken Travers is moving away from the motion. What he is saying on the subject matter is very important. However, this is not the time to be discussing the issues. We are dealing with the motion before the House; that is, to establish or not to establish a Select Committee of Privilege.

Hon KEN TRAVERS: I was emphasising the importance of addressing child abuse and that is why a privilege committee has been proposed in this instance.

The PRESIDENT: I realise that, but Hon Ken Travers took so long to get around to the point he made that he was straying too far.

Hon KEN TRAVERS: Thank you, Mr President. It is an absolutely crucial area of government administration. It is one in which we must be absolutely sure that the information provided to this House is correct. We cannot be sure of that at this stage. That is why we must support the motion.

Hon Tom Stephens: Hear, hear!

HON LJILJANNA RAVLICH (East Metropolitan) [2.37 pm]: I support the motion moved by Hon Nick Griffiths. Given the urgency of the matter, this motion calls for a report by no later than 25 June. That indicates a fairly expedient process. This matter is of such urgency that we do not want to waste months going through parliamentary question time and other processes which may be available to us but which would not be as efficient.

The committee would be appointed to inquire and report no later than that date because of the urgent nature of the situation. We believe that the Minister has misled the House but we want to ascertain the extent to which the information was misleading or false. More important, the committee will be able to send for persons, papers and records so that we can get to the bottom of the matter. It is reasonable that those matters are put before the House, particularly given this House is so preoccupied with accountability.

I am preoccupied with accountability. Yesterday I expressed my dissatisfaction at not being able to make this Government accountable for much of what it says and does. If we were to believe this Government, everything is going along hunky-dory and Western Australia is in a great state of affairs. The bottom line is that major problems exist in the police child abuse unit.

Hon Derrick Tomlinson: How do you know?

Hon LJILJANNA RAVLICH: What a silly question. Blind Freddy need only open one page of this report to find out. Hon Derrick Tomlinson should read it.

Hon Derrick Tomlinson: You are relying entirely on that report.

The PRESIDENT: Order! Hon Ljiljanna Ravlich should take her seat. So far we have not had outbursts like that from Hon Derrick Tomlinson, and other members have been able to hear the speaker on his or her feet. I ask him to exercise some control so that we can hear the speaker in silence. Equally, Hon Ljiljanna Ravlich's entering into a debate with Hon Derrick Tomlinson, both having loud voices, does not assist the Chair at all. I would be most obliged if she addressed her comments to me.

Hon LJILJANNA RAVLICH: I apologise to you, Mr President. In response to how I know that we were given misleading information, apart from going through a range of survey data that I revealed in this place yesterday, I neglected to bring to this House some other important information on survey data which indicates just how urgent is this matter and why it is important we present a report prior to 25 June 1998.

I refer to the document titled "Response to Recommendations and Issues Raised on Child Abuse Investigation by Wood Royal Commission into New South Wales Police Service (the Paedophile Inquiry) and the Implications to the Western Australia Police Service".

I will refer to that document because I want the member to understand how I know there are problems. One of the questions was -

Do you feel that senior management understands fully what your role is within the Unit?

The report indicates that 100 per cent of respondents replied "No." They were also asked -

Do you think that your work is being appreciated by senior management?

The report notes that 100 per cent said "No." The questions went on -

Do you think that senior management feels "uncomfortable" with the problem of child abuse?

All the respondents said "Yes." The final question was -

If you answered yes -

Do you think that senior management is therefore less likely to support the unit?

Again, 100 per cent said "Yes." How do I know there are problems? This report smacks of problems along the lines that I have just outlined and also in respect of funding and a whole range of other matters.

We have before us a motion about accountability in this place. I was personally very dissatisfied with the Attorney General's responses yesterday. I do not want to go into them in great detail because they have been addressed. The Attorney General said that if we do not like the responses we get we can ask questions and the Government will answer them. The Government's record has not been good in that regard.

Hon Kim Chance: Put it on notice and we will ignore it!

Hon LJILJANNA RAVLICH: I will bring another issue to the attention of House because I am still hurting about it. I have 18 questions about government contracts on one Supplementary Notice Paper. They have not been answered. This Government talks about accountability and members opposite tell me to put questions on notice and to ask questions in the House. They have to be kidding! They must think I have nothing better to do on the weekends than write questions so that they can ignore them. What a disgrace!

Even though the Attorney General understands the importance of the proper use of parliamentary questions, he does not seem to be able to deliver the goods. On Thursday, 9 April 1992, the Attorney General moved the following motion -

That this House considers that under the system of responsible government a Minister owes a political duty to Parliament to answer proper parliamentary questions which relate to information which the Minister has or which the Minister has the authority to obtain and that the attainment of the aims of accountability is dependent upon the proper operation of Parliament and upon the proper use of parliamentary questions in particular.

Hon Peter Foss: I agree totally.

Hon LJILJANNA RAVLICH: If the Attorney General agrees, there should be a 110 per cent improvement in the Government's responses to members of the Opposition who raise matters of urgency and importance on behalf of their constituents.

Hon Peter Foss: We have the best record of any Parliament.

Hon LJILJANNA RAVLICH: The Government's record is appalling. To not answer 18 questions is an absolute disgrace.

If the Democrats or anyone else think that they will sway the ALP by saying that this is an inappropriate course of action and that we should not be seeking this outcome - a determination and access to proper documentation and the people to whom we need to speak to find out what is going on - they should think again.

I will now address a number of issues raised by my parliamentary colleague Hon Norm Kelly. I am very surprised at the Australian Democrats' position on this matter. I am disappointed, but more for them than I am for myself. That political party has two members. It was established on the foundation of accountability. We have before us a motion about accountability and Hon Norm Kelly has said it is too hard and the Democrats cannot support it. I am disappointed because the interests of Western Australian children have been traded off for the Democrats' political ambitions.

The PRESIDENT: This is not an attack on any particular party: It is an opportunity for the member to convince the House why it should or should not establish this committee. I ask the member to focus her remarks on the motion.

Hon LJILJANNA RAVLICH: There is no issue in my mind of greater importance than the protection of Western Australian children from assault, and sexual assault in particular.

I do not agree with Hon Norman Moore. I do not see any other option. Members of the Opposition cannot ask a series of questions about a matter as serious as this -

Hon Peter Foss: What about a standing committee?

Hon LJILJANNA RAVLICH: It would not be addressed by a standing committee for a long time.

Hon Peter Foss: Why not?

Hon LJILJANNA RAVLICH: We want an inquiry that reports back within a month. I gave notice of a motion requesting an inquiry into WorkSafe Western Australia three or four months ago and it is still No 15 on the Notice Paper. We want a speedy resolution.

Several members interjected.

Hon LJILJANNA RAVLICH: I am finding it very hard to talk.

The PRESIDENT: I am finding it hard to listen. Hon Ken Travers and the Attorney General will cease their cross-Chamber chatter. They are drowning out the speaker.

Hon LJILJANNA RAVLICH: That is an achievement in itself!

A standing committee would take too long and such a course is inappropriate. We need a speedy resolution of this issue. We should have some determination about the extent to which the information provided by the Attorney General was misleading or false. The committee would have the power to question the appropriate persons and call for papers and records to make that determination. I object to the comment that if the ALP were serious it would have taken the issue to the Estimates Committee in another place. There would be three hours of questioning in the other Chamber and there would be no power to send for persons or undertake a comprehensive investigation. I do not believe that three hours is sufficient time to deal with this matter comprehensively. I fully support the motion.

HON E.R.J. DERMER (North Metropolitan) [2.49 pm]: I support the motion moved by my colleague, Hon Nick Griffiths. I do so out of a sense of duty.

Hon Peter Foss: We know that.

The PRESIDENT: Order, members!

Hon E.R.J. DERMER: It is a duty that I share with all members of the House. It is a duty to my constituents and the people of Western Australia. It is a duty to ensure that the Government of Western Australia is accountable to the people of Western Australia by way of this Parliament. This Parliament is respected for honest dealing and, as such, is the linchpin of our democratic system of government. All members have a duty to ensure that the Executive of the Government is answerable to the people and answerable by way of us. No matter to which party we belong, our duty is to ensure that advice given by a Minister - in answer to a question or in a speech or a ministerial statement - is sound. Whether advice in any particular instance is sound or not -

Hon N.F. Moore: The same thing also applies to members giving information.

Hon E.R.J. DERMER: - needs to be thoroughly examined. Hon Nick Griffiths has proposed a Select Committee

of Privilege for the purpose of examining the veracity of advice we received this week from the Attorney General. That purpose is core to our role as members of Parliament. That is why I am supporting this proposal.

I have spoken of the duty to demand accountability on behalf of the people of Western Australia. Reference to the historical records shows that the Attorney General of Western Australia clearly understands this duty. He understands every facet of this duty. As he has that understanding, he has a responsibility to live up to that duty, just as I understand my duty and that of every member of this House is to demand that level of accountability from Ministers. I know that the Attorney General understands his duty to give valid advice and information to the Parliament. How do I know that? I do not claim to know the Attorney General particularly well. I know that because I can look at his own words in the *Hansard* record of 9 April 1992. Hon Ljiljanna Ravlich has already made reference to them. I take the time of the House to examine these words because they so clearly illustrate how thoroughly the Attorney General understands this duty of accountability. Correspondingly, if someone understands something thoroughly but fails to respect it there is a degree of culpability engaged in that understanding and that failure to respect that understanding. On 9 April 1992 the Attorney General moved the following motion -

That this House considers that under the system of responsible government a Minister owes a political duty to Parliament to answer proper parliamentary questions which relate to information which the Minister has or which the Minister has to authority to obtain and that the attainment of the aims of accountability is dependent upon the proper operation of Parliament and upon the proper use of parliamentary questions in particular.

Obviously the motion refers to questions. However, the principle of ministerial accountability relates no less to other statements or contributions to debate made in this House than it does to questions. Hon Peter Foss went on to say -

For reasons I have outlined, it is important from time to time that members examine the role of the Parliament. As the Opposition intends to be in Government after the next election, it is a mark of good faith and intention on our part that we do not just attack the Government and accuse it of not carrying out its duties properly. We are committing ourselves in this House to saying what we believe is the proper behaviour. We do so with the full knowledge and intent that if the behaviour described in the motion is not matched by our behaviour in Government, it can be thrown in our faces.

As tempting as it may be, I have no intention of throwing the words of the Attorney General in his face. I am here to exercise my duty to demand accountability. I remind each of my colleagues in this House of their duty to do the same. I do this because the accountability demanded by the Parliament of Ministers of the Crown is the basis of our democratic system. Respect for that accountability gives the people of Western Australia confidence in this Parliament and confidence in the Government.

It is said that there is human fallibility. Of course, that is the case. Occasionally members make errors in their contributions to this House. We had an interesting historical discussion earlier about the various ages of Ministers in the Tonkin Government. If I had time, I could spend long hours discussing that matter, but it is not an important matter of state. Hon Norm Kelly referred to typographical errors. They will occur and that is why we have this sensible process where we can check the *Hansard* records and have them corrected. Those issues are a million miles from the point of this debate. This debate is about matters of substance. Ministers of the Crown in Western Australia should be accountable to the Parliament and through this Parliament to the people of Western Australia for their responsibility on essential matters.

Mr President, as much as I rack my mind I cannot think of one single area of state government responsibility of greater importance than the defence of the children of Western Australia. I know Hon Nick Griffiths well. He believes we may have received flawed advice from the Attorney General. He would not have put this proposal forward if the matter at issue had not been extremely grave. We read in *The West Australian* editorial this morning -

As a community we give the highest priority to the protection of our children . . .

It is a natural community aspiration to put the very highest priority on the protection of children. It is our duty to put the very highest possible priority on the protection of children. We are not talking about some interesting academic question of history that may have been incorrectly reported in the House or some minor typographical error. We are talking about the matter of highest priority to the people of Western Australia.

In the sense that we have a duty to protect the Parliament as the institution which is the linchpin of our democratic system, we have a duty to demand accountability from Government Ministers. That duty can never be higher than it is with respect to the protection of children. This is a most grave matter and that is why my colleague, Hon Nick Griffiths, has put forward this proposal. As members of Parliament it is our duty to the people of Western Australia and under the Westminster system - which we have been fortunate to inherit - to insist on accountable advice to this House from Ministers of the Crown.

