

# Legislative Assembly

Wednesday, 18 September 1991

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

## PETITION - MINERAL SANDS, BEENUP AND JANGARDUP

### *Rail Transport Option Study*

**MR BLAIKIE** (Vasse) [11.06 am]: I have a petition couched in the following terms -

To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens of Western Australia:

1. We the ratepayers, taxpayers, voters and residents of Busselton and surrounding areas demand that the Western Australian Government conduct a comprehensive study on the movement of mineral sands and other products from the Beenup and Jangardup areas to Bunbury using the rail transport option.
2. This study should be as comprehensive as that carried out for the road option and should consider utilising existing rail reserves as a priority.
3. We further demand that no irrevocable decision on the road option is made until the study on rail usage is completed and made available to the public.

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

The petition bears 1 991 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 100.]

## APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

### *Second Reading - Budget Debate*

Debate resumed from 17 September.

**MRS EDWARDES** (Kingsley) [11.12 am]: In continuing my contribution to this debate I will refer to compliance costs on small business. In the February issue of *Brief* magazine Alex Chernov, QC, who was then the President of the Law Council of Australia, made a statement I will quote to the House. The article is titled, "The Lawyer and Morality" and in it he quotes Jeremy Bentham as follows -

Every law is an evil, for every law is an infraction of liberty.

His article states -

But when you have what we have today - nine Parliaments suffering a kind of legislative madness - then the attack on our liberty comes not just from the content of the law, but from the overwhelming volume of it.

We should ask ourselves, and our legislators should ask themselves, what is being achieved by this orgy of law-making.

One thing that is being created is a massively expensive regulatory environment in which we all have to live and work.

Compliance by small business with Government legislation and regulations imposes substantial costs on it. The subject of compliance costs must be reviewed because it has a great impact on employment, investment and the expansion of small business. A thorough identification of those compliance costs should be undertaken. The kinds of costs I am talking about are the renewal of licences and the application for licences which are required

for small business to operate; the application for renewal of patents, leases and permits; the preparation for the submission of annual reports; taxes such as the financial institutions duty, Federal bank account debit, wholesale tax and sales tax; remittances and their application; the completion of lengthy questionnaires from the Australian Bureau of Statistics; and the availability required for audits of various kinds, regardless of whether they are from income tax or sales tax. These costs include not only the administration costs of meeting the legal requirements, but also the costs associated with keeping themselves informed and the costs of fees for professional legal and accounting advice. If members talk to any small business person they will be told that compliance costs are a major disincentive for further expansion and investment.

I advocate two steps in respect of this issue. Firstly, that the Government conduct a major review of the identification of compliance and its cost to small business. The costs should be assessed and at least meet the basic criteria; namely, fairness, equity, simplicity and efficiency. Simplicity is essential when considering the various Government department forms which have to be completed. It is a major disincentive to an efficient organisation. Where necessary those costs should be adjusted or even abolished if it is considered they are no longer effective.

Secondly, I recommend that the Government establish a consultative mechanism to monitor future legislation and regulations and to continue the monitoring of existing legislation and regulations. Members would then be aware of the financial impact that legislation presented to the House will have on small business. Business impact statements must become an integral part of the legislative process.

Members may be aware of the number of times I have stood in this place and asked the questions: "What is the cost benefit analysis? Has a cost benefit analysis been carried out? What will be the impact on business in respect of this legislation and regulations?" I have never received an adequate reply to those questions. I raised the same questions during the Estimates Committee debates last year and on many occasions in this House this year. It must become part of the legislative process. We cannot continue along the lines referred to by Alex Chernov; that is, enacting legislation and regulations which impose costs on small business without members in this place being made aware of those costs. I remind members of what he said -

One thing that is being created is a massively expensive regulatory environment in which we all have to live and work.

Members should at least be able to assess the impact of the cost imposed on small business by legislation and regulations debated in this House.

I found it interesting, after my contribution to this debate last night, to read an article in this morning's *The West Australian* written by John McGlue entitled, "State counts cost of executive privilege." The article reads-

The shortcomings of the media in covering WA Inc are more truthfully attributable to an inability to access critical information - and inexperience in dealing with Government ministers or senior public servants telling bare-faced lies and smiling while they did it.

I will pick up on public servants. Last night in this debate I referred to the Auditor General's report and the situation arose in which the Leader of the House actually criticised the Auditor General. The Auditor General's role is totally independent of the Executive Government, and it must be. In the past eight years the appointment of public servants - the Labor Government appointees - has contributed to the WA Inc scandal. By their sitting back and not taking any action and not questioning what the Government was doing they have aided and abetted this Government in its actions. We should be very aware when members criticise independent authorities. We have heard no criticism of the public servants who were silent at that time. Those public servants were silent about the actions of the Government when, in their professional role, they should have been impartial. They had a duty to exercise some professional integrity in that regard. Instead, those Labor Party appointees in the Public Service were more interested in keeping their masters in their jobs which, in turn, gave them job security. Shame on the Leader of the House for criticising the independence of a person such as the Auditor General.

Mr Pearce: I was not criticising them, I was criticising their judgment. They are wrong in the assertions they made.

Several members interjected.

The SPEAKER: Order! It is inappropriate to interject at any time and, as it is apparent that some members are not aware of the rules in this place, I will try to explain them. Interjections are disorderly at any time, although I am personally prepared to accept interjections to the person who has the call from time to time, so long as they are within the bounds of reasonable manners. However, I am not prepared to accept cross-Chamber shouting matches, interjections or conversations to the exclusion of the member on his or her feet. I draw that to the attention of members, in case there are any misunderstandings.

Mrs EDWARDES: All members of Parliament are in this place to represent the people who elected them. Members have a right to put forward their views on behalf of their electorate and anybody else who contacts them in these matters. I wonder whether the Government takes that responsibility seriously. I have made several requests in this place on previous occasions, to which the Government has replied. I refer to two matters which I raised in the Address-in-Reply debate earlier this year. In one instance I referred to a children's crossing in Hepburn Avenue. The Minister said at the time that I would be pleasantly surprised because a police officer would go to the site the following day and a crossing would be supplied. The police officer went to the site the following day and soon afterwards I received a letter indicating that a crossing would be installed in Hepburn Avenue near Karuah Way, which is where the Greenwood community wished it to be located. I received a letter on 4 April 1991 stating that on 27 March 1991 the schools' crossing road safety committee had decided that a type A children's crossing was warranted. April, May and part of June passed with no crossing being installed, and a telephone call was made to find out what had happened. We were told that the allocation of funds for the payment of a warden to man the crossing was still under consideration. That occurred at the end of June and now, half way through September, there is still no children's crossing along Hepburn Avenue. Members in this place raise their concerns but, if the Government will not take notice of what is said about dangerous situations, the lack of safety standards for children crossing busy roads, and the absolute need for that crossing, what is the point of their being here? Is it necessary for a child to be killed before this Government will take any action and provide the necessary funds? The amount required to employ a warden to man the crossing is only \$3 500. That is not much money. Is a child's life not worth that amount?

Mr Pearce: You are a hypocrite; an independent body makes the decisions about whether or not these things are worthy.

Mrs EDWARDES: The Leader of the House obviously picked up only a small part of my comments. He obviously did not hear me say that on 27 March the schools' crossing road safety committee recommended the installation of this crossing and we are waiting only for the \$3 500 to pay for a warden to man the crossing.

The other matter I raised in the Address-in-Reply debate was the lowering of speed limits on roads surrounding schools. Again, on that occasion the Minister said that I would be pleasantly surprised because the Minister for Police planned to make an announcement shortly with respect to speed limits, roads and traffic hazards around schools. It is now September and still no statement has been made by the Minister for Police on this matter. If members of Parliament do nothing else, they certainly listen to their constituents who talk of the difficulties faced by parents and children when crossing busy roads on their way to and from school. It is not a minor issue; it is a major issue which should be addressed. Members in this House should not be fobbed off by Ministers, as they are on a regular basis.

I refer to another matter I have raised previously in this place, and query whether the Government has taken any action. I spoke about cost impact statements and indicated that some of the Government departments cost taxpayers a great deal of money. One example I referred to related to the Crown Law Department and the cost of legal advice from that department to other Government departments. From 1 July 1992 the Federal Government will implement a user pays system for legal advice provided to Government departments. The Federal Attorney General, Mr Duffy, said it will result in the much more effective provision of a high quality and value for money legal service. Bearing in mind that I have raised this matter previously, I ask what action the Government has taken to assess that

statement by the Federal Attorney General. Has it carried out an analysis of how such a system could be applied in Western Australia, its cost effectiveness, and whether it would result in a reduction in the cost of providing legal advice to Government departments? If money were saved in that area, perhaps the Government could find the \$3 500 required to employ a warden on the Hepburn Avenue children's crossing, for example. Members stand in this place and talk to you, Mr Speaker - as is the correct procedure - but I wonder whether the Government takes any note of or any interest in the problems of the people who live in our electorates. As members of Parliament, we represent those people; we are responsive to their needs; and we have a right to be heard in this place - as indeed we are. However, we would also like the Government to take more cognisance of the matters we raise.

**MRS WATKINS (Wanneroo) [11.29 am]:** I take the opportunity to participate in debate on the Appropriation (Consolidated Revenue Fund) Bill, and indicate that I am a very fortunate member of Parliament inasmuch as a tremendous allocation of capital works funds has been made in the electorate of Wanneroo which I represent.

**Mr Fred Tubby:** You must be in a marginal seat.

**Mrs WATKINS:** None of us can be complacent, and I imagine that many members on each side of the House are in marginal seats, if not in a marginal preselection situation.

Several members interjected.

**The SPEAKER:** Order! It is absolutely impossible for a member to be any closer to the Speaker in this House than is the member for Wanneroo, and it is difficult for me to hear her comments. I cannot believe it.

**Mrs WATKINS:** I have waxed lyrical in this place before about the northern suburbs rapid transit railway. I will be glad when it reaches the people in the northern suburbs because although we have a reasonable public transport system at the moment the rapid rail system will assist the transport needs of the area greatly.

I turn now to the examination of a site for heavy industry by a working party set up last year. Although the area under consideration is outside my electorate it was close by at Breton Bay and Wilbinga in the electorate of the member for Moore. Any development in that area would have impacted on the people in the northern suburbs. I came out strongly in opposition to that proposal for a number of reasons. First, I saw the infrastructure costs of something like that as being astronomical. Secondly, I was concerned that if it became a heavy port area the crayfishing industry would suffer as there are crayfish nurseries along that part of the coast. The public in the area from Guilderton, Breton Bay, Lancelin and Two Rocks came out clearly in opposition to the idea. Many hundreds of submissions were received by the Government opposing the proposal. I am pleased that a sensible solution has been arrived at and that the Deputy Premier announced a short time ago that the Government did not intend proceeding with a heavy industry site in that area. I commend the Deputy Premier in particular and the Government as a whole on that decision.

I now pay tribute to a group of women in my electorate who comprise the Ocean Ridge women's community group which is based in Granny Spier's Community House. I had the pleasure this morning of introducing the Minister for Community Services to the women in that house. He went there to announce a new community and neighbourhood house program. About 11 years ago I sat in the lounge room of Joy Coleman, president of this group.

**The SPEAKER:** Order! The person in the gallery who is leaning over and flicking his fingers in an attempt to attract the attention of someone should take a seat or leave the gallery.

**Mrs WATKINS:** The meeting in Joy Coleman's lounge room came about as a result of an advertisement she had placed in a paper asking people who were like minded and concerned about families living in isolation to contact her. The Wanneroo Shire area has always had a high migrant population. It was as a result of Joy's concern for the community that that first meeting took place. Her lounge room was not particularly large but 40 or 50 people and their children were packed into it. From those early days in 1980 Granny Spier's Community House has grown from strength to strength - or should I say the Ocean Ridge women's community group has grown from strength to strength. Granny Spier's Community House was based on the name of a lovely old lady who lived in the Wanneroo area many years ago and who gave assistance to sustenance workers, now called "the unemployed".