Hon N.F. Moore: Equally we insist that members of the Opposition tell the truth in what they say.

Hon E.R.J. DERMER: It has been suggested that we have ample opportunity to ask questions of Ministers of the Crown in this Parliament. Of course, that is one of the most important functions of this House. I would be pleased to see that opportunity extended. I believe that the half hour we have each day is grossly inadequate.

Hon N.F. Moore: Hang on a minute! That was brought in by Joe Berinson, who sat here.

Hon E.R.J. DERMER: The practice of this Government of suggesting that questions be put on notice when plainly they could be researched and answered with no notice -

Hon N.F. Moore: In the half hour that the House gives us? The Opposition will get less from now on I assure you.

Hon Tom Stephens: That is right.

Hon E.R.J. DERMER: - is an attempt by this Government to avoid making itself fully accountable to the Parliament. I am happy to ask many questions. Hon Norm Kelly has suggested that this is a way to resolve this problem. I would be happy to ask many more questions if I had the opportunity to do so and could get an answer in reasonable time. How long can we pursue asking questions when the issue at stake is the defence of children? How long do we have to wait for those answers? Parliamentary questions are of great importance, but it is better for us to be able to ask one parliamentary question and be sure that the answer we receive is correct than to ask many thousands of parliamentary questions and have a question mark over the veracity of the answers we receive.

Hon Ray Halligan: It depends on the subject matter.

Hon N.F. Moore: I think that comment warrants a select committee.

Hon Max Evans: I do too.

Hon E.R.J. DERMER: That question mark in the minds of the people of Western Australia will undermine their confidence in this essential institution. It is our duty as inheritors of the Westminster system, and as the representatives of our constituents, to insist at every opportunity on the veracity of the input of Ministers into this Parliament by whatever means, whether it be questions, debate or whatever. It has been suggested that this is a Labor Party exercise. Quite naturally -

A member interjected.

Hon Tom Stephens: That is a disgraceful comment.

Hon Ljiljana Ravlich: It is a disgraceful comment.

Hon E.R.J. DERMER: As a member of the Opposition providing the essential balance of our Westminster system, it is our duty to demand veracity of input of Ministers into this place. It may be my duty as an Opposition member, or a representative of the people of the North Metropolitan Region. No less is it the duty of every member of this Parliament, regardless of what party they happen to belong to.

Their first duty must be to their constituency and to the institution of Parliament. Part of that duty is to demand veracious answers from Ministers - answers that can be relied upon, answers that we can take back to our constituents and tell them with confidence, "This is the answer from the Minister. Our Parliament has a reputation for speaking the truth; therefore I can give you this answer in confidence." There is now a question on that confidence; that question must be tested.

Hon N.F. Moore: There is no question about that at all.

Hon E.R.J. DERMER: The avenue for testing what the Minister has said to us -

Hon N.F. Moore: Let us have a vote on it.

Hon E.R.J. DERMER: The avenue for testing what the Minister said to us is best pursued by the proposal put forward by Hon Nick Griffiths. We have that responsibility to the Parliament, to our constituencies, and to democracy. We have the responsibility that has often been said by politicians -

Several members interjected.

The PRESIDENT: Order!

Hon E.R.J. DERMER: We have the responsibility often quoted by politicians in Australia - Hon Don Chipp comes to mind - and I will paraphrase because I do not wish to use the actual words. Hon Don Chipp frequently said that as a member of the upper House in our federal Parliament, his role was to keep Ministers honest; not his exact word,

but a word I would rather use in this House. I have the utmost respect for Hon Don Chipp, a man who has a clear appreciation for the finer points of the Westminster system of Parliament.

Hon Tom Stephens: That party has had some great leaders.

Hon E.R.J. DERMER: I have the utmost respect for Hon Don Chipp and I would like to use his words to remind every member of this House of their duty to insist on honest and accountable government in Western Australia on behalf of the people of Western Australia.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.03 pm]: This matter is not about party politics.

Hon N.F. Moore: Because half your party did not know what you were doing.

The PRESIDENT: Order! Let us get the ground rules settled once and for all. The Leader of the Opposition will be given an opportunity to speak in silence like every other member has, within reasonable terms. Some members might not like the way it is handled, but I believe this is a serious motion. Each member is entitled to be heard in relative silence. I say to all members: please do not interject. That the debate has gone on for an hour or so does not make it any less serious.

Hon TOM STEPHENS: A number of spurious arguments have been introduced to defeat the carriage of this motion to establish a Select Committee of Privilege. I will deal with a couple of those at the start of my comments. I recognise that we on this side of the House exist as three separate parties. Each issue that comes before us rises or falls on its merits so far as the Australian Labor Party is concerned; that is, we do not trade across issues. We are committed to accountability, and are committed to ensuring that the people of Western Australia have their interests protected through the processes available in this House. I am well aware that the Democrat member, Hon Norm Kelly, has unleashed what can be construed as an attack on the Australian Labor Party in his comments on this matter. I take the opportunity of responding, not in kind with an attack on the member, although I think that opportunity as the member knows would be well and truly open to me in view of our discussions this week on a number of issues.

Hon Norm Kelly interjected.

Hon TOM STEPHENS: Would the member like me to enter into those?

The PRESIDENT: Order! The Leader of the Opposition is to address the motion before us.

Hon TOM STEPHENS: More importantly, I shall put to the House the point I put to the Democrats and the Greens (WA); that is, there is an important question of principle that is above party politics in this debate.

Hon N.F. Moore: You would not recognise it if you saw it.

The PRESIDENT: Order! Leader of the House.

Hon TOM STEPHENS: That important question of principle has been well and truly articulated in this place by none other than Hon Peter Foss prior to his arrival on the Treasury benches.

Hon Peter Foss interjected.

Hon TOM STEPHENS: When he left the question of principle behind and took on a new mantle.

Point of Order

Hon PETER FOSS: To say I am unprincipled is not permitted by this motion.

The PRESIDENT: Is the Minister saying that the word unprincipled is offensive?

Hon PETER FOSS: The Leader of the Opposition said I have left my principles behind. I think that is offensive.

The PRESIDENT: I have listened to a lot of debate in this place, some meek and mild and some very robust. If the Minister complains that remark is offensive to him, I will ask the member to withdraw it, but that would be a first. I do not see there is a point of order.

Debate Resumed

Hon TOM STEPHENS: The important issues before us are many. I will say what is not before us is the Labor Party pursuing its party political interests.

Hon N.F. Moore: I know because it is you and Mr Griffiths.

The PRESIDENT: Order!

Hon TOM STEPHENS: The Minister has already had on display to him -

Hon N.F. Moore: Your other members did not know about it.

Several members interjected.

The PRESIDENT: Order! Leader of the House. I am asking the Leader of the Opposition to direct his comments to me. If the Leader of the Opposition looks at me, that will be helpful.

Hon TOM STEPHENS: Mr President, I will look at you and you will know that I took the opportunity of not interjecting very many times at all during the process of this debate.

The PRESIDENT: Order! It is a serious matter.

Hon TOM STEPHENS: I will mention a couple of issues to the House. One of the issues raised by Hon Nick Griffiths by virtue of the argument in support of this motion was this: The uncorrected version of *Hansard* is not disputed as an accurate presentation of the speech of the Attorney General, although the question was raised as justification for the Democrats not supporting our motion. Nonetheless, the Attorney General has not suggested that there is any error in regard to the record in the uncorrected *Hansard*; yet a member of the Democrats chooses to draw on that argument as a basis by which he may not proceed -

Hon Norm Kelly: One of many arguments.

Hon TOM STEPHENS: One of many arguments? I will deal with all of them! I am trying to persuade the honourable member. I want to cajole him as well as persuade him. There are others opposite whom I think I can persuade as well.

Several members interjected.

Hon TOM STEPHENS: However, at the moment I want to deal with the argument put forward by Hon Norm Kelly. Can I at least encourage that member through you, Mr President, to drop that argument from his armoury because not even the Attorney General is using that as a basis upon which this motion should not be dealt with.

I also say to the member that if he is concerned that the document I tabled on Tuesday was nothing more than a photocopied extract, then this House can appoint a Select Committee of Privilege which could obtain the original document and ascertain whether the photocopy that I have tabled is an accurate photocopy of the document, minus the two appendices that I deliberately removed.

Hon N.F. Moore: I thought you would have checked that before you brought it here.

Hon TOM STEPHENS: I have no doubt about the authenticity of the document for a number of reasons. The doubt has been raised by Hon Norm Kelly that this photocopy might be the basis upon which he might not support this motion. However, if the motion is carried, the privilege committee could assess whether this photocopy is an accurate copy of the original document, which nobody else holds in dispute.

Hon N.F. Moore: Did you talk to the author?

Hon TOM STEPHENS: I endeavoured to speak to the author at the beginning of the week. I rang the child abuse unit and got an answering machine that stayed on the line for so long that I ran out of time. However, something else of more interest to the House in this debate is that - I am very sorry to see the situation with which I am now faced because there are members whom I am trying to persuade -

Hon N.F. Moore: You have driven them out.

Hon TOM STEPHENS: To anyone who misses this argument, this is one of the critical things I want to say, because this is fresh information that I have not yet had the opportunity to share with my own colleagues. This information came to me from police sources over lunch; in fact, I was with some of my colleagues at lunch and I was interrupted to take a message which led me to ring the child abuse unit to speak to the officer in charge. I took that opportunity of speaking to the officer in charge. I do not know whether the Attorney General has had that pleasure.

Hon Peter Foss: No, I have not.

Hon TOM STEPHENS: I now have. I have also taken the opportunity, following that conversation, to ring the Commissioner of Police's office. I put to him, via his staff in his office, a very serious accusation which, if correct, by itself would be justification for this motion to be carried.

Hon Peter Foss: What did they do?

Hon TOM STEPHENS: I will deal with that in these ways. In the letter that the Attorney General used as his defence today in the House he supplied yet again an item from the assistant commissioner's office which read -

An internal direction was given to OIC Personal Crime Division that officers attached to Child Abuse Unit did not have to supply people to other units when there was extra demand.

Then the letter went on, from which the Attorney General quoted, to say -

The one exception was the secondment of Detective Senior Sergeant Millar who was seconded to head the Shoalwater Taskforce, an investigation into the murder of 11 year old Gerard Ross.

The letter went on to say -

Two officers were assigned to investigate paedophiles or persons suspected to be paedophiles in the Rockingham area from 17 October to 2 November. However, these officers were not assigned to the Taskforce unit.

I draw the attention of this House again to the comments made on Tuesday by the Attorney General -

This is one of the few units which is not required to supply people to other units when there is an extra demand. Most other units are subject to that requirement. It is immune from being plundered by other areas to meet flexibility requirements and it is carrying out its responsibility.

This is the question that I endeavoured to put to the Police Service today -

Can the Commissioner of Police assure me before I walk back into this debate to rise to speak on this question that no other officers of the child abuse unit have been utilised for any other police operations and taken away from that unit?

When I endeavoured to put that question to the head of the child abuse unit, he quite rightly indicated that he would not be able to answer my question. However, the Commissioner of Police's reply, as it was relayed to me, was that he is not in a position to give me that assurance. He said to me also that I would have to go through the -

Hon Peter Foss: He obviously likes to check the facts so that he can understand the question, given the way the Hon Tom Stephens reacts.

Hon TOM STEPHENS: Be patient. Police sources have provided to me -

Hon Peter Foss: Is that the Commissioner of Police?

Hon TOM STEPHENS: No. Police sources today have provided me with an observation that in their view two police officers from this unit were made available at the Fremantle wharf during the recent dispute. That is what police sources have claimed to us today.

Hon Peter Foss: Name your source.

Several members interjected.

Hon TOM STEPHENS: That claim might be wrong.

Several members interjected.

The PRESIDENT: Order! Perhaps the member should be seated for a moment until members on both sides of the House stop interjecting.

Hon TOM STEPHENS: That claim may not be correct.

Hon Derrick Tomlinson interjected.

The PRESIDENT: Order! Hon Derrick Tomlinson has been asked to cease interjecting.

Hon TOM STEPHENS: That claim may not be correct; however, I have relayed a claim that has been made to me.

Hon N.F. Moore: Has the Leader of the Opposition checked the veracity of that claim?

The PRESIDENT: Order! The Attorney General and the Leader of the House.

Hon TOM STEPHENS: In this House of Review, we on this side, with the support of the Democrats and the Greens (WA), have an opportunity of holding this Government accountable in the process of claim and counterclaim. The

Democrats, in particular, claimed that their election to this place would bring about a new process of accountability for the Government in Western Australia. The government parties, when they were in opposition, said, "Elect us and we will ensure that the highest standards of accountability will be restored to the Treasury benches." There was claim after claim made by members opposite when they were in Opposition. Indeed, the biggest crime that a member of Parliament could commit -

Hon Norm Kelly: Can I ask the member a question?

Hon TOM STEPHENS: I will grant the member that courtesy but I might just say that that was a courtesy he was not prepared to make available to me during his speech.

The PRESIDENT: Order! I am the one who asks members not to interject. Members will understand that at times the Chair does give a little latitude so that it is not a totally one-sided debate. However, members, please observe the rules.

Hon TOM STEPHENS: On 17 September 1992, the current Premier, when Leader of the Opposition, said -

The most serious offence that we, as members of Parliament, can commit under the Westminster system by which this Parliament operates, is to either lie to or mislead the Parliament.

That is the assessment of the current Premier.

Hon Peter Foss: However, the Leader of the Opposition is misleading us.

Hon TOM STEPHENS: Is the Attorney General saying that the Premier said no such thing?

Hon Peter Foss: No. I am saying that the Leader of the Opposition has not even attempted to verify his information. How does he know?

Several members interjected.

The PRESIDENT: Order! Would the Attorney General and the Leader of the House let the Leader of the Opposition put his case so that the House can make a decision on whether it wants a committee established.

Hon TOM STEPHENS: Unlike the Attorney General, I read the report that I tabled in this place.

Hon Peter Foss: You have not read it.

Hon TOM STEPHENS: Has the Attorney General read it yet?

The PRESIDENT: Order! The Attorney General will not interject.

Hon TOM STEPHENS: This Attorney General cares nothing about these issues or about the principle involved. On this side of the House we do care about these issues. An important principle was articulated by none other than the Attorney General when he said that frequently when answering questions in relation to his own portfolio he has to rely on information given to him by others. It is quite right that he should do so. If he is not satisfied on the face of it that it is a reasonable answer, I am sure that as it is his own department he will go back to the officer and say that he finds the answer unsatisfactory.

There is more. On 9 April the Attorney General moved a motion and stated that a Minister owes a political duty to Parliament to answer proper parliamentary questions which relate to information which the Minister has or which the Minister has the authority to obtain and that the attainment of the aims of accountability is dependent upon the proper operation of Parliament and upon the proper use of parliamentary questions in particular. He was not isolating to question time the issue of ministerial accountability. He was indicating that was the overall principle upon which Ministers should operate.

In this case we have found that a Minister has come into this place and given the answer provided to him, as he has indicated to the House, in good faith. That question is not in dispute, nor is whether the Attorney General has subsequently corrected part of the record or even apologised in so far as the presentation of his argument might have misled the House. Mr President, you will be only too well aware, because you had a key role in this due to the nature of the seat you occupied at the time, that when another member in this place was faced with a very serious charge that he had done something to breach the privileges of this place - that is, to have run the risk of holding the Parliament in contempt - that member was charged with that offence. That member was charged and brought to trial on the floor of this place by a motion moved by the then Leader of the Government, the current President of this place. I was the member so charged. No matter how many times I apologised I was found guilty by this House. I stand today as a convict of this House, having been convicted of that offence by a vote cast along party lines. I was thrown out of this House with no regard to how many times in the process of that debate I apologised, like Hon Peter

Foss has done in the process of suggesting that he may have unwittingly or unknowingly misled the House. No matter how many times I apologised - like Hon Peter Foss has done - I was told to leave for four days. That was right in the middle of debate on the Land (Titles and Traditional Usage) Bill, for which I had carriage for members on this side of the House.

Hon Peter Foss: You are misleading the House now.

Hon TOM STEPHENS: It is not good enough for the Attorney General to utilise the processes to apologise in so far as he inadequately or inaccurately presented the facts to the House. His statement that he would be mortified if he had misled the House does not take away the substance of the complaint in the motion before the House.

Hon Peter Foss: Go and read the books.

Hon TOM STEPHENS: The motion before the House says to members that it is important in having these standards set for Ministers - even with this current Attorney General when he was merely a member of the then opposition party - that the standards be maintained.

The Attorney says "read the books". The books include the procedure that is available to us through sources like Odgers. Odgers states that to enable consideration of a matter of privilege to take precedence over other business it is important to establish whether the matter has been raised at the earliest opportunity, and this should be deemed to be the earliest reasonable opportunity.

Hon Peter Foss: I read that yesterday.

Hon TOM STEPHENS: Yet it is being argued that this motion should not be carried, because we could do this later if we found out there had been a breach of privilege. I have been in this House when that specific point of order has been ruled upon and a member who tried to raise a privilege matter was deprived of that opportunity because there had been a lapse of time between the original breach of privilege of the House and the attempt to raise the matter. Members should not fall for that one.

Hon Peter Foss: You can raise it; it is not under Standing Order No 155.

The PRESIDENT: Order! I assume that the Leader of the Opposition is not questioning the ruling that was given yesterday.

Hon TOM STEPHENS: Mr President, you would know me far too well for that.

All members of the parliamentary Labor Party are serious about this motion because it does two things: First, it endeavours to uphold an important question of principle.

Hon Barry House: You will have to wait for the vote.

Hon TOM STEPHENS: That may be the case, but their solid support for this motion goes without question.

Hon Peter Foss: Of course it does in the Labor Party.

Hon TOM STEPHENS: The second issue is that we will do all in our power -

Hon Peter Foss: Like you did in the Assembly yesterday?

Hon TOM STEPHENS: - to make sure that the children of Western Australia are protected no matter what negligence this Government engages in or how many devices it employs to try to protect the Attorney General.

Hon Peter Foss: Hypocrites!

Hon Norm Kelly interjected.

Hon TOM STEPHENS: Hon Norm Kelly stated that if were bone fide in this matter we would have raised it in the Estimates Committee hearings in the other place. We are the Australian Labor Party members in the Legislative Council and we are responsible as a unit for our activities in this place.

Hon Peter Foss: That is good one.

Hon TOM STEPHENS: As well, I am the leader of those members in this place and we are engaged in this process in this place because this is where the breach of privilege occurred. This is where we will sharpen the focus of all members, including the Australian Democrats, who allege they are committed to the principle of accountability.

Hon Norm Kelly interjected.

Hon TOM STEPHENS: I have taken the opportunity to check what was raised in the Estimates Committee, and in the short time since this was raised I have had a quick response from the opposition spokesperson.

Hon Norm Kelly interjected.

Hon TOM STEPHENS: If Hon Norm Kelly listens rather than rely on an utterly flawed argument he will learn. The members of Labor Opposition in the Assembly were faced with an Estimates Committee dominated by a large number of government back bench questions.

Hon Kim Chance: I wonder why?

Hon Ken Travers: What a surprise!

Hon TOM STEPHENS: That and the long answers that came from the police representatives diminished the opportunities that the Labor Opposition had during that hearing.

Several members interjected.

The PRESIDENT: Order! Members on my left are at times drowning out their own leader, and to compensate, members on the right seem to think they should join in as well. Time marches on.

Hon TOM STEPHENS: The members of the Labor Party of the Legislative Assembly in their estimates debate, in response to the point raised by Hon Norm Kelly, have said that a decision was made in the light of this issue being well and truly pursued in this place. That is entirely legitimate.

Hon Peter Foss interjected.

Hon TOM STEPHENS: The Attorney General is the bloke who wants to have two Bills in the place on the same issue.

Hon Peter Foss: That is what this is about - the abortion issue. It is a payback.

Hon Ken Travers: If that were the case I would not be supporting the Leader of the Opposition, but I am supporting him.

Hon TOM STEPHENS: I will not pursue that line.

Hon Peter Foss: You said it. It is in your speech, not mine.

Hon TOM STEPHENS: The answers would provide information that were already public.

Hon Peter Foss: Facile.

Hon TOM STEPHENS: I do not believe that the argument is facile.

Hon Peter Foss: Can I have a committee into that statement? See how you go with that one.

Hon TOM STEPHENS: Mr President, you may be aware of questions that have been asked in this House about the time that it takes to pursue graffiti complaints. The answer was that it takes something like three days to pursue a graffiti complaint.

Hon Ken Travers: He could not answer the question.

Hon TOM STEPHENS: That illustrates the point that we are not dealing with a trivial matter. If we compare the time taken to deal with child abuse complaints - to open the file or respond to the answering machine at the child abuse unit - with the time spent answering questions that deal with the issue of graffiti, the Government spends more time on what it sees as the high glamour political stakes issue. The protection of the interests of the children of Western Australia does not have the same priority. That is one of the things illustrated by virtue of the juxtaposition of what took place simultaneously between the two Houses.

I start to conclude my remarks by saying to members on the crossbenches -

Hon Peter Foss: Disgraceful! It was a pay-back for abortion; that is the abuse.

Hon TOM STEPHENS: By way of interjection by the Attorney General, the Labor Party leader is being accused of being involved in this motion as a pay-back for the abortion debate. I reject that absolutely and categorically. All members of my team reject that claim categorically.

Several members interjected.

Hon Peter Foss: They would not know; you didn't tell them.

The PRESIDENT: Order!

Hon TOM STEPHENS: The Australian Labor Party operates as an extremely democratic team in the upper House. This motion should be carried. We ask the Democrats to reconsider their position.

Hon Norm Kelly: Do you know how many questions were asked last night in the Assembly Estimates Committee?

Hon TOM STEPHENS: We ask the Democrats again to reconsider their position. All right - they might feel miffed that the document was leaked to us and that we tabled it and the Democrats did not have their day in the sun.

Hon Norm Kelly: That is a false accusation.

Hon TOM STEPHENS: That process was unleashed. I say to the Democrats: Consider each issue on its merits as members are responsible for holding the Government accountable. The Labor Party will pursue issues regardless of whether they might offend some non-government parties or whether they offend the Attorney General or the government frontbench or backbench.

Hon Peter Foss: What about your backbench?

Hon TOM STEPHENS: I know that some men and women of principle opposite are in this place to make a difference. They have said in this place that they want to protect the interests of the people of Western Australia, and some particularly want to protect the interests of children. I say to those members: We give them an opportunity to pursue this matter. By doing so, members will ensure that never again will departmental officers brief Ministers as badly as the Attorney General may have been briefed so that he misled this House. In misleading this House, the people of Western Australia are misled. That is why this notion should be carried.

HON J.A. SCOTT (South Metropolitan) [3.33 pm]: A proposition was advanced by Hon Norm Kelly that this debate is a waste of time.

Hon Norm Kelly: I did not say that.

Hon J.A. SCOTT: The member did - he said it was a "wastage of time"; I wrote it down at the time. I do not think it is a waste of time. We are dealing with a serious motion which surrounds a very sensitive and serious area of policing which is important to the community. However, we must be careful about breaking up what we are examining here. Hon Norm Kelly was wrong when he said the Labor Party was wasting time as he said questions could have been asked in the other House's Estimates Committee about this matter last night.

We are talking about, not so much the sensitive issue involved, even though it is raised, but the processes of this House. It is very important that we deal with those responsibilities very seriously. Members are supposed to ensure accountability. Certainly, Greens (WA) take that responsibility very seriously. We have been miffed about the standard of answers, misleading answers, the promise to table papers which are never tabled and so on. Indeed, we feel a problem arises in deciding how to deal with those issues. At one end, we have this mechanism of a privilege motion, which ultimately will see a member thrown out of Parliament if taken to its extreme. We also have adjournment debates which allow members to say something, but very little happens.

It was indicated to us earlier that the Attorney General is not interested in this matter going to a more central plateau; namely, a standing committee.

Hon Peter Foss: I have no objection to that at all.

Hon J.A. SCOTT: He has since indicated that that is not the case, as he did not want to be placed in a position in which he was trading -

Hon Peter Foss: No. I did not want to be seen to be plea bargaining. It could go to any standing or select committee you like. This motion is an abuse of the processes of this House.