The group was fortunate when six or seven years ago it received substantial funding from the Lotteries Commission to build its house in Albatross Court, Heathridge. Since that time the group has received additional funding from the Lotteries Commission to add to that house a playgroup area and a creche. One of the difficulties with Granny Spier's Community House is that it never seemed to fit into the Government's funding criteria although it provided an incredibly good service to the community. It was known by various Commonwealth and State Government agencies as the proverbial square peg in a round hole. I am therefore happy to announce that this morning the Minister announced the group would receive an additional amount of \$5 500 towards the funding of one and a half workers. I value the fact that the Minister chose to launch the program at that community house which clearly sits on the record for the people of the northern suburbs and Western Australia as an example of how good a service this community group provides.

I am aware that the member for Kingsley talked about Granny Spier's Community House last night. I am delighted that other members of Parliament are prepared to support that place. However, I was a tad miffed when the member for Kingsley implied that she had had much input and had made many visits to Granny Spier's Community House. I was contacted this morning by Mary Stewart and Joy Coleman from the group who advised me that the member for Kingsley had visited the house only once.

I turn now to the plight of former constituents who hopefully will become constituents once again in the future. They are Antoinette and Frank Ward.

[Quorum formed.]

Mrs WATKINS: The family to whose plight I refer lived in my electorate in Edgewater before relinquishing their home. I have managed with the assistance of the Minister for Housing to get them a home in the electorate of the member for Balcatta. I will outline to the House how this couple came to be in the predicament they are in. Prior to 1982 Frank Ward was an airline pilot working for Malaysian Airline System. On 6 July 1982 while commanding an aircraft in Malaysia the engines failed. He was an extremely competent pilot and was able to land the aircraft in a field in the Sarawak region. The passengers travelling in the aircraft were all uninjured. Unfortunately Mr Ward suffered head injuries. The family fought from 1982 until just recently for compensation to enable it to re-establish itself. The matter finally went to court in Malaysia in February 1990 where the court found in favour of Mr Ward. However, the Ward family finished up with \$A1 250 after everything was taken into account. Because of the small amount they received and the fact that they had to pay legal fees their house, which was used as collateral, was lost. Most of their furniture and money has gone and they were virtually penniless when they came to me for help.

I was able to negotiate with their lawyer and with the finance company that owned the home in order to stave off the bailiff's coming around before I could find them another home. As a consequence, they are now living in a Homeswest home in the area that the member for Balcatta represents. The community of Wanneroo has been extremely generous. The Mayor of the City of Wanneroo, who owns his own storage company, has stored what little furniture they have, free of charge, because not all their furniture could fit into the Homeswest home. The family is now adjusting to its new home, and the good news is that an appeal that was pending in the Malaysian courts was heard eight weeks ago, and I am happy to report that the appeal was successful and that their payout was around the \$200 000 mark. However, that payout was not made soon enough to enable them to stay in their beautiful home in Edgewater, and it was not soon enough to restore faith in the mind of this family. Mrs Ward had spent a long time in hospital when she was expecting her second child, and she had to go through the trauma of supporting her family and trying to cope with a husband whose severe head injuries meant that he could not be a care giver. Hopefully the \$200 000 payout that they have received will go a small way towards appeasing their minds.

I turn now to the very controversial issue of the north west corridor structure plan. As many members would be aware, in late 1987 and early 1988 the then planning department produced a proposal for the urbanisation of the whole of metropolitan Perth. That proposal indicated clearly that the eastern sector of Wanneroo Road - which I affectionately refer to as the "salad bowl" of Western Australia - was destined for urbanisation. A number of public meetings were held following the release of that report, and there was absolute condemnation of that proposal. As a result of those public meetings, the plan did not necessarily go onto

the back burner but it was, I believed, reconsidered, until I learnt when the north west corridor structure plan was released earlier this year that rather than a reduction in the amount of urbanisation that was planned, there would be an increase. To add insult to injury, it contained a proposal to build a six lane highway which would clearly divide the community of Wanneroo.

I took the opportunity, when I first learnt about this, of contacting the then Minister's office, and I told him that I wanted him to come to Wanneroo and to talk to the people, because I believed this plan would have a disastrous effect if it went ahead. I asked the Minister to attend the public meetings when they were called, but I gave him a fair warning that I know the people of Wanneroo and that when they are angry about something they will turn out not in their hundreds but almost in their thousands. Apart from the release of the north west corridor structure plan, what caused people the most pain was a letter to them from the City of Wanneroo directly following the release of the plan. The letter states -

The City of Wanneroo has prepared the draft East Wanneroo District Structure Plan (EWDSP) to show in more detail how East Wanneroo may be developed.

A copy of the plan was attached to the letter. The letter continues -

The development of East Wanneroo will be difficult to achieve given the very large number of landowners and their different hopes and aspirations for their land. To help Council achieve the development of the area in accordance with the plan, a town planning scheme is to be prepared which will provide for land to be acquired and developed (where appropriate) and set aside for a number of facilities . . .

These facilities were to include public open space, neighbourhood and district shopping centres, regional roads, etc.

The letter then advises that the scheme will impose a headworks levy on properties within east Wanneroo whenever subdivision of land is approved. The letter continues -

It is intended that the acquisition of any land will be by negotiation, but in the event that the implementation of the scheme is being held up by unwilling sellers, powers of resumption will be available.

Members can imagine the response from the people in east Wanneroo when they received a copy of that letter and plan, and noticed that a primary school or a shopping centre was to be built in their backyard. That plan affected literally hundreds of homes, which people had spent upwards of \$250 000 to develop. It also affected those horticultural districts that employ many people. The deputy leader of the National Party would agree with me that those people have the right to farm and should not have something like this impacted upon them.

Mr House: Hear, hear! Everyone should have a right to farm. We should all be farmers.

Mrs WATKINS: I think we all are in our own small way.

As a result of the public meeting that occurred, an action group was formed, called the eastern perimeter arterial road action group, or EPARAG, which wrote to the Government of the day and to me and suggested that the Department of Planning and Urban Development prepare a set of alternatives for a mix of land use and road alignment options, outlining positives and negatives and DPUD's opinions and reasons. It also asked for a series of workshops to be held; for some measures to be prepared for countering the negative social and human impacts of the scheme; and for some firm time scales to be set for implementation to allow people time to adjust. A number of public meetings were set up as a result of that, and the Minister for Planning advised that the first thing he would do was extend the time for submissions from April 1991 to the end of July 1991 for those people on the eastern side of Wanneroo. He also set up a working group with three representatives from the community, representatives from the Water Authority and the Department of Planning and Urban Development, two members from the City of Wanneroo, and me as the local member. The terms of reference of the working group were to review and recommend alternative arterial road network options for the north west corridor east of Wanneroo Road; to review and recommend any modifications to the land use proposals; and to provide an indication, as far as possible at this stage, of the likely staging of urban development east of Wanneroo Road.

That working party has met on a number of occasions, and to date in excess of 900 submissions have been received from people living in that eastern sector. The working party in its deliberations has looked at a series of options; and the member for Kingsley referred to the third option last night. That option, which is option (c), is a compromise from both the Department of Planning and Urban Development and the community, and clearly indicates that there will be no eastern perimeter arterial road. What would happen is that the existing road system of Franklin and Lenore Roads would be upgraded to four lanes. Currently they are two-lane roads, and are extremely busy because they provide access for trucks and other vehicles and it is quicker to go that way than through Wanneroo Road. The option also reduces the number of urban blocks. I am happy to leave this plan on the Table of the House for the remainder of this day's sitting to enable members to see what can happen when a Government and a community work together to try to reach some form of compromise.

[The paper was tabled for the information of members.]

Mrs WATKINS: I have taken a leaf out of the member for Melville's book and have brought along a number of letters that I have received. In fact, I have received about 300 letters from people in my electorate on this issue.

Mr Shave: I hope it is not propaganda.

Mrs WATKINS: The letters are completely unsolicited.

Mr Shave: They were not from your aunts or other relatives?

Mrs WATKINS: Not at all. In fact, most of my family is in England, although my parents are visiting at the moment.

The first letter is from the Martin family, who live in Dundobar Road, and who have enclosed for me a copy of their submission. They state -

We thank you for the support that you have given to date in listening to the views of residents in the area and in putting those views forward to the Department of Planning and Urban Development, the Premier, the Minister for Planning and others. We are confident that if the objections to the Plan in its present form are given due consideration, the conclusion will be drawn that it should not be adopted in its present form.

I could not agree more. For that reason I have tabled the map, and I recommend that members examine it.

Another case comes from a lady in Beldon. She lives nowhere near east Wanneroo, but the matter has caused a great interest in the whole Wanneroo community, perhaps even in the area the member for Scarborough represents. This person writes to congratulate me for my involvement and support for the eastern perimeter road action group. I am a member of EPRAG and I have donated to that group. The letter reads -

I am not a member of the abovementioned group nor do I live in the area directly affected by the proposals put forward by the Department of Planning and Urban Development for a six laned highway and land resumption. I do have the utmost regard for these people who have chosen a piece of God's earth with care for the natural environment and thus the future of our very fragile ecology.

They have the foresight and understanding to propose a viable and preferable alternative which will be far less threatening to the environment and inhabitants of that environment but will also answer the needs of future planning.

For your part I commend you and hope I may count on you to stand up for the people whom you represent.

That is precisely what I have done. Something I can take a little pride in is the fact that I have always been up-front with my constituents. I know there is an area of land which is causing some concern -

Mr Minson: Are you telling me there are people in this House who are not up-front?

Mrs WATKINS: I am not suggesting that at all, and I am sorry the member draws that inference.

Mr Minson: I wondered why you said it.

Mrs WATKINS: Some members might suggest otherwise.

Mr Shave: We hear very good reports of you.

Mrs WATKINS: I am very pleased to hear it. One of the areas causing concern is an area of land in Neerabup, which is partially owned by Homeswest and partially by Yatala Nominees. It has been the subject of dispute for some years. It is broad acre land and is ideal for subdivision. The Government has been pressed for some time by the Wanneroo City Council and the Joondalup Development Corporation to start developing more housing in that area. If we are fair dinkum about having industry come up to the northern suburbs in areas like Wangara and Joondalup, we must provide housing for those people. Many of them are on fairly low incomes so they need affordable housing.

I am at odds with a number of my constituents who see that as being a nail in the coffin of their rural lifestyles, but I have set up a meeting with the people around that area and the Minister for Housing to ensure that appropriate buffer zones are provided, and that the very attractive banksia woodland in the area is retained. I have the Minister's assurance that that will happen.

Before leaving the subject of the north west corridor structure plan, I want to bring to the attention of the House the plight of a person who lives in the constituency of Marangaroo. I do not have his permission to name him and I shall not do so because I think it is inappropriate. This person came from the United Kingdom three and a half years ago and decided to settle here. He was in the fortunate position of having a home in the UK to sell, so he was able to purchase a home immediately without a mortgage, and he settled in Marangaroo. When a number of land releases came up around the Badgerup area he decided it would not be inappropriate for him to purchase land there for a rural lifestyle; there was only himself and his wife. This person is a very astute individual, so he decided not to take the real estate agent's word for it that there were no proposals for any other plans; he took the time to go to the local government authority and other authorities to see if there were any impediments on this land which would prevent him from building. In October last year he was assured that nothing was planned for the area and it would be perfectly in order for him to go ahead and build his dream home. On the strength of that he approached a lending authority and borrowed \$69 000 on top of the \$40 000 deposit he made to purchase this land. He pays \$1 000 a month in mortgage fees.