Hon N.D. Griffiths: That is a reflection on the Chair.

Hon J.A. SCOTT: The Attorney did not let me finish. An impression was given to me that he did not want a standing committee to look at the matter under any circumstances. However, he relayed to me directly that he was not worried about it going to a standing committee; he was worried that the form in which it was presented made it look like he was a guilty party pleading for a softer line. It seems that the committee mechanism is still an option in this matter.

Hon Peter Foss: Definitely.

Hon J.A. SCOTT: At the outset, it was the level of process at which I would have liked this issue pitched.

Nevertheless, we cannot use that mechanism every time we are unhappy with answers we receive in this place. If such matters went to a standing committee and were dealt with in a reasonably strong way, perhaps we would see an improvement in the standard of answers. Maybe that would be the remedy. The problem is that we do not have the right mechanism pitched at the right level to deal with this problem.

Hon Peter Foss: The urgency debate was the wrong mechanism too.

Hon J.A. SCOTT: Such motions may not be resolved.

Hon Peter Foss: It was the wrong mechanism; it was definitely not the solution.

Hon J.A. SCOTT: We need in this House a mechanism which is not as strong as a privilege committee, or as time consuming as a standing committee, to deal with such matters quickly and to get our point across.

In this case - I do not know about my party colleagues - I do not think the Minister set out to mislead the House. However, a problem arose with the statements made. That happens pretty regularly in this place. I wonder why this case is any worse than some others.

Hon Peter Foss: Good question.

Hon J.A. SCOTT: I still think that it has been valuable to raise this issue to highlight that the accountability process is not working as well as it could in this House. We need another mechanism. Ministers need to lift their game. This problem causes frustration and results in a motion like this one before the House.

Hon Peter Foss: Do you know we are recorded as the best performing Parliament in Australia in terms of getting back questions?

Hon Ljiljana Ravlich: Do not sidetrack him.

Hon J.A. SCOTT: I did not hear the point. We see problems all the time in answers. I can think of one exactly allied to this type of issue; namely, a question I asked about juvenile sexual offences during the last Parliament. The police did not seem very interested in getting on with the investigation. Two years after the matter I asked a series of questions without revealing the victim's identity or doing anything which would cause a problem. The answer came back that my question could not be answered because the case was under investigation. Hon Mark Nevill had a whole series of questions in answer to which he was told the matter was under investigation.

Hon Kim Chance: It was on file for four years.

Hon J.A. SCOTT: Yes.

Hon Peter Foss: The problem with that matter is it took the Ombudsman four years of inquiry to try to find out the truth. He still has not got the answer. I would be very timorous about giving a definitive answer when he cannot give one.

Hon J.A. SCOTT: For us to have accountability we need a mechanism.

Hon Peter Foss: The Ombudsman is the mechanism, even if he does take time.

The PRESIDENT: Order! Hon Jim Scott has the floor.

Hon J.A. SCOTT: Even if we have some in-camera information, so that we cannot go out and blab to the Press, but we can be sure in our own minds -

Hon Peter Foss: I have done that with certain questions. I have gone round the Chamber and told the member what the situation is and said that I do not want it on the record. The problem with the case to which you referred is that the Ombudsman could not even tell me after many years of investigation, so how could I tell the House?

Hon J.A. SCOTT: That process relies on a Minister having a particular mind and being sure that the member he tells will not blab to the Press.

Hon Peter Foss: That was not the problem.

The PRESIDENT: Order! One of the problems I am faced with is that the mover of the motion in many cases is the one who seeks clarification by asking questions and sometimes interjects on other speakers because it is his or her motion.

I have been sitting here for a long time and clearly the mover of this motion, Hon Nick Griffiths, has not been interjecting. I just ask members not to interject. I do not say that in any way against the mover. It is amazing that the mover of the motion does not interject when everyone else seems to think it is his or her opportunity to interject.

The leader of the Greens, Hon Jim Scott -

Hon J.A. SCOTT: Thank you for my promotion, Mr President!

The PRESIDENT: Perhaps it will encourage the member to speak directly to me.

Hon J.A. SCOTT: I can see that I can get ahead quicker in that way!

I feel that we are stuck in a limbo land. We need to be able to address these sorts of questions because it is important that we have accountability and that we get proper answers and not be fobbed off with the statement that the matter is "commercially confidential" and all that rubbish. Until we get proper answers, we will not have the accountable system of Parliament of which the Royal Commission into Commercial Activities of Government and Other Matters and the Commission on Government talked and which the people of Western Australia have been trying to get for a very long time.

My colleagues and I have had a battle taking a position on this motion because of the inability to get these problems dealt with in a serious way and to be resolved rather than being talked about. There was some attraction in sending the matter to a Select Committee of Privilege so that it could be sorted out and some sort of message could be spelled out. However, that would be an unfair position, because in this case the Attorney General has not set out to mislead the House, which is what the motion is referring to. For that reason, I cannot support it. My colleagues have had a battle with this and have been wavering about it -

Hon Tom Helm: It is your leadership again!

Hon J.A. SCOTT: Yes. The question comes down to the principle of what we are asking here. The motion cannot have my support because it is not the right mechanism. It is a sledgehammer to crack a walnut. So many of these instances are happening all the time. I would like to see the House turn its mind to ensuring that we get proper accountable answers so that we do not have the tricky option of deliberately misreading what members have asked and giving the wrong answer. That sort of thing must stop if we are to have accountability. I do not support the motion, but it was well worth moving so that we could hear members' concerns about accountability in this House.

Statement by the President

The PRESIDENT: Before I put the question, I want to indicate that yesterday the Attorney General invited me to consider various matters overnight. He raised a comment from the fifth edition of Odgers in which he indicated that the Senate has a practice of requiring a senator who is raising a question of privilege, first, to establish a prima facie case of a breach of privilege, which must be made out, and, secondly, to raise the matter at the earliest opportunity, which should be deemed the earliest reasonable opportunity.

The Attorney General went on to indicate the current practice in the House of Commons, where, before a member can raise a question of privilege on the floor of the House, he is required to establish a prima facie case to the Speaker.

The Attorney General invited me to consider those matters overnight. I indicate to the House that I have. I have considered them in conjunction with our standing orders. I indicate to the House that our standing orders do not provide me with the opportunity to require a member to establish a prima facie case; that is the duty of the House. I indicate that because members will want to know whether I spent my night doing that or something else.

Question put and a division taken with the following result -

Ayes (11)

Hon Kim Chance	Hon N.D. Griffiths	Hon Ljiljana Ravlich	
Hon J.A. Cowdell	Hon John Halden	Hon Tom Stephens	Hon Bob Thomas (<i>Teller</i>)
Hon Cheryl Davenport	Hon Tom Helm	Hon Ken Travers	
Hon E.R.J. Dermer			

Noes (20)

Hon E.J. Charlton	Hon Helen Hodgson	Hon M.D. Nixon	Hon W.N. Stretch
Hon M.J. Criddle	Hon Barry House	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon Norm Kelly	Hon B.M. Scott	Hon Giz Watson
Hon Max Evans	Hon Murray Montgomery	Hon J.A. Scott	Hon Muriel Patterson
Hon Peter Foss	Hon N.F. Moore	Hon C. Sharp	(<i>Teller</i>)
Hon Ray Halligan			

Pairs

Hon Mark Nevill

Hon Greg Smith

Question thus negatived.

Sitting suspended from 3.51 to 4.05 pm

[Questions without notice taken.]

WESTERN AUSTRALIA POLICE SERVICE - CHILD ABUSE UNIT

Tabling of Paper - Point of Order

Hon DERRICK TOMLINSON: During debate on the privilege committee motion, which was resolved immediately before the afternoon tea break, the Leader of the Opposition referred to a document which he tabled. That document is entitled "Response to Recommendations Made and Issues Raised on Child Abuse Investigations by Wood Royal Commission into the New South Wales Police Service (The Paedophile Inquiry) and the Implications to the Western Australian Police Service". In debate the Leader of the Opposition indicated that he had deliberately not tabled two appendices to the report. The table of contents of the document indicate that appendices A to J commence on page 56 of the report. The tabled paper ends at page 51 and it is immediately followed by appendix C. Pages 52 to 55 contain responses to the following recommendations: 5.2, training; 5.3, management; 5.4, tenure; and 5.5, legislation. Neither they nor appendices A and B were tabled. Can I request that the Leader of the Opposition table the missing parts of the document?

The PRESIDENT: No point of order is involved. The member raised an issue which clearly arose as a result of the debate; however, I am not in a position to require the Leader of the Opposition to table appendices which the member says were not tabled at the time. In that regard, there is no point of order. The member needs to use some other process to attempt to obtain the appendices, if that is what he seeks to do.

Hon TOM STEPHENS: I ask the member to put his question on notice and I will attend to it in time.

The PRESIDENT: Order! Unfortunately Hon Derrick Tomlinson is not in a position to put a question on notice to the Leader of the Opposition because nothing is on the Notice Paper relating to that matter. I am sure both members can work out among themselves what appendices may be required.

SITTINGS OF THE HOUSE

Extended Beyond 5.00 pm

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.35 pm]: I move -

That the House continue to sit beyond 5.00 pm.

I have an arrangement with the other parties of the House to complete the passage of the Treasurer's Advance Authorization Bill by 6.00 pm today. That remains my hope, but I cannot stop members if they are speaking at 6.00 pm. I seek to sit beyond 5.00 pm, and if necessary, we will adjourn debate at 6.00 pm and return after dinner. I hope we can resolve the matter before 6.00 pm and the House can adjourn at that time.

Question put and passed.

Statement by the President

THE PRESIDENT (Hon George Cash): In view of the motion just passed, and so no confusion arises when the clock approaches 6.00 pm, if we are sitting at 6.00 pm, according to standing orders, the House will rise and return at 7.30 pm to continue debate on whatever is before the House at the time. This situation occurred a few weeks ago and some members were confused. Fortunately, the House concluded business shortly after six o'clock when it became known that it was a requirement to return after dinner at 7.30 pm. I raise that point for members' information so they know where we will stand at 6.00 pm.

TREASURER'S ADVANCE AUTHORIZATION BILL

Second Reading

Resumed from 26 May.

HON TOM HELM (Mining and Pastoral) [4.37 pm]: I respond to the Bill on behalf of the Australian Labor Party. I am pleased that we have an extension to sit after six o'clock as it is a long time since I have had my tea in Parliament

House on a Thursday! That is now accommodated and we can get on with debate. I know that a number of opposition members want to speak to the Bill.

In the second reading speech, the Minister for Finance told us that the last time this Bill was before this House was 1989-90. I looked at the debate of that year and saw it took up 27 pages of *Hansard*. I conclude that this debate will take some time, so we should get on with it.

The House will be aware that this Treasurer's Advance Authorization Bill authorises the Treasurer to make certain payments and advances for authorised purposes chargeable to the consolidated fund or Treasurer's advance account within the monetary limits available for the financial year commencing 1998. This relates to additional funds required by Treasury to complete the State's business to pay wages, bills and so forth. Some matters were under-budgeted.

The Bill and the second reading speech beg a number of questions which the Minister is obliged to answer during debate. With the Budget presentation last year, the Premier beat his breast and bragged about a balanced Budget and a surplus. It was a wonderful Budget we were told. However, at the end of the financial year we are told, "Oops, we made a mistake!"

The Government says, "We might need another \$350m to get over this mistake." Some of the funds are quite clearly identified. Health will get \$45m, the Ministry of Justice \$25m and the Police Service \$15m. The House and everybody in the State are aware of the position of the Health Department. We are also aware that the Treasurer and Minister Prince have been spending a lot of time trying to tell us that it is not their fault but the fault of the Federal Government. They are trying to tell us that when the Federal Government put money into the health system of this State that the State Government did not take the money out. That is not what we understand the Federal Minister for Health to be telling us. We have the state coalition Government accusing the federal coalition Government of being a bunch of robbers; by the same token we have the federal coalition Government accusing the state coalition Government of being a bunch of robbers.

Hon Simon O'Brien: You do not know which to agree with.

Hon TOM HELM: I do not care; they are both tarred with the same brush in that they are culpable. It is all very well to be on the television or radio or quoted in the Press as saying, "What a wonderful Treasurer I am and what a wonderful Government we are to achieve a balanced budget or a surplus. Everything is hunky-dory." However, at the end of the financial year the Treasurer then comes along and says, "We might need something like \$350m to tide us over because we didn't allow enough for expenditure." The fact is that the Health portfolio is really in a bad state. Members opposite cannot blame anyone except their political comrades in their own parties, whether National Party or Liberal Party.

We have problems with the Ministry of Justice. The coalition became even more hairy chested than the Labor Party when speaking of how it would deal with crime. The coalition said that it would lock everyone up, three strikes and they were in, and so on. Some poor guy got locked up over the weekend for going through a stop sign. If he had pleaded guilty he would not have gone to gaol. In the Government's anxiety to get everybody into gaol, following the American example, the poor old Ministry of Justice has gone down to the tune of \$25m.

The Police Service is \$15m in trouble. That would have nothing to do with the Fremantle dispute, would it? It would have nothing to do with 800 officers at the Claremont showground shouting and banging their shields, would it? That would not cost \$15m, would it? We must think of the amount of overtime those guys got because of a bunch of community pickets at Fremantle wharf.

Hon Barry House: They were breaking the law.

Hon TOM HELM: Members of the community are allowed to picket. We have not yet got to the point where an injunction can be served on everybody.

Hon Kim Chance: The most serious offence was someone with a dog without a registration tag.

Hon TOM HELM: Yes. The only people who would have been there illegally would be members of the Maritime Union of Australia. I was on the picket line on a number of occasions and not breaking the law. I did not see anybody from the MUA. The Government still needed to have fixed wing aircraft and helicopters, shields and helmets, attack dogs and all that kind of stuff. That is why we have a \$15m advance for the Police Service. That is an example of where some of the money has gone.

Hon Kim Chance: I wonder what their surveillance equipment cost which they had on top of the Co-operative Bulk Handling silos.

Hon TOM HELM: Yes, and what did stalag 13 cost?

Hon Kim Chance: It was disgraceful.

Hon TOM HELM: We cannot hide from that. It is not the Treasurer who is moving the Bill in this place but the Minister for Finance, for whom I have the highest regard. I feel somewhat sorry for him in these circumstances because he is the messenger with the bad news. The Treasurer stands up and glorifies himself and says, "What wonderful financial managers we are." He then says, "I have made a mistake." The mistake in the Health portfolio was quite apparent early in the piece. We did not know, and I do not think even the Treasurer knew, who authorised 800 people to go to Claremont showground and to do manoeuvres as if the Germans or the Japanese were coming. I hope I am never alive to see the day when it is illegal for members of the community to get together on a picket line. People are still allowed to congregate. It must have been tempting for some of the coalition to bring back section 45(d) and (e) of the old trade practices Act.

Hon Kim Chance: It is in the commonwealth legislation.

Hon Ken Travers: It is the old section 54B of the Police Act.

Hon TOM HELM: That is right; it covers unlawful assembly.

Of course, the second reading speech is not the Bill itself but it tells us that if we look at clause 5 we will see where the money goes. In the course of these debates we are perhaps obliged to speculate about the origin of funds. Thank goodness funds are available to draw from to cover those shortfalls.

I have a story to tell which might give the House some indication of how that well might dry up. It might dry up because of the policies being pursued by this coalition Government. I will paint a picture to explain the thrust of those who support Minister Kierath in industrial relations. George Orwell used to write about choice and cooperation and how bosses should work with individuals, how people should get together to be as efficient and effective as they can and how monopolies are wrong. The MUA is a naughty union because it wants to represent all waterside workers, which it has been doing for quite some time, reasonably effectively, although Hon Eric Charlton would not agree with that. Some figures suggest that the farmers in particular are happy with the movement of grain and other agricultural stock.

Hon Kim Chance: CBH is thrilled to bits.

Hon TOM HELM: Are its waterside workers MUA members?

Hon Kim Chance: Yes. They issued a joint media statement as recently as March of last year.

Hon TOM HELM: The Government has an aim and it says that the reason it cannot be achieved is the monopoly of the MUA. My story might bring some alarm to the other side of the House. This matter was brought to my attention by my union, the Amalgamated Manufacturing Workers Union, which recently put out a press release. I do not know the details of the case, but it smacks of bosses and workers getting together and doing the right thing. Even the mad man Reith, Minister Kierath and people whose views are a bit foreign to me seem to be doing this. The media release reads -

The Australian Manufacturing Workers Union are shocked by the fact that Westcan, the only two piece can manufacturer in Western Australia will reduce there workforce by 33%.

This is due to the company losing a major contract, equal to approximately 50 per cent of its production, to an eastern States manufacturer, Southcorp. The media release from the Australian Manufacturing Workers Union states -

Jock Ferguson, the Assistant State Secretary, said today that Westcan would be one of the most productive and efficient can manufacturer in the Southern hemisphere if not, the World. They are efficient and comply to world's best practice in all aspects of their manufacturing.

The union is concerned because it has cooperated with the company from go to whoa. There has been a strong sense of cooperation. It has used the latest technology and taken every opportunity to train its work force. It has never had an industrial dispute. It is the best in every respect. There is demonstrated truth, honesty and respect between the parties. It was manufacturing cans for every aspect of the canning industry in Western Australia. That has produced profit for the company, pay as you earn taxes for us, employment opportunities and all the things that go into the State coffers. The media release continues -

The reason for the loss of 50% of production is that Lion Nathan, the Company that owns Swan Brewery has done a National deal with Southcorp. This came about when Lion Nathan took over South Australian Breweries from Southcorp and guaranteed them the first refusal on any contracts which were due to be negotiated.

It is believed that the cans will now be transported by road or rail from the Eastern States at an cost estimated at \$5 - 6 million dollars per annum.

That is the transportation cost.

Hon Derrick Tomlinson: You will have to start drinking scotch.

Hon TOM HELM: Start? I will have to start. The release continues -

Mr Ferguson said it would appear that it makes little difference how efficient or how productive a company can be it is still subject to the vagaries of deals done within multi National corporations that the company has no direct control over. Westcan has invested a great deal in training and technology all to no avail. This also has a tremendous impact on the workforce and in particular those who have committed themselves to the employer over a number of years and are now being made redundant.

Some people might find comfort in the fact that, because the place has been so well run, people have been there for 20 years and they will receive substantial redundancy payments. I say, what a waste! To have that training and trust and be that efficient and lose out, not because of competition but because the Swan Brewery was taken over by a brewery from the eastern States which happened to have a factory making its own cans. It really sickens people. If members have ever been made redundant they will know what it feels like. I have, and it is like a real severe kick in the guts; people really feel the pain of it. In one way people who have not worked regularly are fortunate because they have not set a pattern for themselves. They may not feel the pain of losing their jobs as much as those who have settled into a pattern.

The people at Westcan are to be praised for putting into practice those things that the people on the other side of the House want them to do and yet, at the end of the day, they are kicked and pushed to one side and do not matter. It is not a monopoly of the union here, it is a monopoly of capital which does not allow competitive steps to bear the fruit that members on the other side so rightly say should come about. It does not matter, those people from this company will be unemployed. I will not take up 27 pages. I support the Bill.

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.54 pm]: I think I made three long speeches at the time Hon Tom Helm is referring to. If he reads the *Hansard* he will find that I was talking about a lot of the deals being made with the Government then.

Hon Tom Helm: I was not going to mention that.

Hon MAX EVANS: I thought the member might not. I could have had a two and a half hour speech -

Hon Tom Helm: I was not going to mention what it was about.

Hon MAX EVANS: That was what it was all about, Mr President. It was putting into *Hansard* a lot of the events of the past. That is why it was a long debate. I commend the Bill to the House.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

WESTERN AUSTRALIA POLICE SERVICE - CHILD ABUSE UNIT

Tabling of Paper

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.55 pm]: I seek the leave of the House to table pages 52 to 56 of the extract of the response compiled by the child abuse unit State's crime squad as sought by Hon Derrick Tomlinson

Hon Derrick Tomlinson: Including appendices.

Hon TOM STEPHENS: Not including appendices A and B.

Leave granted. [See paper No 1637.]

ADJOURNMENT OF THE HOUSE

On motion by Hon N.F. Moore (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 9 June.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.56 pm]: I move -

That the House do now adjourn.

Western Australian Police Service Child Abuse Unit - Adjournment Debate

HON JOHN HALDEN (South Metropolitan) [4.57 pm]: For the sake of boredom and tedium I revisit the issue of the privilege motion today. I do not want to discuss the issue of privilege. I want to discuss the issue of the child abuse unit at the State crime squad.

Hon Tom Stephens: You are well qualified to do that.

Hon JOHN HALDEN: That is correct, having worked for three years in the child protection area. Having gone through the matter of privilege, none of us should lose sight of the issue that we have grave concerns about. We want to ensure that something is done pro-actively to ensure that the community is clear that this squad is functioning appropriately, that it is doing the job that we want it to do and that the children of this State are being adequately protected. In addition, people who may have been abused as children must have an opportunity to seek recourse through the law.

It is fair to say in my reading of the report that there must be concern about the operations of this squad. I do not know whether that is due to inadequacies in finance, training or resources. I have read a report and a view of that matter. Regardless of what members may have said today and prior to today there is, and should be, genuine concern about the operations of this squad. It is my view that in calmer moments, perhaps when this House sits again, we should ensure either through this House or through the committees of this House that something is done to effect a sensible and structured review of what is happening in that squad. One of the standing committees of this House should ensure that this matter is looked into. If I may be so presumptuous, that may be done either by the chairmen of the various committees meeting to decide which is the most appropriate committee to oversee and review the operations of the squad and, most particularly, to look at the recommendations of the Wood royal commission as they relate to Western Australia. The issue of whether those recommendations are being implemented as quickly as I believe they should be needs to be determined.

Perhaps one committee will be proactive in this matter. It may be the Standing Committee on Estimates and Financial Operations or the Standing Committee on Public Administration, I do not know and I will not presume to say which one. That committee should develop some terms of reference and immediately act upon them to investigate what is happening. Members owe it to themselves to guarantee that the matter is seriously dealt with by the House. If, when this House returns in two weeks, that matter has not been dealt with by one of those standing committees, I would be prepared, with the concurrence of my party, to move a motion for this matter to be dealt with. I hope it would have the support of all members and would be dealt with quickly to ensure that a committee investigates this matter. The sooner that happens and this Parliament can be effective in looking into this matter of concern - if there is concern, and it appears there is - we shall assure ourselves and the community that everything possible is being done.

I hope that one way or another the committees will deal with this matter or, if I move a notice of motion along the lines I have suggested, all members will allow that to proceed through the processes of this House as quickly as possible. We should look into this squad and how it can operate most effectively with the resources and the personnel required to do the job properly. I think all members will support such a proposition. I hope we will focus on the important issues, get on with the matter, stop the arguments from one side and the other, carry out the analysis required, as has been done previously in other matters such as this, and raise the level of confidence in the community with regard to this particularly important matter.

Answers to Questions - Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [5.02 pm]: I, too, want to revisit the privilege motion. Today in that debate I commented on 18 questions I had asked as part of a wider number of questions on notice, in relation to government contracts and specifically Main Roads. I expressed my concern during that debate about the lack of responses to some of the information I sought.

I will refer to some of those contracts specifically and will quote from the uncorrected proof of *Hansard*. In asking some of those questions about these 18 contracts, with a value of more than \$100m, I was interested to ensure that the right checks and balances are in place to safeguard the interests of the Western Australian taxpaying public. Some members in this place may think I take this matter lightheartedly, but I assure them that I am very disappointed about the whole political process and the lack of accountability by this Government. The Government has a range of policies, such as the buying wisely policy, through the State Supply Commission and the Department of Contract and Management Services. These policy documents aim to provide those checks and balances that should be part of the process before contracts are awarded, to safeguard and protect the public's interests.

It seems, from informal information with which I have been presented, that, as the State Government has devolved purchasing authority to more than 100 state government departments, there is lack of central coordination. That is clear from some of the responses I have received. Some agencies seem to have no difficulty answering questions about contractual accountability, whereas other agencies are absolutely hopeless. Main Roads is one of the absolutely hopeless agencies.