This was to be the dream home in which he had invested all his money. He had put up fences and installed driveways on this block of land, so he had spent a lot of money. It was not until mid February this year, after the City of Wanneroo's release of its answer to the north west corridor plan, that he learnt that not only did he have a six lane highway in front of his home, but his home did not exist because the area was earmarked for a primary school or some such structure.

This person is very clearly extremely angry, and for a number of reasons. He is angry at a number of people. His anger is directed not just towards the Government; it is directed towards the local government authority which, although it was aware of the plan in June of last year, was unable to advise him of the position when he approached it in October. This person is looking for compensation. I have been attempting to set up a meeting between him and the City of Wanneroo at his request. Both meetings I have set up have been called off at the last minute, and I am endeavouring on his behalf to obtain a few more answers about the time frame of this plan from the Department of Planning and Urban Development. I have told him that I do not think he will have much joy; I do not think he will receive compensation. However, this is an example, and there are many others, of how people's livelihoods and lifestyles can be affected by the plans which we make.

During a grievance debate earlier this year the member for Marangaroo raised the issue of a group called County Component Homes. I do not want to grandstand here, but this file, which is nearly an inch thick, covers the dealings one couple has had with this organisation since last year. However, these people are lucky that they own the home which they currently occupy; they are not paying rent. They have chosen to buy a block of land in Joondalup and to build after successfully negotiating funding. They perused newspapers and explored several avenues, they came across this lovely plan put out by County Component Homes, and they proceeded to build their home. They signed the contract in July 1990. It is now September 1991 and they are still no further advanced towards moving into their home.



Their costs have risen astronomically. When they have tried to take up the issue with County Component Homes - most members will know that the person who controls County Component Homes is John Clarke; a common name and I shall comment no more - they were told they would have to take the matter up with the builder.

What is absolutely ironic is that all their payments have been made to County Component Homes. All the taxation forms they have put in are to County Component Homes. It is very difficult to come to terms with the fact that everyone now suggests that the matter should be taken up with the builder, who is not the person concerned. He should be paid by County Component Homes but I do not think he has received much money from that organisation. That brings me to the Home Building Contracts Bill. I urge members to support the plight of Garry Pekel and Liz Adlam and support the Bill. There are hundreds of others like them. They have done everything by the book; they have written literally hundreds of letters and made hundreds of phone calls, yet they are still no further advanced. I urge members of the Opposition to think very clearly about this position. I appreciate the opportunity to participate in this debate. I am aware of the time and so will conclude my remarks.

Debate adjourned, on motion by Mr Minson (Deputy Leader of the Opposition).

### **FITZGERALD STREET BUS BRIDGE BILL**

#### *Second Reading*

**DR ALEXANDER** (Perth) [12.00 noon]: I move -

That the Bill be now read a second time.

This Bill requires the Government and its planning authorities to find a better planning solution to the problem of providing bus, pedestrian, and cycle access over the railway at Fitzgerald Street, Perth. The current boom gate crossing over the railway will become impractical to use once the northern suburbs rail line opens, an event which is scheduled for late 1992. The planned new rail crossing is on the edge of the Perth central business district, the commercial heart of the electorate of Perth which I have the honour to represent. This issue is one of great importance within the electorate and amongst a wide spectrum of people concerned with the future of Perth.

The current Government plan was adopted by Cabinet earlier this year despite considerable objection from the Perth City Council. It provides for a bridge to carry buses from a point just south of James Street to a point just south of the railway, thence connecting to the central bus station. This proposal is illustrated on plan A3-7345-06 which is attached to my second reading speech and a copy of which I will seek to table for the balance of this day's sitting at the conclusion of my speech. More recently, as the details of this plan have become known to the public, many people, including prominent planning lobby groups such as CityVision and others, have been joined by the local business and residential community in the vicinity of the proposed bridge in raising considerable further objections to the proposal. Westrail, however, says it intends to proceed with the bridge in the near future, with contracts to be let in December. This is despite the existence of at least one viable alternative to the bridge; that is, as recent publicity in the Press has highlighted, an at-grade or ground level crossing with the railways tunnelled under. This plan, first put forward by the Perth City Council over 12 months ago, is illustrated on map A3-7345-07, and is also attached to my second reading speech.

[The papers were tabled for the information of members.]

**Dr ALEXANDER:** While the illustration of the plan includes provision for an all-vehicle crossing linking Fitzgerald Street to Milligan Street, this Bill deals only with bus access to the central bus station and with pedestrian and cycle access across the railway. The question of the extension of Fitzgerald Street itself into the city in my view is a separate one: Such a road link runs the risk of further choking the city with cars, and the Perth City Council itself has flagged some concern on this point. In any event, even that part of the Perth City Council plan to provide for a rail tunnel and a crossing at ground level has been rejected by Cabinet, apparently on cost and timing arguments.

Before looking at these arguments in more detail, I should explain to the House the reasons why the bridge proposal has become so controversial. The first is the basic fact that the

community has not been properly consulted. Perth City Council objections to this proposal were simply overridden, and the wider community was hardly consulted at all. Only two days ago I was at a meeting, which was also attended by the members for Floreat and Applecross, which was belatedly called by Westrail to discuss this proposal. The community most affected by this proposal - the residential and business community in the vicinity - well and truly vented their anger there at their exclusion from the planning process and the failure of their representations to make any impression on Westrail. They, and other critics of the proposal, have pointed out that a bridge will have an extremely adverse visual impact on a part of the city which already has many ugly features, such as overhead wires associated with rail electrification and several bridges with blighted, dead spaces below them. The Mitchell Freeway bridges are classic examples. The planned bus bridge will be supported by earth embankments at either end which, even when landscaped, will still provide hefty visual barriers. All of this work will serve to accentuate the physical separation of the city block from Northbridge, and to reinforce the railway as a barrier. As members will be well aware, this problem has dogged the proper planning of the city ever since the railway was constructed over a century ago. Moreover, the planned approaches to the bridge in Fitzgerald Street, Northbridge will cause local businesses many access difficulties, great disruption and a likely loss of trade.

As the member for Perth I have, as many in this House will recall, had much cause to disagree with the Perth City Council on occasions with regard to its approach to planning. In this instance, however, I agree with its alternative solution; that is, to sink the railway - both the Fremantle and the Joondalup lines - and allow buses, cycles and pedestrians, but not cars, to cross at ground level. I believe the current Lord Mayor and the Perth City Council deserve credit for continuing to press this solution with the Government. It is a solution of considerable vision, as it would overcome the problems of visual and local traffic disruption referred to above and would set the scene for the long talked about sinking of the railway, or at least part of it, through central Perth. A tunnel is already under construction to take the railway under Roe Street into the Mitchell Freeway reserve and this project would seek to extend that tunnel just a little to the east.

As reported in *The West Australian* on 12 September 1991, Professor Gordon Stephenson has recently argued that it is not necessary to sink the railway now that the central station has been remodelled and that pedestrian crossings have been provided at first floor level. As one with a town planning background I have great respect for Gordon Stephenson, but I must say that he is not always right! His argument overlooks the fact that, regardless of what has happened at the central station itself, it is still possible and would be very beneficial to sink the railway further to the west; that is, between the Horseshoe Bridge and Fitzgerald Street. In the future, if this rail tunnel were extended across that part of the railway reserve, in my view it would vastly improve that area of the city. It would allow for the surface use of the entire area between Wellington and Roe Streets, easier crossing for pedestrians and future public transport improvements such as light rail, which have been talked about for some time now, and a much closer integration of Northbridge with the city block. I understand that about 70 years ago a plan for a new heart for central Perth, with the railway sunk and with parklands and development over the railway, was put forward. That plan, called "A new heart for Perth", was a great vision. It has never been implemented and this is a chance to start implementing at least part of that vision.

The Bill requires the Government and Westrail to consult further with the Perth City Council and the affected residential and business communities over a one month period before bringing back an agreed solution to the Parliament. In my view it would be an arrogant abuse of power for the Government to press ahead regardless of objections. This Bill simply seeks to ensure that that will not happen, and that the community will have the rightful say it has so far been denied. Parliament will be able to give the project the go-ahead only once the community has been fully consulted and alternatives to the bridge, one of which I have just outlined, have been properly evaluated.

In my view this is a proper use of Parliament. Indeed, I would submit that many more projects of this type should be debated by Parliament rather than simply being foisted on an unwilling community by Executive Government and an inflexible bureaucracy in this case.

Mr Lewis: And they will be.

Dr ALEXANDER: I hope so.

I have talked to the director of the project on several occasions about this matter. He is a very reasonable man but on this point he seems to be extremely fixed. He argues two things. Firstly, he says that the tunnel solution would be too costly: Westrail has estimated the additional cost as \$7 million, over the bridge cost estimated at \$3 million. That is not an inconsiderable sum of money; however, we should consider the planning benefits the alternative solution would bring to the city and the fact that the Perth City Council has effectively offered to pay this additional cost by purchasing a portion of the Westrail land adjacent to the Entertainment Centre that is currently leased to the council and used for car parking purposes. Some of this land in fact is currently being used as a sand dump in anticipation of the bridge project, itself a testimony to Westrail's determination to proceed with the project no matter what the objections. This purchase of land would be made by the city using its parking facilities fund, on the understanding that the proceeds would be used by Westrail towards the additional cost of tunnelling. This seems to me a creative way of using the parking fund for the betterment of the city, something not easily achieved under current legislation - and something incidentally that needs further consideration by the Parliament. I understand that the city is prepared to negotiate further on the details of this transaction. I see no reason why stipulations could not be placed on the future use of the car park land as a condition of sale. For example, a joint council-Government development project - as part of a long term redevelopment of the adjacent railway reserve if the railway is sunk - could recoup some of the costs.

It is also argued by Westrail that tunnelling would involve difficult alterations to the Roe Street rail tunnel currently under construction, and that delays would set back the planned opening of the Joondalup line. I am a great supporter of the northern suburbs railway, and I would not do anything that would in any way impede the construction or opening of that line. It seems to me that in this case Westrail's objection is spurious when it is considered that the current tunnelling under Roe Street - over a much longer distance and around a curve; that is, a much more complicated operation than that proposed - will be completed within a total period of 12 months. It was started in January this year and is due to be completed by January next year. According to Westrail it is on time. If that sort of operation can be finished within 12 months, it seems to me that the proposed tunnelling to accommodate the Joondalup and Fremantle lines would be a more straightforward process, and that the Joondalup tunnel could be scheduled for early completion - if that is thought the right priority - with the Fremantle line to follow.

Mr Lewis: That tunnel is to be about 100 metres.

Dr ALEXANDER: It is. There is also a widening to accommodate the Fremantle line. Some alterations would be necessary to the existing tunnel as the ramp comes up from the Roe Street underpass.

However, such an arrangement would in no way delay the opening of the Joondalup line - a project of immense significance to the city and the northern suburbs. It is clear that the community deserves a greater say in this important decision. Gone are the days, I trust, when Governments can simply ride roughshod over community opinion. The Government has so far paid scant regard to the many valid objections to the bridge proposal, and has ignored the planning benefits for the city which are inherent in the tunnel extension proposal. It proposes to sacrifice the city's good planning on the altar of economy, while ignoring the considerable social, aesthetic and environmental costs the bridge proposal will generate. If the Government will not listen willingly to the people, Parliament must ensure that it does.

I commend the Bill to the House.

Debate adjourned, on motion by Mrs Watkins.

## CRIMINAL CODE AMENDMENT BILL

### *Second Reading*

Debate resumed from 29 May.

MR D.L. SMITH (Mitchell - Minister for Justice) [12.15 pm]: The Government has a fair degree of sympathy for the intent of the Criminal Code Amendment Bill. The question of

what is lawful or unlawful in the protection of property is one which is difficult for lawyers. I must acknowledge that the Criminal Code is nowhere as clear as it could be. The Criminal Code is based on the notion that it defines a number of offences including assaults, assaults causing bodily harm, assaults causing grievous bodily harm, and so on. What makes those assaults criminal is the fact that they are unlawful. What the Bill seeks to do in a number of situations is to make lawful that which on the face of section 223 and others is unlawful. A number of sections contain provisions of this kind. In all of them is a limit imposed by section 260 which in effect reads -

In any case in which the use of force by one person to another is lawful, the use of more force than is justified by law under the circumstances is unlawful.

Therefore, one must have careful regard for the limitations imposed on the provisions which allow some degree of force to be used to either prevent an assault or the commission of other offences. Those provisions are quite numerous and include a number where no definable limit is contained in the legislation on the degree of force that is to be used, other than to say that such force may be used as is reasonable or necessary or a reasonable proportionate force, and so on. Those sections are 231 and 232, 236 to 241, 243, 244, and 257 to 259. A number of other sections impose a definable limit, and include some which are limited to causing death or grievous bodily harm; that is, sections 233, 235, 246 to 248 - except where death or grievous bodily harm is apprehended in the case of section 248. Death or grievous bodily harm is even justified in certain circumstances by sections 248 and 249 - that is, self defence against unprovoked assault and self defence against provoked assault where it leads to other consequences. These only apply in cases where life is threatened; death does not have to occur first; it must be threatened in those cases. The sections that impose a definable limit on force which will not do bodily harm are sections 251 to 256. In general terms the scheme is that the more serious the offence being committed or the more serious the threat to life or body that is involved in the assault, the greater degree of force one can use to defend oneself against that assault or in using force to prevent the commission of that crime.

The dwelling house issue, as far as I can tell, is not involved in the amendments being moved in this instance. The use of reasonable force in the defence of a dwelling house is contained in section 244 which states -

It is lawful for any person who is in peaceable possession of a dwelling-house, and for any person lawfully assisting him or acting by his authority, to use such force as he believes, on reasonable grounds, to be necessary in order to prevent the forcible breaking and entering of the dwelling-house, either by night or day, by any person whom he believes, on reasonable grounds, to be attempting to break and enter the dwelling-house with intent to commit any indictable offence therein.

I must agree with a remark made by the member for Floreat before we began this debate. If one takes all the sections together it must be confusing for a lay person to properly understand all the limits that are involved in the type of force to be used in particular circumstances. The major defect of the National Party's Bill is that it attempts to deal with only a couple of sections of the Criminal Code. Secondly, the definition of property which is currently protected by those provisions would be an inadequate definition of what we understand to be property in today's rather more complicated world than it was when the Criminal Code was first introduced. Although the Government has sympathy for the amendments moved by the deputy leader of the National Party, it also believes a comprehensive review of the provisions should be conducted and that, in some cases, the nature of the property which is being protected must be redefined. Indeed, the Attorney General went to Cabinet on that issue on 15 May this year, a week or so before the deputy leader of the National Party delivered his second reading speech on this Bill.

Mr House: That is only partly right. I first introduced this legislation in 1988 when Julian Grill was the Minister and the Government of the day, through his authority as Minister, voted against the legislation on the basis that the Government was going to introduce its own amendments to the Criminal Code to cover this problem. Three years down the track we have seen 20 000 people outside this place wanting to know what you have done and you are now telling us that the Attorney General has introduced a minute to Cabinet. You will have to do better than that because the people out there will not be pleased with you. You do not have to tell me what you have done, you have to tell them.

Mr D.L. SMITH: The deputy leader of the National Party took a limited approach in 1988 and the Government, at that time, wanted to conduct a broader review of all the provisions of the Criminal Code. That broader review was undertaken and resulted in the Attorney General's minute to the Cabinet. Now the Attorney General is proceeding with the drafting of appropriate amendments to the Criminal Code. Indeed, that was accompanied on 27 May 1991 by a Press release from the Attorney General which indicated that people would have greater legal power to protect their property under the amendments to the Criminal Code approved by the Cabinet. The deputy leader of the National Party knows that after approval is given by Cabinet the material necessary to draft amendments is given to Parliamentary Counsel. The drafting of those amendments is being done as a matter of priority and legislation will be introduced in the very near future. It will be more comprehensive than the amendments proposed by the deputy leader of the National Party.

This is an extremely delicate issue. The deputy leader of the National Party can correct me if I am wrong, but he introduced this legislation in 1988 after hearing about a fellow who protected his dam from some poachers who were in the process of taking marron from his dam.

Mr House: No, that is not right. The incident that brought this to the Parliament was where a house was broken into in my electorate. Four young hoodlums broke into this house and the man took action to defend his wife, child and property. As a result the hoodlums were acquitted and the man was convicted on an assault charge.

Mr Watt: That was the second time that the same group had broken into that house.

Mr House: They terrorised the wife.

Mr D.L. SMITH: That proves that the Bill the deputy leader of the National Party has introduced will not do what he wants it to do because it does not seek to amend section 244 of the Criminal Code which deals with the protection of the home. This Bill deals with only a limited number of sections of the Criminal Code and that is the issue the Government is saying must be addressed. We need to review all of the provisions of the Criminal Code.

Mr House: Let me make two comments: Section 251 and the other sections I seek to amend encompass that and if you vote for the Bill and we go to the Committee stage we can amend the various clauses. If that is all that worries you, let us do that. Let us not worry about one clause.

Mr D.L. SMITH: I have already said that about 30 sections of the Criminal Code, from section 231 onwards, deal with those provisions. It is not appropriate for us, as non-lawyers, to try to resolve these problems at the Committee stage because that will simply test the legal system. This Parliament is too often criticised for making ad hoc amendments during the Committee stage of a Bill and in many cases those amendments have led to devastating consequences in the court, even to the extent of people who should have been convicted being acquitted or vice versa. We should be careful about that and make sure we are making the right amendments.

Mr House: You ought to introduce legislation which allows the victims of some of these young thugs to take precedence over people who are doing the damage.

Mr D.L. SMITH: It is more important that people are protected from the attitude which was being expressed on talkback radio this morning. Some media commentators and others seem to want vigilante groups running around the streets, armed to the teeth with firearms and free to use those firearms. If we allow individuals in the community to carry out what they perceive to be justice, society will simply degenerate and anarchy will prevail. It could also result in what occurred in the western States of America in the mid to late 1800s.

Mr Cowan interjected.

Mr D.L. SMITH: I am saying that with all the conviction in the world because we are talking about people's lives and homes and incidents which can lead to more serious consequences if they are not controlled. Everyone acknowledges that people whose property is affected in any way should be able to use a degree of force. When the Parliament considered these matters in the Criminal Code it considered that current limitations in the Criminal Code were appropriate. We live in a different community with different problems and different types of property and the provisions of the Criminal Code must be reviewed.

However, we do not need ad hoc changes which leave some provisions attended to and others not attended to.

Section 251 deals with the protection of movable property against trespassers; section 252 deals with the defence of movable property with claim of right; section 253 deals with the defence of movable property without claim of right; and, section 254 deals with the defence of premises against trespassers and the removal of disorderly persons. Members should think carefully about the section dealing with the removal of disorderly persons because they will recall that, in the past four or five years, bouncers at places of entertainment, taverns and hotels have been charged as a result of using a degree of force when removing people from those premises.

Mr House: That was another thing you were going to legislate for and you have not done it. The Deputy Premier made a commitment to this Parliament that the Government would legislate on that issue.

Mr D.L. SMITH: I have already said that matter has been subject to review. The Attorney General has been to the Cabinet for approval to draft those amendments. Those drafted amendments will be brought to this Parliament after they have been considered by the Crown Law Department, the Director of Public Prosecutions, the Law Society of Western Australia and other people who have an interest in that matter. The deputy leader of the National Party is attempting to fix up in his own way limited sections of the Criminal Code without regard for any of the other sections. He has not even dealt with the very section that he says is the prime reason for his bringing this Bill to the House. Section 244 deals with the defence of a dwelling-house. These matters are very complicated and deal with questions of provocation; movable property; claims of right; trespassers and disorderly persons; rights of way or easement; and, domestic discipline. For members opposite to think that they can come in here and, in an ad hoc way, attempt to address one or two provisions invites a degree of disorder, firstly in terms of the way these matters are handled in the community and in the courts and, secondly, it invites us to fix up some of the problems but not others. What will happen when we do that is that publicity will be given to those matters that we have corrected and the community will get the mistaken impression about what they are entitled to do in certain circumstances.

As I said, we are dealing with only four provisions out of nearly 30 which deal with these sorts of defences. I do not want to delay the House beyond that. I emphasise that the Government recognises that some amendments are required because of the problems people are having in the cases referred to by the deputy leader of the National Party in his second reading speech. However, the Government opposes the Bill because it seeks only to amend a couple of the provisions, does not do that in a comprehensive way, and it does not deal with questions relating to the sorts of properties to be protected under section 251 and other sections; that is, do we need a broader description of what constitutes "property" under those provisions so that a wider range of people might be given the status of doing things lawfully when they seek to protect property from being stolen, intruded upon, or trespassed upon? These issues and certainly the provisions of the Criminal Code are not simple; they are complicated for lawyers. I agree that whatever we do in the long term, the first thing we must do is to issue an easily readable pamphlet written in layman's terms so that members of the public understand their rights in these circumstances and abide by the law while still using a sufficient degree of force to protect their property, their lives, and the lives of their families or to prevent the commission of an offence on property that they own.

For those reasons, the Government recommends that the House does not pass this Bill. That does not mean that the intent of the Bill will not be achieved; nor does it mean there will be a substantial delay. The approval of Cabinet for amendments to sections 251 to 256 was given on 15 May 1991. Parliamentary Counsel is drafting provisions which are required to properly effect the changes that are required to those provisions and which will achieve that which the deputy leader of the National Party is seeking to achieve. However, other provisions need also to be comprehensively reviewed and that process is continuing. I hope that the Government will come back to the House with amendments that will clearly lay down the degrees of force that can be used in various circumstances so that we can educate people in properly protecting their homes, personal safety and the safety of those they hold dear.

**MRS EDWARDES (Kingsley) [12.34 pm]:** I support the Criminal Code Amendment Bill. The amendments contained in the Bill will give people the right to use sufficient and reasonable force to protect themselves, their families and their properties. The residents of the Kingsley electorate fully support the principle that they have a right to protect themselves, their families and their property. This Bill is a first step. The Minister for Lands said that it does not cover everything. He said also that there are holes in it and that it should be withdrawn and redrafted to better reflect the views expressed by the Attorney General on 27 May. How many times have we seen examples of legislation by the media with the Government responding with announcements about what it intends doing?

**Mr D.L. Smith:** The Attorney General has been the most reformist Attorney General we have ever had. He creates more legislation than anybody in this Parliament.

**Mrs EDWARDES:** We are still waiting for the freedom of information and privacy legislation.

**Mr D.L. Smith:** You were told yesterday that it would be introduced this year.

**Mrs EDWARDES:** We have been told that for two years.

**The ACTING SPEAKER (Mr Donovan):** Order! Members were told this morning that we are debating the Criminal Code Amendment Bill.

**Mrs EDWARDES:** The information and privacy legislation is pertinent because we were promised by the Minister that he would take the Bill away and return with it reflecting the intent. Returning to this Bill, it is a first step to provide people who are attacked in their home with the right to protect their property. We know that it is not the only action that needs to be taken. Other amendments will be required to the Criminal Code. I have advocated already the need for an increased education package and increased community policing. These initiatives will be effective in addressing the issues raised by the introduction of this legislation. The Minister promised that he would introduce a fuller and better Bill. However, I support this Bill because I believe that victims have a right to protect themselves. As I said this is a first step; we hope the Government will take the next step.