I asked a series of questions in relation to the 18 contracts and the answers appear in the Supplementary Notice Paper of Tuesday, 26 May 1998. I picked on a number of contracts. In question 1611, I asked: Further to the answer given to question without notice 903, in relation to the Transport Department's contract with the firm BGC, worth approximately \$5.63m for the provision of road maintenance contracts to September 1997, can the Minister advise?

In all those 18 questions, specific to the case I bring to the House tonight, exactly the same information was sought.

Hon Kim Chance: This was across various agencies?

Hon LJILJANNA RAVLICH: Yes, I asked about 18 contracts with Main Roads worth more than \$100m. I have the same question about many more contracts. The first question was -

Was a business case conducted?

For the benefit of those who do not know what a business case is, it is a tool which supports planning and decision making. It is a rigorous assessment of a proposal in terms of all the cost benefits, risks and options. By preparing a business case, the agency is performing a reality check to ensure the initiative is feasible, to identify the preferred strategy and pathway, and to confirm that the option chosen will meet the objectives set.

Hon Kim Chance: That is what any contract manager should do.

Hon LJILJANNA RAVLICH: Absolutely. I asked -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?

Quite clearly, a check must be made on whether people's credentials are in order and whether the company can do what it proposes to do. The questions continued -

- (8) If yes, did it include a check of the contractor's financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

That is a reasonable set of questions in relation to a contract worth \$5.63m. Certainly, it is a reasonable set of questions in relation to a contract worth \$53m.

Hon Ray Halligan: And for a contract worth \$11m? Is it reasonable for all contracts, irrespective of the amount?

Hon LJILJANNA RAVLICH: Yes, for all contracts, irrespective of the amount. If taxpayers' money is being spent, that is a reasonable set of questions. The Minister responded to only question on notice 1599 -

The honourable member has asked a number of questions regarding Main Roads contracts.

It is my right to do that. The answer continued -

The member has already asked for identical information in respect of other contracts and I am not prepared to continue to commit scarce resources to collate the details required. However, if the member would like specific information about a particular contract, I would be pleased to assist.

The Minister is on record saying that he is not prepared to commit the resources to provide me with information that I need for my constituents who ask questions about the viability and cost effectiveness of these contracts. The short version of the Minister's answer is this: "I do not have the resources; I cannot give the answer; butt out."

Hon Kim Chance: You can only assume they have not been done.

Hon LJILJANNA RAVLICH: Those opposite talk about accountable Government. This must be the joke of all time! The responses to each of questions on notice Nos 1600, 1601, 1602 state -

Refer to response to Parliamentary Question Legislative Council 1599.

It is the same answer for all of the 17 questions I asked in respect of contracts. Effectively, this Minister said, "I am not prepared to commit the resources to give you information which you seek on contracts with a sum value of over \$100m." This is an absolute disgrace. It makes a mockery of the concept of accountability. It also reflects that this Government has downsized the Public Service to the point that there are no people to do this work.

Hon N.F. Moore: What rubbish!

Hon LJILJANNA RAVLICH: This is the truth. It is the absolute reality. Now another 2 000 Main Roads' workers are up for the chop. Does this mean members will never be able to get any response to any questions they ask of Main Roads? This is, indeed, a very sad course of events. There is more to come. I assure this House that I will be asking questions in the Estimates Committee of the Commissioner for Main Roads, Mr Ross Drabble, and I will want some answers. I will continue to ask the same questions for all government contracts, and I will be in this House asking the Minister.

Hon N.F. Moore: Driving everyone to distraction.

Hon LJILJANNA RAVLICH: I do not care whether I drive them nuts -

Hon N.F. Moore: I said distracting them.

Hon LJILJANNA RAVLICH: - I will be asking for answers.

Hon N.F. Moore: I might be telling you about what happened when you were in office.

Hon LJILJANNA RAVLICH: The Minister will be forced to answer some of these questions. He should not try to avoid answering them. It is a total cop-out. I put on the record my absolute disgust with the behaviour of this Minister in his response to my calls for him to account for the expenditure of public moneys.

Question put and passed.

House adjourned at 5.11 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

MULTILATERAL AGREEMENT ON INVESTMENT

1321. Hon HELEN HODGSON to the Minister for Finance representing the Treasurer:

- (1) Has the Federal Government informed the Treasurer of developments in respect of the Multilateral Agreement on Investment where it covers matters concerning the State?
- (2) Has the State Government expressed a view to the Federal Government?
- (3) If so, will the Treasurer table this view?

Hon MAX EVANS replied:

- (1) The Federal Government has provided a preliminary briefing to Treasury on the broad nature of the Multilateral Agreement on Investment. Further briefings are anticipated in coming months.
- (2) The State is yet to express a view to the Federal Government.
- (3) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES*The Western Australian Club (Inc) Membership*

1432. Hon Ljiljanna Ravlich to the Leader of the House representing the Premier:

- (1) Has any Government department or agencies within the Premier's portfolios paid for membership to The Western Australian Club (Inc) for a member of staff since February 1993?
- (2) If so, please provide -
 - (a) the name of staff member; and
 - (b) the amount paid?

Hon N.F. MOORE replied:

Ministry of the Premier and Cabinet

- (1)-(2) Ministry of the Premier and Cabinet records reveal no evidence of any payments relating to staff membership of the Western Australian Club (Inc). No other Government department or agency within the Premier's portfolios has paid for membership to The Western Australian Club (Inc) for a member of staff since February 1993.

MURDOCH UNIVERSITY'S CONTRACT

1519. Hon LJILJANNA RAVLICH to the Minister for Justice:

Further to the answer given to question on notice 395 in relation to the Justice Ministry's contract with Murdoch University for the provision of veterinary services in prisons and juvenile detention centres, can the Minister advise -

- (1) What is the value of this contract to date?
- (2) Was a business case conducted?
- (3) Did it include a comprehensive cost benefit analysis?
- (4) If so, what did it show?
- (5) If not, why not?
- (6) What were the identified inherent risks?
- (7) What other options were considered?

- (8) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (9) If yes, did it include a check of the contractors financial background?
- (10) Who carried out the financial background check?
- (11) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (12) Who are the directors of the company?
- (13) Are any of the company directors Ministers or senior public servants?

Hon PETER FOSS replied:

- (1) \$22,619.35 (1 November 1994 to 29 April 1998).
- (2) No.
- (3)-(4) Not applicable.
- (5) The services are provided on an as required basis.
- (6) The service is contracted to a well known leader in the market place providing a 24 hour service.
- (7) Other service providers are considered on a case by case basis.
- (8) No.
- (9)-(13) Not applicable.

GREAT WESTERN AVIATION PTY LTD'S CONTRACT

1520. Hon LJILJANNA RAVLICH to the Minister for Justice:

Further to the answer given to question on notice 396 in relation to the Justice Ministry's contract with the firm Great Western Aviation worth approximately \$60 816 for the provision of air charter services in prisons and juvenile detention centres, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) That the cost of accommodating staff in Laverton exceeded the cost of flying staff in and out of Laverton on two week shifts.
- (4) Not applicable.

- (5) Nil.
- (6) Government accommodation in Laverton.
- (7) Due diligence requirements are specified in the Ministry's tender documents and respondents must disclose the required information in all cases. Contracts that are awarded require goods and/or services to be delivered within defined time frames, at specific locations, at agreed prices, for specific purposes, and where necessary reports on contract outcomes are requested by contract completion date. A contract manager is normally defined and this person is responsible for monitoring the contractor's performance/standard of goods delivered, and for incurring costs associated with contract performance.
- (8)-(12) See (7).

SKIPPER AVIATION PTY LTD'S CONTRACT

1521. Hon LJILJANNA RAVLICH to the Minister for Justice:

Further to the answer given to question on notice 396 in relation to the Justice Ministry's contract with the firm Skippers Aviation worth approximately \$72 540 for the provision of air charter services in prisons and juvenile detention centres, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) That the cost of accommodating staff in Laverton exceeded the cost of flying staff in and out of Laverton on two week shifts.
- (4) Not applicable.
- (5) Nil.
- (6) Government accommodation in Laverton.
- (7) Due diligence requirements are specified in the Ministry's tender documents and respondents must disclose the required information in all cases. Contracts that are awarded require goods and/or services to be delivered within defined time frames, at specific locations, at agreed prices, for specific purposes, and where necessary reports on contract outcomes are requested by contract completion date. A contract manager is normally defined and this person is responsible for monitoring the contractor's performance/standard of goods delivered, and for incurring costs associated with contract performance.
- (8)-(12) See (7).

FOREST RESERVE SYSTEM ANALYSIS

1574. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

The Executive Director of the Department of Conservation and Land Management ("CALM") has provided the Forest Industries Federation of Western Australia ("FIFA") with a preliminary analysis of the proposal of the Western Australian Forest Alliance ("Wafa") for a forest reserve system and a sustainable timber industry -

- (1) Will the Minister for the Environment release the analysis in full?
- (2) If not, why not?
- (3) Was the analysis conducted by CALM officers alone?
- (4) Were Commonwealth Government Regional Forest Agreement officers also involved in carrying out the analysis?
- (5) If so, whom?

Hon MAX EVANS replied:

- (1) Yes. An analysis of the reservation of forest ecosystems, old growth forest, flora values (disjunctiveness, relictual, richness and endemism), National Estate values (A1, A2, A3 and B1) and an analysis of timber industry impacts and mineral values impacts is provided. See tabled paper.
- (2) Not applicable.
- (3) No.
- (4) Officials of several agencies, both State and Commonwealth governments, agreed that an analysis of the Wafa proposal (which had been widely circulated and highly publicised) would inform and assist in the considerations involved in the development of the RFA.
- (5) Ms Catharine Masters (Department of Prime Minister and Cabinet, Forests Taskforce) and Mr Brian Prince (Environment Australia) agreed that an analysis of the Wafa proposal would inform governments in the development of the RFA.

CLAREMONT CRESCENT WIDENING

1575. Hon J.A. SCOTT to the Leader of the House representing the Premier:

The member for Cottesloe, Colin Barnett, has stated that Claremont Crescent will not be widened to a four lane road in the next ten years, will the Premier confirm that this is correct?

Hon N.F. MOORE replied:

The responsibility for any road improvements along Claremont Crescent rests with the Town of Claremont. The Government has no intention of building a four-lane road along Claremont Crescent in the next 10 years.

PUBLIC SECTOR MANAGEMENT OFFICE REVIEW

1579. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

- (1) Is a functional review currently being undertaken at the office of Public Sector Management?
- (2) Does the review include an examination of options for abolition or reduction of the office?

Hon N.F. MOORE replied:

- (1)-(2) A strategic functional review of the Ministry of the Premier and Cabinet was undertaken in December 1997 by Mr Mike Codd, the former Secretary of the Department of the Prime Minister and Cabinet. This incorporated an examination of the functions of the Public Sector Management Office to assist the Director General in determining an appropriate structure and level of resourcing to carry out the Public Sector Management core functions.

PUBLIC SERVICE SUPERANNUATION LIABILITY

1648. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Public Sector Management:

- (1) What is the superannuation liability for public sector employees to date for the 1997/98 financial year?

- (2) What was the superannuation liability for public sector employees for -
- (a) 1993/94;
 - (b) 1994/95;
 - (c) 1995/96; and
 - (d) 1996/97?
- (3) Will the superannuation liability for public sector employees be wholly or partly funded from the sale of the Dampier to Bunbury pipeline?
- (4) If yes, what amount will be funded from the sale of the pipeline?

Hon MAX EVANS replied:

- (1) The unfunded superannuation liability is not calculated on a per year basis but rather an actuarial valuation of the overall position is done for the end of each financial year. The valuation for 30 June 1998 is yet to be undertaken.
- (2)
- (a) \$4,566 million at 30 June 1994.
 - (b) \$4,436 million at 30 June 1995.
 - (c) \$4,769 million at 30 June 1996.
 - (d) \$4,969 million at 30 June 1997.
- (3) The sale of the pipeline allows greater budget flexibility to address the long term funding of superannuation liabilities.
- (4) An amount of \$143 million has been appropriated in 1998/99 to concurrently fund the West State Super scheme for liabilities incurred after 30 June 1998.