**MR HOUSE (Stirling) [12.38 pm]:** To say that I am disappointed with the Government's response to this debate on the Criminal Code Amendment Bill would be an understatement. I thought the demonstration by 20 000 people outside this Parliament a couple of weeks ago would be clear indication to the Government about how seriously the community in Western Australia is taking the assault that has been made on their persons and properties by some young hoodlums in this town over the last six or eight months.

**Mr D.L. Smith interjected.**

**Mr HOUSE:** The Government is working on the changes because I introduced legislation in 1988; it had no intention of doing anything before then. I would have thought the Government would want to demonstrate that it had listened to those people and was prepared to do something. It has demonstrated today that it is prepared to adopt the same beleaguered attitude of doing nothing that it has adopted over the last three or four years. I first introduced legislation in the Parliament in 1988 and it was debated by this Parliament on 31 August 1988. At that time, the Minister representing the Attorney General in this House, the member for Esperance-Dundas, Mr Julian Grill, said -

The Government will not support this legislation. However, the Government is of the opinion that the proposed legislation may have some merit and it is prepared to have another look at it at a later date.

He then went on to talk about matters contained in the Bill. Three years down the track we are still being promised legislation that will allow people to take some reasonable force to protect their properties from the hoodlums who harass them in the way some were harassed last weekend. As responsible members of this Parliament, we cannot sit back and allow those young hoodlums to dictate what happens in this city. Members of both the Government and the Opposition have a responsibility to act now and this Bill seeks to correct that problem. It has become apparent that, for some reason, the right of the perpetrator of a crime takes precedence over the victim. It is time we corrected that position and gave the victim of crime some sort of authority to act in a situation where his property and his life are put in danger. The principle of this legislation is to demonstrate to the people of Western

Australia that members of Parliament have listened to the argument they have raised. This Bill is a responsible solution and it will allow the people of this State to assist in keeping crime under control. I do not think anyone would deny that the police need some help. Neighbourhood Watch and other community watch schemes have been established over the years and they adequately demonstrate that people are prepared to help the police in controlling crime. The business of waiting for the police to arrive while the attacker gets on with his job is a nonsense and should not be allowed to continue.

Mr D.L. Smith: The Bill does not cover a dwelling house.

Mr HOUSE: It does, and I will come to that shortly.

The existing legislation presents two problems which this Bill will overcome. Firstly, under the Criminal Code a person must wait until a certain amount of force is used against him before he can retaliate. For example, if someone takes to a person with a baseball bat that person cannot retaliate until after the event; but that is far too late. This Bill gives the person who is being attacked the ability to take action when he feels threatened by someone who has encroached onto his property. That is the crucial point. This Bill will allow people to use reasonable force to protect their property before action is perpetrated on them by the attacker. Last night on "The 7.30 Report" a policeman who was being interviewed clearly indicated that a person must wait until the perpetrator of a crime actually commits an offence against him before he can retaliate. That is what this Bill addresses.

During the debate the Minister indicated that this Bill does not deal with a dwelling house and I will comment on that. Firstly, if, in his opinion, it does not he has the ability to rectify the position by moving appropriate amendments. I can assure him that if he takes that action the National Party and the Liberal Party will accept them. Secondly, I do not agree with the Minister's statement. He is reading the legislation incorrectly. If he reads it again he will find that this legislation deals with any property which is under threat and my interpretation of it is that it does include dwelling houses. I am sure the court will interpret it in that way. The people of Western Australia have demonstrated that they want this Parliament to take action quickly. While this legislation may not be the panacea of all ills, it will certainly go a long way towards correcting the problem which has been identified. It will go a darn sight closer to correcting the problem than any action this Government has taken in the past three years. For those people who have been harassed, as the people in South Perth were last weekend, and affected by the criminal element who have taken the law into their hands, it is too late to wait another day. This legislation needs to be passed today. I appeal to all members on the Government side of this House who represent the citizens of this State to support this legislation. They should not support the promise made by the Minister. Instead, they should support the legislation on the basis that it has been brought forward in the interests of the people they represent and with the best of goodwill in the hope that it will rectify what we, as legislators, and the people of Western Australia see as a very real problem; that is, the ability to protect one's property and family.

Question put and a division taken with the following result -

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Ayes (22)

Mr C.J. Barnett  
Mr Bloffwitch  
Mr Bradshaw  
Dr Constable  
Mr Court  
Mr Cowan

Mrs Edwardes  
Mr Grayden  
Mr House  
Mr Kierath  
Mr Lewis  
Mr MacKinnon

Mr McNee  
Mr Minson  
Mr Shave  
Mr Strickland  
Mr Thompson  
Mr Fred Tubby

Dr Turnbull  
Mr Watt  
Mr Wiese  
Mr Blaikie (*Teller*)

Noes (24)

Dr Alexander  
Mrs Beggs  
Mr Bridge  
Mr Cunningham  
Mr Donovan  
Dr Edwards

Dr Gallop  
Mr Graham  
Mr Grill  
Mrs Henderson  
Mr Gordon Hill  
Mr Kobelke

Mr Leahy  
Mr Marlborough  
Mr Pearce  
Mr Read  
Mr Ripper  
Mr D.L. Smith

Mr P.J. Smith  
Mr Thomas  
Mr Troy  
Dr Watson  
Mr Wilson  
Mrs Watkins (*Teller*)



## Pairs

Mr Trenorden  
Mr Ainsworth  
Mr Nicholls  
Mr Clarko

Dr Lawrence  
Mr Catania  
Mr Taylor  
Mr McGinly

Question thus negatived.

Bill defeated.

*Sitting suspended from 12.48 to 2.00 pm*

**MOTION - MEMBER FOR HELENA***Resignation - Ministerial Responsibility Breach*

**MR LEWIS** (Applecross) [2.00 pm]: I move -

That this House calls upon the member for Helena to resign from the Ministry for failing in his duty as a Minister of the Crown whilst serving as the Minister for Police and Emergency Services, in that he -

- (a) failed to forward the Ayton report of August 1987 to the Minister for Racing and Gaming as requested by the Commissioner of Police;
- (b) failed to inform the Premier of the day that the report contained serious allegations against another Minister;
- (c) failed to ensure the safety of the report resulting in its disappearance; and
- (d) by his actions and inaction, interfered in police operational matters;

and that, should the Minister refuse to resign, the Premier should stand the Minister down in the interests of trust, openness and confidence in Government.

This is the second time within a fortnight that the Opposition has found it necessary, in view of the seriousness of the matter, to bring such a motion before the Parliament. This motion highlights a serious breach of ministerial responsibility.

**Mr Pearce:** Why was it not serious enough to debate last week when the evidence was given to the Royal Commission a month ago?

**Mr LEWIS:** If the Leader of the House will contain his impetuosity, I will explain the reasons in a few moments. The Opposition believes that the former Minister for Police and Emergency Services, the member for Helena, was in serious breach of his ministerial responsibility. In the normal course of events, under the conventions of the Westminster system, it would not be necessary to move such a motion in this House. If the Minister had any integrity, he would of his own volition stand aside because of the cloud that hangs over his head in connection with his handling of the Ayton report when it was referred to him for action in 1987. I am disappointed: I believed the Minister had a certain respect for Westminster traditions, that he had a conscience and that he was an honourable person. He is obviously prepared to sit and tough it out, as have a number of other Ministers in recent years. Government members have not had the integrity and honesty to admit they have erred and, in true Westminster tradition, to resign. Failing that, the Westminster tradition is that such Ministers should be stood aside by their leader. It reflects somewhat badly on the Government that the Opposition must bring these motions before the Parliament. The Premier can laugh and snigger, but I suggest that as a result of the collective actions of the Government - as Premier she is in the middle of the WA Inc scandal and mess and is one of the principal participants - parliamentarians are not held in very high esteem in this State. Unfortunately, the Opposition must come to the House today and drag the Minister and the Premier before the Parliament to explain matters that should have been explained by ministerial statements. It should not be necessary for the Opposition to move such a motion in order to place on the record why certain actions were not taken.

The public are sick to death of the glib statements and placations by the Premier. I will repeat some of those statements to reinforce my point. I remind members that these were not off the cuff comments, but were made when she assumed the responsible office of Premier. The Premier said that her first priority was to make sure that trust, openness and confidence

in Government were restored. She said she wanted Western Australians to be able to say they were proud of their Government. Is the Premier proud of her Government? She should be ashamed of it! She took office at a time when people were crying out for a Premier whom they could trust, respect and have confidence in. They have been sorely disappointed in that regard. I refer the Premier to the Governor's Speech on the opening of the second session of the Thirty-third Parliament in which he said, on behalf of the Government -

The Government has indicated its intention to set new standards, new priorities and new directions. The Premier has made it clear that her first priority is to make sure that trust, openness and confidence in government are maintained.

Is the Premier proud of her Government's record? Does she think trust, openness and confidence have been maintained by the Government's constant cover-ups and the way she has conducted and administered her Government?

Dr Lawrence: What cover-ups are you talking about?

Mr LEWIS: This motion is fundamental to the cover-ups I speak about today. One of the Government's Ministers failed to take certain actions.

Several members interjected.

The SPEAKER: Order! I understand that when provocative statements are made it is difficult not to interject, and I do not ask that that occur. However, I do not think members should shout at one another across the Chamber or that three or four people should do so at the same time.

Mr LEWIS: The Government's defence in such situations is to belittle the member on his or her feet and attempt to interject to put the speaker off what he or she wishes to say. The fact is that what must be said will be said. The Leader of the House asked why if we believed the matter was important it was not brought on last week. The simple fact is that insufficient time was available to devote to two substantial motions impugning the integrity of Ministers of the Crown. Members will recognise that, bearing in mind that the debate finished at 5.15 pm just minutes before question time. The normal convention of this Parliament when substantive motions are brought before it which reflect unkindly on Ministers or claim that they were neglectful in their duties, or whatever the charge may be, is for the Government to suspend Standing Orders and bring those matters forward for immediate debate. The Leader of the House is caught by his own remarks. If he or the Premier had the guts and confidence to debate this matter when the motions were put on notice one of them would have stood in this place and moved to suspend Standing Orders so the motions could be debated, so do not give us that drive!

The fact is that the Government does not feel confident about either of these motions, which it finds difficult to defend. It is always difficult to defend the indefensible. The Government shies away from such motions which will appear on the record of debates in this place and which show what the Government has done and what it has tried to get away with and cover up. The Royal Commission is doing its job. I emphasise that the Opposition is in no way endeavouring to usurp the commission's responsibilities. We do not wish to follow a line of inquiry into what Ministers may have done in this Parliament because that rests properly in the province of the Royal Commission. The points requiring amplification and emphasis are ones where it is seen that people have transgressed, been negligent in carrying out their duty or been incompetent in the extreme. In such situations the Westminster system should prevail. A person in that situation should stand aside until the court tests the situation. In this case the Royal Commission will test the situation.

I have been reminded by the Premier that the Royal Commission is not a court. I accept that, but it is a Royal Commission into the dealings and conduct of this Government over three or four years. If it is not a court, why do Ministers front up with counsel costing \$3 000 to \$4 000 a day with their solicitors assisting to defend themselves before that commission? Ministers are not on trial. What have they to hide? Are they afraid they might compromise themselves at this inquiry into the Government? Ministers should attend the Royal Commission and without hesitation speak the truth. But no, they rock up with highly paid counsel to defend them and to ensure that they do not slip up. If this is not a court, as the Government says, Ministers should not need the bevy of highly paid Queen's Counsel and other counsel assisting them in their cover-up.