MINISTRY OF JUSTICE

I. Vaughan's Trip to Melbourne and Adelaide

1663. Hon KEN TRAVERS to the Attorney General:

- (1) Will the Attorney General provide a cost breakdown of the trip which Ministry official, I Vaughan, made to Melbourne and Adelaide on May 25 to May 29, which cost a total of \$4 809?
- (2) If not, why not?

Hon PETER FOSS replied:

- | | | |
|-----|----------------------|------------|
| (1) | Airfare | \$1,309.10 |
| | Accommodation | \$824.70 |
| | Program Registration | \$2,675.00 |
| | TOTAL | \$4,808.80 |
- (2) Not applicable.

MR PETER JONES' CONSULTANCY APPOINTMENT

1673. Hon TOM STEPHENS to the Leader of the House representing the Premier:

In relation to Mr Peter Jones' consultancy with the Government to act as chairman of the Steering Committee for the Police/Justice Core Functions Project -

- (1) When did this consultancy commence?
- (2) What is the cost of this consultancy?
- (3) Was this consultancy advertised?
- (4) If so, when?
- (5) If the consultancy was not advertised, why not?

Hon N.F. MOORE replied:

The appointment of Mr Jones is to the position of chairman of an interdepartmental steering committee for the Police/Justice Core Functions Project. The following particulars are provided -

- (1) 1 January 1997.
- (2) \$29 000 per annum, on the advice of the Salaries and Allowances Tribunal.
- (3) No.
- (4) Not applicable.
- (5) There is no requirement to advertise for appointments to internal and interdepartmental Government boards and committees.

CHARTER FOR WESTERN AUSTRALIANS LIVING IN HARMONY CERTIFICATES

1705. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Multicultural and Ethnic Affairs:

I refer to the Charter for Western Australians Living in Harmony in which organisations were presented with certificates pledging commitment to positive community relations -

- (1) How much did it cost to produce and distribute these certificates?
- (2) How many Government departments and instrumentalities, who have these pledges displayed in offices, have a multi-cultural policy?
- (3) What pre-requisite is required to qualify to receive these certificates?

Hon MAX EVANS replied:

- (1) The Charter certificates cost \$3,166 for 7,000, that is, 45¢ per Charter, to produce and \$1,000 for postage.
- (2) 'WA One' is Western Australia's formal multicultural policy which was announced by the Premier, Hon Richard Court MLA, in May 1995. It is, therefore, applicable to all Western Australians. State public sector agencies are encouraged to incorporate the principles of 'WA One' into their daily activities.
- (3) Organisations are approached to become Charter members and to display their certificates in a prominent place as a way of supporting the Government's multicultural initiative, *Living in Harmony - A Community Relations Strategy for Western Australia*. Charter members commit to principles which affirm positive community relations.

EXMOUTH HOSPITAL UPGRADE

1723. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

- (1) Has the tender for work on the entrance to the emergency and reception areas of the Exmouth Hospital been called?
- (2) What stages are involved in the remaining upgrades required at the Exmouth Hospital and what work is involved in each stage?
- (3) What dates are scheduled for the release of each stage of the hospital upgrade?
- (4) When is it scheduled for each stage of this upgrade to be completed?
- (5) During what stage will the roof on the Exmouth Hospital be renovated and what work will be involved in this roof renovation and at what cost?

Hon MAX EVANS replied:

- (1) Yes. Tenders have closed, awaiting Department of Contract and Management Services to complete assessment.
- (2) Stage Two involves the replacement of the roof.
- (3) This is in two parts:
 - A Current tender for stage one is scheduled for completion within 30 weeks of tender acceptance. This work is not staged, however, the contractor must program the works to minimise the disruption to hospital operations.
 - B The stage two roof replacement is scheduled to be completed by May 1999.

- (4) Refer to (3) above.
- (5) Refer to (3) above. The work involves re-pitching the roof, replacing the roof sheeting, gutters and fascia at an estimated cost of \$400,000.

EXMOUTH HOSPITAL

Appointment Delays

1724. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

What steps are being taken to address concerns in Exmouth about long delays for residents seeking appointments with a doctor at the local Hospital?

Hon MAX EVANS replied:

There are no long delays for appointments. When patients have an urgent medical condition they are seen immediately after being triaged by a Nurse. The waiting time for a non urgent appointment for any of the three Doctors in Exmouth is 1 day.

EXMOUTH HOSPITAL UPGRADE

Birthing Suite

1725. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

- (1) Will a birthing suite be provided as part of the current Exmouth Hospital upgrade?
- (2) What additional steps need to be taken to ensure that obstetric services can be restored to Exmouth?
- (3) What additional funds have been allocated to facilitate obstetric training for nurses who will work in the birthing suite at the Exmouth District Hospital?
- (4) When will this training be undertaken?
- (5) When will there be sufficient trained personnel in place at the Exmouth District Hospital so as to enable local birthing services to be restored to the Exmouth community?

Hon MAX EVANS replied:

- (1) Yes.
- (2) A recruitment process is currently under way for permanent Medical Officers with Obstetric experience and qualifications being stated as a preferred selection criteria. No additional midwives are required. Telemedicine support is in the early stages of investigation.
- (3) No additional funds have been allocated for this purpose. Any training required will form part of the normal staff development requirements.
- (4) Training will be undertaken mainly in Carnarvon towards the end of the year closer to the completion date of the Renovations project.
- (5) Sufficient nursing staff will be available when commissioning of the renovations are complete. The availability of suitably qualified medical staff will depend on successfully completing the current recruitment process.

WANNEROO HOSPITAL/JOONDALUP HEALTH CAMPUS

Patient Numbers

1740. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:

How many patients were treated at Wanneroo Hospital/Joondalup Health Campus in the financial years -

- (a) 1993/94;
- (b) 1994/95;
- (c) 1995/96;
- (d) 1996/97; and
- (e) 1997/98,

and estimated in the 1998/99 budget?

Hon MAX EVANS replied:

The following inpatients were treated at Wanneroo Hospital/Joondalup Health Campus in the financial years:

- (a) 1993/94 - 6,059.
- (b) 1994/95 - 7,066.
- (c) 1995/96 - 7,126.
- (d) 1996/97 - 7,342.
- (e) 1997/98 - 9,518 (estimated).
- (f) 1998/99 - 11,921 (estimated).

In 1997/98 and 1998/99 some inpatient services are purchased by bed days: an average length of stay has been applied to extrapolate the number of patients treated.

QUESTIONS WITHOUT NOTICE

CIVIL ACTION AGAINST HOWARD SATTLER

1602. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) Is the Minister aware of the civil action by Geoffrey Miller and George Tannin against 6PR's Howard Sattler?
- (2) Are Pullinger Stewart lawyers acting for the Anti-Corruption Commission?
- (3) Are they acting for Mr Miller and Mr Tannin in their capacity as lawyers for the ACC?
- (4) Is taxpayers' money being used in the civil action against Mr Sattler?

Hon N.F. MOORE replied:

- (1) This Minister is not aware of it.
- (2)-(4) The Premier asked that the remainder of the question be placed on notice.

GAS BUS PURCHASE

1603. Hon TOM STEPHENS to the Minister for Transport:

- (1) Can the Minister confirm the evidence provided by his departmental officers yesterday that five Mercedes gas buses are to be purchased by the department this year?
- (2) Will they be installed with electronic fuel injection technology rather than carburettor technology?

Hon E.J. CHARLTON replied:

- (1)-(2) I cannot confirm that. As I replied in an answer to a question yesterday, I will check that out. However, I seem to have been running around doing so many other things today, I have not given that priority. I will find out, and if I do so before Parliament ends tonight, I will pass that message on.

CRIMINAL LAW AMENDMENT BILL (No 1) AMENDMENTS

1604. Hon N.D. GRIFFITHS to the Attorney General:

I refer to report No 42 of the Standing Committee on Legislation in relation to the Criminal Law Amendment Bill (No 1) 1998 and ask -

- (1) Does the Attorney General agree with the committee's recommendation for the deletion of the word "retribution" from proposed section 91(3) of the Sentencing Act 1995?
- (2) Does the Attorney General agree with the committee's proposed amendment to section 91(3) and, if not, what amendment, if any, is proposed to be moved with respect to clause 6 of the Bill?

Hon PETER FOSS replied:

- (1)-(2) I will be filing a formal response to the committee's report. That is the best way for the House to understand my approach. As far as the word "retribution" is concerned, I indicate to the House that I accept the recommendation of the committee to delete that word. The member asked whether I agreed with the committee's amendment. I cannot say I agree with it, but I accept it. The recommendation went on to say I might be able to achieve the process better by another method. I have checked the other method with

parliamentary counsel and his opinion coincides with mine in that that would not be a better way to achieve what we seek. I think it was based on a misunderstanding as to the effect of the remainder of the Sentencing Act on that section and it would not be a sensible amendment to make. The only amendment I intend to move is the removal of the word "retribution".

WHITBY FALLS REHABILITATION CENTRE

1605. Hon NORM KELLY to the Minister representing the Minister for Health:

- (1) From where are referrals received for the Whitby Falls Psychiatric Rehabilitation Centre?
- (2) What residential rehabilitation options are available to people who may have otherwise been referred to Whitby Falls?
- (3) Is the Community Disability Housing Program/Independent Living Program an accommodation option for current residents of Whitby Falls and for people who are eligible for referral to Whitby Falls?
- (4) How many people are currently on the waiting list and what is the average waiting time for properties in this program?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Referrals are received from State-wide inpatient services, public and private psychiatrists and general practitioners.
- (2) There are a number of residential and other supported rehabilitation options open to people who may otherwise have been referred to Whitby Falls. They range from Graylands, Milpara, the future of which is being discussed at the moment, to various non-government services operated within most metropolitan mental health services.
- (3) The community disability housing program is not available within the Armadale health service area but is operated in other metropolitan areas that current residents of Whitby Falls may choose to reside in. The independent living program offered by Armadale adult mental health services has limited accommodation available. If a resident of Whitby Falls meets the selection criteria and wishes to reside in the Armadale health service area they could be offered accommodation through this program.
- (4) Six people. Waiting time for properties is governed by the availability of suitable Homeswest properties in the area. These are extremely limited. The allocation under the independent living program for 1997-98 was set at seven. For 1998-99 the allocated number of places is five.

ROADS

1606. Hon J.A. SCOTT to the Minister for Transport:

- (1) What is the average estimated unit cost of maintenance of roads in Western Australia?
- (2) What is the total length of roads in Western Australia in lane/kilometres?
- (3) How much of this road is -
 - (a) controlled by Main Roads;
 - (b) funded by Main Roads?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. It will take some research to answer it; therefore I am not able to respond today. However, if the member wants to put the question on notice, I will obtain the answer for him.

AGRICULTURE WESTERN AUSTRALIA

1607. Hon MURIEL PATTERSON to the Minister representing the Minister for Primary Industry:

- (1) What is the current number of horticultural researchers and advisers with Agriculture Western Australia working out of the Albany, Bunbury and Manjimup offices?
- (2) Are there any plans to increase this number considering the rapid expansion in the number of farming properties going into horticulture in the south west?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) Albany, three; Manjimup, eight and Bunbury, four. These professional staff are supported by technical officers.
- (2) Manjimup will be developed as a key centre with new facilities being developed at the Manjimup horticultural research centre. Staff increases have recently occurred at Albany and Bunbury.

MINING TENEMENTS

1608. Hon GIZ WATSON to the Minister for Mines:

In relation to the development of mines in Western Australia, when a lease is covered by a (M) Mining Tenement, what processes must be followed or what requirements must be met before mining can commence -

- (a) when the lease/tenement exists over VCL;
- (b) when the lease/tenement exists within a pastoral lease;
- (c) when the lease/tenement exists within a reserve;
- (d) when the lease/tenement exists within a national park?
- (e) when the lease/tenement contains -
 - (i) iron ore,
 - (ii) mineral sands, and
 - (iii) uranium?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (a)-(e) The processes to be followed by the holder of a granted mining lease before commencing mining are those defined in the Mining Act 1978, the Mines Safety and Inspection Act 1994, the Environmental Protection Act 1986 and their attendant regulations.

The requirements for any particular mining operation are determined on a case by case basis by the relevant authorities in accordance with the pertinent legislation.

The following documents are tabled for the honourable member's information -

"Guidelines to help you get Environmental Approval for Mining Projects in Western Australia", published by the Department of Minerals and Energy in March 1998 which details the processes to be followed under the Mining Act 1978;

Information Series No 11, "Guidelines for Exploring and Mining within Conservation Reserves or other Environmentally Sensitive Lands in Western Australia", published by the Department of Minerals and Energy in May 1995; and

"Guidelines, Project Management Plan", published by the Department of Minerals and Energy in March 1997, which details the Mines Safety and Inspection Act 1994 requirements.

I particularly draw the attention of the member to pages 8 to 20 inclusive of the first document, which address parts (a) to (d) of the question.

The processes to be followed and the requirements of any particular mining proposal are determined by a wide range of factors, mineral type being one of those factors. The three materials listed in part (e) of the question are all subject to the same approval process, while the pre-mining requirements would be developed on a case by case basis.

[See paper No 1635.]

POLICE CHILD ABUSE UNIT

1609. Hon TOM HELM to the Attorney General representing the Minister for Police:

- (1) Has the police child abuse unit received funding for the extra computer equipment it has been seeking for more than the past two years to enable it to police child pornography on the Internet?

- (2) If not, why not, and when will it do so?
- (3) Why has there been such a long delay in providing this essential equipment?

Hon PETER FOSS replied:

I do have an answer here. First of all, I make it clear that the answer disagrees with the statement that Hon Tom Helm has made in his question. It says that his question is incorrect, so there is an inconsistency between what is alleged by Hon Tom Helm and the answer. I have not had an opportunity to find out whether there is some problem with that, or to speak to the individuals involved. However, I do not wish to appear before a privilege committee and I would like to make it quite clear that what I am saying - if I may adopt the words of the Leader of the Opposition - is what I have been told. It may or may not be correct. However, I think it is preferable that I give an answer than delay the matter. I will give this answer.

Hon Tom Helm: Give your best answer. That is all I ever ask - your best.

Hon PETER FOSS: I thank the member for some notice of this question.

- (1)-(3) No formal application for funding for this purpose has been presented to the crime finance meeting in the past. A formal application for funding has been presented as part of the 1998-99 budget allocation process.

The allocation of this funding will be determined during forthcoming budget deliberations.

CHILD CARE REBATES

1610. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

In relation to recent changes to federal rebates for child care under which support is now given to individual parents rather than the child care facility -

- (1) Has the Education Department been approached by any federal government agency to distribute information about the changes to out of school child care entitlements through Western Australian schools?
- (2) If so -
 - (a) when;
 - (b) what was the response by the Education Department?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The Minister for Education is not aware of any approaches by any federal government agency to distribute information about the changes to out of school child care entitlements through Western Australian schools.
- (2) Not applicable.

OLD COAST ROAD PROJECT

1611. Hon BOB THOMAS to the Minister for Transport:

- (1) Why was the widening of the Old Coast Road project given so low a priority that work will not recommence on this project until 2000-01?
- (2) What formula was used to determine the order of priority for road projects in the recently announced Transform WA program?

Hon E.J. CHARLTON replied:

- (1)-(2) The road to Bunbury is not a low priority as was the case with the Opposition when in government. The member will no doubt be interested to know that in the five years up to 1992-93, \$27m was spent on this road, whereas for the five years up to 1997-98 the coalition Government has spent over \$45m.

Hon Bob Thomas: And the Minister promised to have it finished by 1995.

The PRESIDENT: Order! We will have one question at a time and one answer.

Hon E.J. CHARLTON: The member asked why was it given a low priority. What he is now hearing is that in the five years up to 1992-93, \$27m was spent; for the five years up to 1997-98, this Government has spent over \$45m. We have also committed a further \$54m in the Main Roads 10 year program.

I am pleased to say that the dual carriageway on the Clifton and Preston sections of the highway between Mandurah and Bunbury is now scheduled for completion by 2000. It is also timely to advise the member that the south west and other parts of regional Western Australia are in uproar over the member for Armadale's threat to kill off many of the Transform WA projects. The member for Armadale continues a negative policy of tearing things down rather than building anything for the economic good of the State and its people.

The member would do well, if he wants to be constructive and to help the people in that region, to become involved in determining whether the dual carriageway between Dawesville and Clifton is required or whether it would be better to construct the Peel deviation on the other side of the Peel Inlet. I have invited people with a genuine interest in that issue to have their say.

FREMANTLE PORT AUTHORITY'S MEETING WITH WA POLICE SERVICE

1612. Hon JOHN HALDEN to the Minister for Transport:

I refer to a meeting with Kerry Sanderson and other Fremantle Port Authority staff members held with the WA Police Service on 2 April 1998.

- (1) Did Ms Sanderson or any other FPA officer keep any record of that meeting?
- (2) If so, will the Minister table those records?
- (3) Had Ms Sanderson discussed with the board of the Fremantle Port Authority, or any board member, the possible need for police involvement at the wharf prior to that meeting?
- (4) If yes, with whom and where?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.
- (3) Yes.
- (4) The matter was discussed by telephone with Mr Ron Aitkenhead, Chairman of the Fremantle Port Authority Board. It is not certain whether this discussion took place prior to or after the meeting.

I will add a further component to that as a consequence of a series of questions on this issue. Every day my office and the Fremantle Port Authority received a number of complaints from people who were being obstructed from going about their businesses associated with the Fremantle Port area, including Rous Head. As a consequence the Fremantle Port Authority continually liaised with the police as a response to the complaints made by people who lease land from the port authority.

TRANSPORT CORRIDOR OPTION T2

1613. Hon CHRISTINE SHARP to the Attorney General representing the Minister for Planning:

I refer to the Industry 2030 report released on 14 May, with regard to the expansion at Kemerton. Page 16 of this report states that the State Cabinet has deleted option T2 from further consideration. Will the Minister explain the reasons that consideration of this transport corridor has been discontinued?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

The Industry 2030 report to which the member refers examines the options for meeting the south west region's industrial land and transport needs over the next three decades. The report is a summary of four major reports that have been released for public comment. Cabinet has excluded the transport corridor option known as T2 from further investigation because of concerns about its potential impact on agricultural areas, including irrigated farmland.

FIRE FIGHTING

Aerial Water Bombers

1614. Hon RAY HALLIGAN to the Attorney General representing the Minister for Police:

- (1) What has been the cost to the State of the use of two aerial water bombers over the summer?

- (2) Will the Government continue the contract into next summer?
- (3) Is there any provision to extend their use into regional areas?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The overall cost to the State for the 14 week period will be \$590 000.
- (2) The use of aerial water bombers in firefighting activities has been a valuable initiative for Western Australia. There is provision for the existing contract to be extended under a three year contract option with the successful tenderers. When the three fire agencies - the Department of Conservation and Land Management, Fire and Rescue Services and the Bush Fire Service - make recommendations to the Government on this issue they will be considered.
- (3) The steering committee for firebombing operations is continually reviewing options for the possible protection of regional areas. CALM is collecting relevant data to assist future recommendations of this nature.

POLICE, COURT AND PRISONER CUSTODY AND SECURITY MANAGEMENT SERVICES

1615. Hon LJILJANNA RAVLICH to the Minister for Justice:

- (1) Will the Minister explain what sort of response he has had to tender No E01832/97 "Custody Management Services, Court Security Services" for an expression of interest for the provision of police custody management services, court custody management services, prisoner movement management services, and court security services for which the closing date was Friday, 29 August 1997?
- (2) When are these services likely to be privatised?
- (3) Why is the Ministry of Justice not allowed to tender?

Hon PETER FOSS replied:

I have an answer here, but I would like to make two matters clear. First, we may be in the process now in which the issue of core functions has been handled through the government management standing committee operating through the Public Sector Management Office in the Premier's office. Although I made submissions to it and was involved in it, I was not the person with direct control of the people who were involved in it. That is now changing. As the PSMO no longer exists, the responsibility for that committee will fall to the Minister for Police and me.

The second qualification I make is that although I have an answer here, I have not been involved in the process of tendering nor in the process of specifying the basis of that tender, which has been done by the committee. What I have here may or may not be accurate but it is all I have at the moment.

- (1) Nine responses were received to tender No E01832/97. Following an evaluation process, four companies were short listed to submit a request for proposal for the delivery of services. These companies are: Australasian Correctional Services; Chubb Protective Services; Corrections Corporation of Australia Pty Ltd; and Group 4 Correction Services Pty Ltd.
- (2) The services are not being privatised. The Government is market testing with a view to outsourcing the services to a private provider, under which arrangement the State will continue to have control over the service and be responsible for service outcomes. It is planned that a contract will be signed with the successful bidder in November/December 1998.
- (3) The outsourcing process is a joint process involving the Ministry of Justice and the Western Australian Police Service. The services being outsourced have been identified as non-core duties currently being performed by police officers, prison officers and juvenile justice officers, and outsourcing will enable these staff to be returned to core duties.

POLICE CHILD ABUSE UNIT, OFFICE SECURITY

1616. Hon TOM STEPHENS to the Attorney General representing the Minister for Police:

- (1) Will funds be allocated to improve the security on the offices of the police child abuse unit?
- (2) If no, why not?

Hon PETER FOSS replied:

Again, I am relying upon an answer that has been given to me. I have not had any opportunity to check its veracity. On the face of it, it appears to be a reasonable answer. I make the qualification that it may not be correct.

- (1) Yes.
- (2) Not applicable.

GIANOLA, MR PETER

1617. Hon KEN TRAVERS to the Minister for Sport and Recreation:

In a prospectus titled "Creating Communities" which outlines the services of a business of same name, the CV of one of the partners of the company claims that he has recently worked to restructure athletics in Western Australia by appointment from the Minister for Sport and Recreation.

- (1) Can the Minister confirm whether he appointed Mr Peter Gianola to restructure athletics in Western Australia?
- (2) If yes, when was Mr Gianola appointed and what tasks has he performed to date for the Minister?

Hon N.F. MOORE replied:

In order to make certain that there is no doubt about the veracity of the answer that I give, I ask Hon Ken Travers to place the question on notice. I am not aware of the publication to which he refers. However, I am aware of Mr Peter Gianoli not Gianola. They may be two different people and one would hate to go before a committee to explain the difference between an "a" and an "i" at the end of somebody's name. I know that is being silly. However, regrettably that is how silly debate got today. The member can give me some notice for next Tuesday week or he can put the question on notice, whichever suits his purpose.

GOVERNMENT DEPARTMENTS AND AGENCIES

Unexpended Funds

1618. Hon TOM STEPHENS to the Minister representing the Treasurer:

- (1) What is the Government's policy on providing opportunities for government departments and agencies to forward unexpended funds left over from one financial year to another?
- (2) Has this policy been circulated to all government departments and agencies?
- (3) Will the Minister table a copy of the relevant policy?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Government's policy is to allow agents to carry over underspending against current appropriations for the following financial year. Carryovers of up to 3 per cent of current appropriations are permissible, subject to Treasury approval. Carryovers in excess of 3 per cent require the approval of the cabinet budget standing subcommittee or the Treasurer.

The introduction of agency operating accounts on 1 July 1997 has provided a proved facility for carryover arrangements, and the policy guidelines are currently being reviewed to incorporate this improved facility as well as introduce accrual output budgets.

- (2) Yes. This is one policy I wanted to introduce. I take full responsibility for bringing it in. I wanted to stop agencies spending up big at the end of year for the sake of spending the money. I spoke to some businessmen yesterday who said the car industry would go broke, because in the past agencies would buy cars before the end of the financial year. They can now carry the money forward.

Hon Bob Thomas: It is exactly what we did in 1992.

Hon MAX EVANS: The Labor Government did not bring it in in 1992.

Hon E.J. Charlton: We are carrying forward the money, not the debt!

Hon MAX EVANS: Indeed. Also, in certain circumstances, agencies can bring money forward from next year to this year to complete a job early. Money can move both ways. It was only possible to make this change when we allowed all agencies to operate their own bank accounts. We closed down the government accounting system - the

massive computing system - and all agencies now run their own bank account within the government bank account. Therefore, money can be carried forward. That was not possible under the old government accounting system of consolidated funds.

Directions may have been given in that regard by the previous Government, but it was not working very well. I changed it. After we came to government, in 1994, we brought down our Budget before the end of June. Therefore, agencies had no incentive to spend up big.

(3) I table the attached papers. [See paper No 1636.]