Mr Pearce: In that case it ought not require 100 lawyers and other functionaries at the Royal Commission to ask questions of those people. The fact is that in those circumstances people are entitled to advice. No substantive suggestion has been made that any Minister went before the Royal Commission and told other than 100 per cent of the truth. The member will find that out from the former Minister for Police and Emergency Services in a moment when he sits down.

The SPEAKER: Order! Having achieved that status, perhaps we can get back to the motion.

Mr LEWIS: The fact is that the evidence given to the Royal Commission has been highly contradictory. On reading Minister Hill's evidence one finds he made contradictory statements. Any person reading the transcripts would realise that the former Minister for Police and Emergency Services was at sixes and sevens when giving evidence. On occasion he forgot what he had told the commissioner a quarter of an hour before. His evidence was most contradictory.

Mr Pearce: That is for the Royal Commission to determine, not you.

Mr LEWIS: I do not stand here in judgment of the evidence the Minister gave to the Royal Commission. That is not the task of the Opposition today. Its task is to show the Parliament that the Minister was either negligent and incompetent or breached his ministerial duties, or acted dishonestly and covered up the loss of a serious report to do with alleged improper conduct and illegal actions by former Minister Des Dans, and that is a fact. That is clearly enunciated in the public transcript of evidence.

Mr Pearce: Read the bit that deals with the point you have just made. Do not just wave the evidence around. The member has named a person. Read out the evidence which substantiates what you have just said.

Mr LEWIS: I will do that at the appropriate time.

Mr Pearce: I bet you do not come back to it.

Mr LEWIS: I will do it when it suits me, not when the Leader of the House tells me to.

Mr Pearce: The member cannot support these claims. That is a fact. This will be conveniently forgotten and the member's time will run out.

Mr LEWIS: The report that was conveniently lost contained serious allegations of impropriety, illegality and breaches of the Act, not only by former Minister Dans but also by members of the Casino Control Committee.

Mr Pearce: Have you seen the report?

Mr LEWIS: No.

Mr Pearce: Then how do you know?

Mr LEWIS: Because it appears in evidence from the Royal Commission that I have read.

Mr Pearce: Read the bits that say that.

Mr LEWIS: The Leader of the House will get an opportunity to speak.

Mr Pearce: The member is making the claims so he should read out those bits.

Mr LEWIS: We are not here to stand in judgment on whether the Minister told the truth to the Royal Commission. We are here because the Minister was either grossly incompetent and negligent in his actions in losing that serious report or he deliberately covered up and did not carry out his responsibilities as a Minister of the Crown. The Minister cannot have it both ways. It is one or the other, and he cannot defend the indefensible. The Government will say, of course, that there is nothing new, it has heard it all before, and after all it occurred four years ago. I do not care whether it is new or old, or whether it happened yesterday or four years ago; the fact is that the evidence given to the Royal Commission firmly nailed to the wall the Minister about whom we are talking. If the Minister has transgressed and done an improper thing, he should stand in this Parliament today, being the honourable person that I believe he is, and resign his commission.

Mr Pearce: That is rubbish. That is one of the most disgraceful performances I have seen in the last three years.

Mr LEWIS: That is why the Minister is so agitated.

I turn now to the substance of the issue, and refer to the absolute baldness of the evidence that has been given to the Royal Commission by Mr Ward, the former political adviser to the Minister for Police and Emergency Services, to Commissioner Bull; and to the Minister. That evidence is quite stark in its reality and shows that the Minister was either incompetent, in dereliction of his duty, or set out wilfully not to carry out his ministerial functions. I remind the Minister that when he became a Minister of the Crown he was required to swear an oath or make an affirmation, in front of the Governor, to three statements. The second oath that was sworn by the Minister, and I think the Minister does usually swear -

Mr Pearce interjected.

Mr Clarko: The Minister is being childish.

Mr LEWIS: Yes, and the Premier now has to tell him to shut up, it is that bad. I believe the oath which the Minister swore was, "I will well and truly serve our Sovereign lady Queen Elizabeth the Second, her heirs and successors, in the office of Minister for Police and Emergency Services, and I will do right to all manner of people after the laws and usages of this realm, without fear or favour, affection or ill will."

Mr Pearce: The Minister did not swear; he affirmed.

Mr LEWIS: The Minister swore that oath when he took on the responsibilities of his ministerial office. I read that oath very purposefully because I believe the Minister's action was probably tantamount to his giving favour to his ministerial colleague, Mr Desmond Dans, who had been seriously compromised in the report by Inspector Ayton, and in the evidence given to the Royal Commission, where it was alleged that he had broken and transgressed the Casino Act and had done unlawful things. I will explain later what the Minister did not do. Inspector Ayton was a senior police officer who was given the job of investigating the applicants for the casino licence and of making a report on the suitability of their character and whether they were fit and proper people to hold a casino licence under the Casino Act. In order to give members some understanding of the high regard in which Inspector Ayton is held, and of his integrity, I remind the House that Commissioner Bull said in his evidence to the Royal Commission that Inspector Ayton was a tenacious, dedicated investigator, a person of the utmost integrity, and a person in whom he had total trust. He stated also that he had received no complaints about Inspector Ayton from any source during the period of the casino investigation. I challenge the Government and the Leader of the House, if they believe that Inspector Ayton is not a person of high integrity or that there is some blemish on his character, to stand in this debate and impugn the integrity of Inspector Ayton, because on every occasion that the Royal Commission has heard evidence the integrity and honesty of that police officer has been substantiated.

Bearing in mind that I believe we have established Ayton's credibility, we should examine the circumstances about which we are talking. Ayton was given the task by Commissioner Bull of conducting these investigations. In the course of his investigations, which commenced early in 1987, he came across what he believed were irregularities and perhaps serious breaches of the Casino Act, particularly - and this evidence was given by Ayton to the Royal Commission - by Minister Dans and certain members of the Casino Control Committee. We are not here to discuss those allegations but to discuss the Minister's actions and what he failed to do. Mr Ayton was quite disturbed about what he had discovered in his investigations, and in mid-1987 he referred these matters to Commissioner Bull. Commissioner Bull heard Ayton's verbal report and instructed Ayton to continue with his investigations and to bring his report to finality. Ayton did continue with his investigations, and he finally submitted his report to Commissioner Bull on the basis of the improprieties that have been referred to. The Leader of the House said I should give evidence to substantiate what I have said. I will read from page 7007 of evidence given by Mr Brian Bull, Commissioner of Police, to the Royal Commission on 3 July 1991. Mr Singleton was cross-examining Mr Bull and asked, and I quote -

In that report you will have read at page 43 and 44 some rather serious observations made and possible conclusions to draw - - ?

Mr Bull replied -

That is correct.

In other words, Police Commissioner Bull pre-empted the final part of the question. Mr Singleton then said -

- - Concerning the then Minister Mr Dans?

Mr Bull replied -

Yes.

Mr Singleton then said -

One of those allegations contained in that report at page 43, which was perhaps encompassed by items 17.11 to 17.14 demonstrated, surely, to you if true some unlawful activity, firstly, by members of the casino committee - -?---Yes.

The Commissioner of Police agreed. The transcript of evidence continues with Mr Singleton saying -

- - and also, it would seem, some unlawful activities - unlawful in the sense - - contrary to the Casino Act - - ?---Yes.

- - some unlawfulness by the Minister, Mr Dans?---Yes.

Unfortunately the Leader of the House is not in the Chamber. He wanted me to substantiate my comments, and there is the categoric evidence, on page 7007 of the transcript, by the most senior police officer in this State.

Mr Gordon Hill: That does not necessarily substantiate what you are saying.

Mr LEWIS: Does the former Minister for Police and Emergency Services respect Police Commissioner Bull? Does he respect that man? Is he an honest man?

Mr Gordon Hill: What you are saying does not necessarily -

Mr LEWIS: Is he an honest man?

Mr Gordon Hill: Yes, he is; but that does not necessarily substantiate the allegations.

Mr LEWIS: Did he tell the truth?

Mr Gordon Hill: I have no idea.

Mr LEWIS: Does the Minister not believe he told the truth?

Mr Gordon Hill: I did not say I do not believe he told the truth; I said I do not know. I cannot substantiate the allegations and neither can you.

Mr Court: There is a censure motion against you, yet your Premier is not in the Parliament to help support you.

Mr MacKinnon: Nor the deputy; nor the Leader of the House.

Mr Court: That is how seriously the Government takes this matter.

The SPEAKER: Order!

Mr LEWIS: This is hurting Government members; they do not like to hear it.

Mr Gordon Hill: You do not take it too seriously either. This motion could have been brought on earlier.

Mr LEWIS: There is the substantiation of my previous comments. I turn now to how the report commonly known as the Ayton report progressed. In evidence to the Royal Commission Police Commissioner Bull said that he used to have weekly briefing meetings with the then Minister for Police and Emergency Services, Mr Hill. On 9 October, at one of their weekly meetings, Mr Bull raised this matter with Minister Hill, and this is the evidence he has given to the Royal Commission. For the benefit of the Leader of the House, who has now returned to the Chamber, I will turn to that evidence. Mr Bull said to Mr Hill, "Here is the Ayton report. There are very serious allegations against one of your colleague Ministers, and very serious allegations of a breach of the Act with regard to the members of the Casino Control Committee. I suggest you take this report and forward it to the Minister for Racing and Gaming."

Mr Pearce: Is that claim supported by other evidence given to the Royal Commission?

Mr LEWIS: This is Police Commissioner Bull giving evidence on oath; does the Leader of the House know that?

Mr Pearce: You are not reading it out, you are paraphrasing it. If you read it out it would be a little more accurate.

Mr LEWIS: All right, if the Leader of the House really wants to hear it, this is what it says -

WILSON C (Continuing):

-- having it delivered to the Minister---

Mr Bull replied -

No, no, I had - -

Mr Pearce: That is a bit different from what you are saying. Go on.

Mr LEWIS: The transcript continues with Commissioner Wilson asking -

-- for Racing and Gaming, or is that not?the case?

Mr Bull replied -

I had given the Minister for Police a copy of the report several weeks before - -

Members should bear in mind that the Minister for Police and Emergency Services formally wrote a minute a week or so after he spoke to the Commissioner of Police. The transcript continues with Commissioner Wilson asking -

Before the minute?

Mr Bull replied -

To merely have a look at to reinforce why I wished to take the course of action that I proposed, and then subsequently Superintendent Ayton did deliver the report to the Minister for Police, to his office, with the forwarding minutes that I gave evidence about, for the purpose of it being then delivered to the Minister for Racing and Gaming.

What actually happened was that Police Commissioner Bull spoke to the Minister for Police and Emergency Services, gave him a report and said, "This is pretty serious stuff. You have a Minister of the Crown who has been compromised. It is alleged that he has transgressed the Act and done an illegal thing. People of the casino committee are in the same boat and you must take some sort of action." He left the Minister with the report for a week. Of course, nothing happened; but around 14 October, a week later, a minute or letter signed by the Minister was sent to Commissioner Bull.

Mr Pearce: What did it say?

Mr LEWIS: It was a letter to Police Commissioner Bull saying, "I confirm that I have this report and, as we have discussed, -

Mr Pearce: Read the letter. It is important.

Mr LEWIS: I do not have a copy of the letter.

Mr Pearce: We will tell you what was in the letter.

Mr LEWIS: I would like the Minister to read the letter.

Mr Pearce: He will, don't worry about that.

Mr LEWIS: But when the Minister appeared before the Royal Commission he could not remember the report, he could not remember writing the letter. Does the Leader of the House not know that?

Mr MacKinnon: He could not remember the meeting with the commissioner.

Mr Pearce: Read it out. That is not what he said.

The DEPUTY SPEAKER: Order!

Mr LEWIS: The former Minister for Police and Emergency Services was obviously concerned - I would have been too - and he wrote a letter to Police Commissioner Bull saying, "We are a bit worried about how good the evidence is and what the allegations are

about and I think you had better substantiate them." Mr Bull said, "This is really a police matter. I do not have to tell politicians or the Minister about the evidence I have, how I have gathered it, or the substance of it. I am the Commissioner of Police. If I believe things are serious enough the Minister for Police and Emergency Services should take my word; he should not come to me and say, 'Can't you hose it down a bit? You should substantiate what you are saying.'" That is what happened; so the Commissioner of Police did not take any action.

Mr Pearce: Wait a minute. Are you saying the Commissioner of Police did not respond to the Minister's memo?

Mr LEWIS: The Commissioner of Police thought about this for a bit, and the letters crossed.

Mr Gordon Hill: Which letters crossed?

Mr LEWIS: The letter of the then Minister for Police and Emergency Services to Commissioner Bull asking him to substantiate the allegations against Minister Dans and members of the Casino Control Committee.

Mr Gordon Hill: What did my letter cross with?

Mr LEWIS: The letters crossed because, roughly at the same time, Commissioner Bull was concerned that the former Minister for Police and Emergency Services would not take any action. Commissioner Bull, with the propriety and responsibility of his office, wrote a memo to the then Minister for Police and Emergency Services Hill saying, "These are very serious allegations."

Mr Gordon Hill: No, that is not true.

Mr LEWIS: Commissioner Bull said, "I direct these formally to your attention and I ask you to forward this report, the Ayton report, to the responsible Minister, the Minister for Racing and Gaming."

Mr Pearce: That is not true.

Mr LEWIS: That memo, together with the Ayton report, was hand delivered by Superintendent Ayton to the Minister's office. At the Royal Commission the Minister said, "I don't remember it. I can't remember seeing that report. I may have read it but I cannot really remember it." Then Mr Martin, QC, put the Minister under the hammer by asking, "But your letter clearly says that you had seen the report." That refers to Minister Hill's letter to Police Commissioner Bull. Mr Martin continued; "You had clearly seen the report and you had discussed it with the commissioner." Did the Minister discuss this matter with the Police Commissioner?

Mr Gordon Hill: What does the answer say?

Mr LEWIS: Can the Minister not remember?

Mr Gordon Hill: You have the answer in your hands.

Mr LEWIS: The Minister said -

My letter says that it was made . . . available to me for my perusal. It doesn't mean to say that I read the report.

This was only a report about his colleague, Dans! Did the Minister read it? How stupid does he think we are? Minister Hill then said -

In fact, if I may, I believe that if I'd read the report, based on the newspaper comments in recent times -

This was about three weeks ago; he continues -

- I think I would have remembered the content. I don't remember it at all.

How competent is the Minister? How competent and responsible is a Minister who has a damning report referred to him twice which impacts on the Government, a Minister of the Crown and members of the casino control committee, yet he cannot remember it? He then suggests that he has not read it. How competent is that? The Minister was either incompetent in the extreme and in dereliction of his duty or he deliberately took no action and lost that report - he is damned in both cases.

Mr Pearce: He asked the commissioner for substantiation, and did not receive it. That is the truth of the matter.

Mr LEWIS: The Leader of the House has made a very important point. Minister Hill said that he had not read the report, and the Leader of the House indicates that the Minister said he wanted the report substantiated. Did he want substantiation or not?

Mr Pearce: You admitted that the commissioner received a memo from the Minister.

Mr LEWIS: Come on; the Leader of the House cannot have it both ways. His mouth has got him in trouble again - so he should shut up.

Mr Pearce: You said that the commissioner refused to reply to the memo, and you said that the commissioner did not see why he needed to substantiate these things. I am quoting you, my friend!

The DEPUTY SPEAKER: Order! This will be one of those difficult debates. The Speaker and I have allowed a reasonable amount of leeway with interjections; however, those of such force that the person on his feet cannot be heard are not in order. Also, the member for Applecross cannot call on interjectors to "shut up"; that is my job.

Mr LEWIS: Thank you, Mr Deputy Speaker. Every now and again one becomes a little frustrated with the prattling of the Leader of the House.

I ask the Minister to answer a question, either by way of interjection or in his reply: Did he read the report, and did he understand it?

Mr Gordon Hill: Have you read the evidence before the Royal Commission? The answer was given to the Royal Commission.

Mr LEWIS: Did the Minister read the report?

Mr Gordon Hill: I will reply when I speak.

Mr LEWIS: Did the Minister read the report? This episode involves a litany of contradictions. The Minister has claimed, "I did not read the report"; "I sent a letter to Commissioner Bull asking him to substantiate the allegations, yet I cannot remember reading the report"; and "I do not interfere in police operations". If that is the case, why the hell did the Minister write to Commissioner Bull? The Minister contradicts himself time after time.

What happened after 24 October? Commissioner Bull had done his job by twice referring the report to the then Minister for Police and Emergency Services for action. He did so once informally and the second time formally. On 22 January, as indicated in evidence to the Royal Commission, Mr Ward, a legally qualified politically appointed adviser to the then Minister for Police and Emergency Services, arranged an appointment with Inspectors Illingworth and Ayton. I suppose Mr Ward was acting on the instruction of the Minister because I doubt whether he would run to Commissioner Bull about a report he should not have seen. At the meeting Mr Ward wanted to know from Ayton how many copies of the report had been produced. He also wanted to know how widely it had been distributed. He was not interested in what action should be taken or in the proper procedures to follow with the report; rather, he was concerned about how many people had seen the report! Obviously, he was acting for Minister Hill.

Several members interjected.

Mr LEWIS: Under cross-examination at the Royal Commission, Ward admitted that he had concerns about the number of people who had seen the report - he was concerned about the media obtaining the report and about how damaging that would be to the Government. That is the truth, and it is contained in evidence given to the Royal Commission. It was not a matter of what action the Minister should take; it was a matter of how many people knew about the report and the political downside of a possible leak of the report.

In summary, the Commissioner of Police discussed the report with the Minister for Police and Emergency Services and handed him a copy of it in early October. A week or so later the Minister wrote back to the commissioner saying, "Please substantiate the evidence." He wrote words to the effect of, "I have seen the report and I am a little concerned about it. Get it substantiated and find out whether it is valid." At the same time as the memo was sent Commissioner Bull sent a letter expressing concern about the advice he was receiving.



Commissioner Bull sent a confidential memo to the Minister referring to the Ayton report asking that the Minister note the report and then forward it to the Minister for Racing and Gaming. Has that Minister seen the report?

Mrs Beggs: I don't intend to answer your question.

Mr LEWIS: Has the Minister seen the report?

Mrs Beggs: I have been to the Royal Commission.

Mr LEWIS: Have you seen it?

Mrs Beggs: Are you a Royal Commissioner?

Mr LEWIS: We are in the Parliament and the Minister is here to tell the truth.

Mrs Beggs: I have seen the report.

Mr MacKinnon: When?

Mrs Beggs: I cannot remember.

Mr LEWIS: We are not here to put the Minister for Racing and Gaming -

Mrs Beggs: Have you seen it?

Mr LEWIS: No, I have not. Commissioner Bull sent a letter to the Minister for Police and Emergency Services. Three months passed while Government Ministers worried their little butts off about how many people knew about it and what the political downside would be. The Minister then sent his boy to Ayton and Illingworth to ask how many copies were made and how many people knew about the report. When it was revealed only three copies were made -

Mr Gordon Hill: Who said that?

Mr LEWIS: That came out in evidence.

Mr Gordon Hill: It did not.

Mr LEWIS: It did; I paraphrased it. Following that of course Mr Burke resigned as Premier, Mr Dowding assumed the Premiership and portfolios changed hands. As a result, Minister Hill moved on to another Ministry. Where was the report? What happened to it and what action was taken? The report went missing. Interestingly, when Minister Hill's evidence to the Royal Commission appeared to be contradictory, it was implied that perhaps he had shredded it. He protested that he did not shred it. He said he had never destroyed any report or any Government file and that he was not guilty of those actions. Should his innocence not be taken for granted? Is it not a matter of course, of propriety, that a Minister would never destroy anything like that? Why should a Minister need to defend himself with such a statement? The Minister should have said, "Look, I don't know what I did with the report." That again raises the question about what he did with the report. Where was his responsibility? It was not in defending himself and suggesting he would never destroy anything. He should have said frankly and publicly what happened to the report and what were his duties and responsibilities.

I suggest the Minister about whom the motion is moved today is facing a simple "either/or" situation. Either he was negligent; that is, he was remiss in his ministerial duty in not referring such a serious report to the appropriate Minister, or he wilfully hid the report and "lost" it so that no-one would know about it. That is the bald truth of the matter. The Minister must tell this Parliament which side he wants to take. On both counts he should stand aside.

Mr Pearce: Rubbish! There are alternatives which will be spelled out to you my friend in ways you should be able to understand for yourself from a fair reading of that evidence.

Mr LEWIS: What is the Leader of the House going on about again?

Mr Pearce: I am going on about the fact that you have distorted and misrepresented what was given in evidence. You have made claims that are not substantiated by the evidence and, when asked, you could not substantiate them.

Mr LEWIS: The Leader of the House was not in the Chamber; I read them out.

Mr Pearce: Rubbish! Every time I asked for a response -

Mr LEWIS: I am sorry the Leader of the House had to go to the men's room, but I read them out when he was conveniently missing. The Opposition is asking the Minister to do the honourable thing, to tell the truth and to accept one of two alternatives. However, on either count he is damned.

Several members interjected.

The SPEAKER: Order! Members all over the place are trying to give everyone assistance.

Mr LEWIS: If the Minister cannot be honourable, the Premier should explain in this Parliament today the reasons she should not stand down the Minister pending the findings of the Royal Commission. On the basis of the conflicting evidence, which I have read, I suggest to this Parliament he has not been truthful to the Royal Commission and he has been caught out.

*Withdrawal of Remark*

Mr PEARCE: Everyone understands the member for Applecross' approach to life. However, the fact is that members cannot make reflections on a member except by way of a substantive motion. The member for Applecross has alleged the Minister was not truthful before the Royal Commission. That claim is not made in the motion before the House. It is a very serious accusation to make about anybody that one would deliberately lie to a Royal Commission. There is no evidence of his doing that and it is not borne out by anything he has said. It is not included in his motion and I seek his withdrawal of it.

Mr LEWIS: I do not want to argue with the Leader of the House. If he wants me to withdraw something which is obvious, I withdraw it.

*Debate Resumed*

Mr LEWIS: We are discussing the substance of the motion, not the side issues - the red herrings the Leader of the House wants to draw across the trail. This motion is about the integrity of the former Minister for Police and Emergency Services. If he cannot give an adequate reason for failing in his duties, he should explain why he should not stand down. On the basis of the evidence before the Royal Commission - the Opposition has all the transcripts of it - from which I have read selectively to this Parliament, the case is made to such a degree that the Minister has no defence. Whichever explanation he offers, he is defending the indefensible. He is either incompetent or is defending his neglect of his responsibilities. Alternatively he has wilfully and deliberately destroyed or misplaced the report.

Mr Clarko interjected.

Mr Pearce: Not by you my friend. Where were you when these things came up?

Mr Clarko interjected.

The SPEAKER: Order!

Mr Pearce: What you are doing is a disgrace - totally without honour.

The SPEAKER: Order! Thankfully, these events in the Parliament are few and far between. When they do appear before the Parliament they are provocative and bring about a fairly strong depth of feeling. I understand the need for interjections. However, when I call for order - I intend to do so less frequently during this debate because of its nature - it is only right that members come to order at that time.

*Point of Order*

Mr CLARKO: The Leader of the House said that the Opposition generally - I presume not specifically - was without honour. I bitterly resent that accusation and ask that it be withdrawn. That is the most serious imputation one can put on a person or group of people. It is much worse than calling a person a liar, for example.

Mr Pearce: I notice you did not deny it.

Mr CLARKO: That is typical of what he has been doing, Sir.

The SPEAKER: Order! I would be inclined to agree with the point of order on 99 per cent of occasions. However, we need to consider what we are about. If members of this place are without honour, they should not be here. We must be very careful about the way we get at

each other in these sorts of debates. Having said that, though, I cannot see that it is unparliamentary and that I should ask for its withdrawal. I think people should be careful about what they do across the Chamber.

*Debate Resumed*

**MR GORDON HILL** (Helena - Minister for Mines) [3.01 pm]: It is interesting to try to work out why the Opposition has introduced this motion today when the matter was put on the Notice Paper over a week ago and there has been ample opportunity for it to be debated. In early July, I gave evidence to the Royal Commission quite freely and, I add emphatically, quite truthfully. There is absolutely no doubt that the Opposition is trying to make some political points today. There can be no other reason for its introducing this motion than to try to besmirch my integrity, and to ignore the evidence which I put before the Royal Commission, which my then principal private secretary, Peter Ward, put before the Royal Commission and which Geoffrey Miller, QC, an eminent lawyer in this city, put before the Royal Commission. The Opposition is trying to make political points and is not intent on getting to the truth of this matter. If it were, the member for Applecross in his presentation would have presented evidence for his allegations and would have quoted from the evidence that has been given to the Royal Commission instead of going on with rhetoric for over half an hour and not making any attempt to substantiate his claims.

The Royal Commission has had presented to it a number of likely scenarios about the handling of the Ayton report. Those scenarios were presented to it by me, by my then principal private secretary, and by the QC, Geoffrey Miller, who put his submission to the Royal Commission a few days after counsel assisting the Royal Commission, Brian Martin. A number of the scenarios presented suggested reasons for the disappearance of the report. However, I will come to that in a moment.

Firstly, I will address the report and the evidence given to the Royal Commission by me and by Mr Ward. I made it clear to the Royal Commission on a number of occasions, and I have consistently said since, that I have not read the report. I cannot be any clearer than that. I have said before the Royal Commission and I have said it since - I say it again in this Parliament today - that I have not read the report. In giving his evidence to the Royal Commission, the Commissioner of Police said - I will dig out his words if the Opposition wants, but I will paraphrase his comments -

Mr Lewis: I will find them for you.

**Mr GORDON HILL:** His words were that he presented to me on a daily basis numerous reports. Reports came to me on a daily basis and this report was submitted to me in the same way as most other reports. The Commissioner of Police made that comment. It was submitted to my office, as the member for Applecross said, on 23 October. As I said before the Royal Commission - my diary substantiates it - I was not in my ministerial office on that day. The report was not handed to me. There is no evidence in my office that it was handed to anybody in particular, but my then principal private secretary said that he received the report at some time and handled it on my behalf. As I have said, I have complete faith and trust in him to do his job; I would not have employed him if that were not the case. He is a lawyer, well qualified and intelligent, and very thorough in his work. In giving evidence to the Royal Commission, Mr Ward said that he read the report and he also said that there were subsequent discussions between him and the author of the report, Mr Ayton. As he said, those discussions were in late January 1987 - in fact, I think the precise date was 27 January 1987, a few weeks before a reshuffle in this State Government.

From the evidence given to the Royal Commission, it was quite clear that Mr Ward acknowledged that he had dealt with the report, and from his reading of the draft report that was sent up in the first place by the Commissioner of Police before the report was finally submitted to my office - the Commissioner of Police said a draft report was forwarded to my office - Mr Ward indicated in giving evidence to the Royal Commission that he was less than satisfied with the contents of the report and the "serious allegations made in that report". Who said there were serious allegations in the report? The Opposition said it, the media said it because they were repeating what Mr Ayton said to the Royal Commission, and counsel assisting the Royal Commission said it. However, counsel assisting the Royal Commission said on 8 July, in answer to a question from Mr Quigley, that he had not read the report. Who said there were serious allegations in the report? Mr Ayton, the author of the report,

said there were serious allegations in it, but Mr Ward said in his evidence - apparently he said it to me at the time although I do not recall it - that he was not satisfied that the allegations were that serious and he asked for substantiation of those allegations. I do not know whether they are serious and I do not know whether there is strong evidence because, as I have said, I have not read the report. However, a member of my staff in whom I have confidence and trust and to whom the report was delivered dealt with the report because, as I said, I was not in my office on that day and my diary supports that.

Mr Court: The Commissioner of Police said that the report had to be delivered directly to Mr Hill.

Mr GORDON HILL: I was not in my office.

Mr Pearce: His diary shows that he was not in the building. That was given in evidence to the Royal Commission.

Mr Court: It is four years later. Why did the Government not do something about it? He has been back to the office in four years, I hope.

Mr Pearce: His diary is proof that he was not there.

Mr GORDON HILL: The Leader of the House said that I have proved the Opposition wrong: I was not in my office and I did not receive the report even though it was the intention of the Commissioner of Police to have it hand delivered to me. It was not hand delivered to me and that has been accepted by everybody in the Royal Commission, but not by this Opposition.

Mr Pearce: The member for Applecross has tried to pretend these things were not said in the commission. That is why we asked the member for Applecross to read it out and that is why he would not.

Mr GORDON HILL: It is clear that it was not delivered to me, and the member for Applecross was not prepared to read those excerpts from the transcript. Mr Ward gave evidence to the Royal Commission that he was concerned about the lack of substantiation for the allegations apparently made in the Ayton report and, in due course, he met Mr Ayton. To take that back one step, that is why Mr Ward drafted the letter which I signed to go to the Commissioner of Police. It is clearly my signature, and I was shown a copy of the letter by the Royal Commission.

Mr MacKinnon: When did you sign it? Will you read the letter?

Mr GORDON HILL: Yes I will, but I do not think it is a matter of any consequence.

Mr MacKinnon: I think it is a matter of great consequence.

Mr GORDON HILL: The Commissioner of Police gave evidence before the Royal Commission that the letter I sent him was dated 16 October 1987. My principal private secretary said that it was drafted by him.

Mr MacKinnon: He did not say that in evidence at all and you know he did not. He did not say that he had drafted it.

Mr GORDON HILL: I stand corrected; he said it was most likely drafted by him.

Mr MacKinnon: He said he may have drafted it.

Mr GORDON HILL: It was most likely drafted by a member of my staff because it is couched in fairly legalistic terms which I would not normally use.

Mr MacKinnon: What did it say? Read out the letter.

Mr GORDON HILL: The letter under my name to the Commissioner of Police, dated 16 October 1987, states that -

... the report makes reference to a view on the part of its author that certain public figures or Government officers have acted with impropriety.

The letter requests the Commissioner of Police, when making the report available to the Government -

Mr MacKinnon: We would like you to read it in full.

Mr GORDON HILL: I am quoting from the letter which states -

... will you please also let me have full particulars of any allegations against public figures or Government officers, together with a statement of the evidence which leads the author of the report to his conclusions.

*Point of Order*

Mr LEWIS: I ask that the Minister table the letter from which he is reading at the conclusion of the debate.

Mr GORDON HILL: I am happy to do so now.

[See paper No 589.]

*Debate Resumed*

Mr GORDON HILL: A copy of the letter has been tabled in the Royal Commission. I have given evidence to the Royal Commission on the basis of that letter and other materials. I have nothing to hide. I have said time and again, and publicly, that if the Royal Commission has any doubt about evidence I have given, I am happy to go back to the Royal Commission to answer any further questions. My QC made a submission on this matter.

Mr Lewis: Why did you need a QC?

Mr GORDON HILL: Why should I not have a lawyer?

Mr Lewis: It is not a court; why did you need a QC?

Mr GORDON HILL: I am happy to answer that interjection from the member for Applecross. I gave evidence before the Royal Commission, as requested, without the assistance of a lawyer. I did not ask for one from the Government or anybody else. I was happy to give evidence quite openly. Later, counsel assisting the Royal Commission made an outrageous claim in his summary, which claim has been repeated in this place today by the member for Applecross, that I may have deliberately destroyed the report. When that claim was made I felt it appropriate that I have the opportunity to respond to it.

Mr Pearce: He must have a lawyer to make a response because he cannot make a personal response in the Royal Commission, as you know perfectly well. Do you think he should not have a chance to reply to the claims made by people employed by the taxpayers of Western Australia?

Mr GORDON HILL: When counsel assisting the Royal Commission made those outrageous allegations, and ignored a number of other possible scenarios, I decided it was appropriate to respond. I did not want the Royal Commission to besmirch my integrity, as members opposite have tried to do today by endeavouring to turn this place into a Star Chamber or kangaroo court. It was appropriate to seek legal assistance because I am not allowed to respond to the Royal Commission personally. When making his submission my lawyer said that I was perfectly happy to go to the Royal Commission at any time to answer any questions. As revealed by Geoffrey Miller, QC, I was never asked a particular question by any lawyers at the Royal Commission. I was not asked whether I had destroyed the report; I was asked only whether I had seen the report and a number of other questions relating to that. I was not asked whether I had directed that the report be destroyed. I am happy to say now that the answer to all those questions is no; I did not destroy the report, nor would I do so, nor do I know whether it was destroyed.

Mr Pearce: What response did you get from the Commissioner of Police to the letter you have just read?

Mr GORDON HILL: There was no response from the commissioner.

Mr MacKinnon: Why should there be?

Mr GORDON HILL: The member for Applecross said that my letter to the Commissioner of Police - of which he now has a copy - crossed over with the report submitted by the Commissioner of Police and a covering memo submitted some time later. That is untrue. The letter I sent to the Commissioner of Police was dated 16 October, and the commissioner said before the Royal Commission that he had delivered a letter to my office by hand - I do not know by whom but I do not think the commissioner delivered it personally - on 23 October, some seven days later. There is hardly any opportunity for a crossover in the mail.

Mr Lewis: One letter was written by you to the commissioner, and one from the commissioner to you. Is that right?

Mr GORDON HILL: It may well be the case with the report but there was no crossover, as the member for Applecross suggested. The Commissioner of Police said in his evidence - and I have no reason not to believe him - that the report was presented to my office on 23 October. I assume that is the letter to which the member is referring. I have not seen any letter, and there was no response to the letter I wrote, nor was there any substantiation of the allegations that were apparently made in that report. There was no substantiation at all.

Mr MacKinnon: Why should there be?

Mr GORDON HILL: Perhaps there should not be, but one has to ask if the Commissioner of Police or Mr Ayton believed that the matter was of such importance, why did not either of those gentlemen come back to me and ask me what had happened to the report? If the issue was so important and if the Commissioner of Police believed it was important to get the report before the chief casino control officer, why did not the Commissioner of Police come back to me and ask me what I had done with the report and why it had not been forwarded on? However, there was never any new approach to me after that time, and the Commissioner of Police said that himself. The Ayton report apparently said that the report to the Commissioner of Police should be forwarded directly to the chief casino control officer.

Dr Lawrence: That deserves repeating. Members opposite do not want to hear that.

Mr GORDON HILL: The Ayton report apparently said that the report which was presented to the Commissioner of Police should be forwarded directly to the chief casino control officer. It is apparently an obligation under the Act that it not be forwarded to the Minister for Police and Emergency Services or any other Minister but that it go directly to the chief casino control officer. That is the requirement or statutory obligation, and it is reasonable to expect that to have happened. If it did not happen, why did it not happen? Is there a suggestion by the Commissioner of Police that it is not so crucial a matter? I reiterate my earlier comment that the Commissioner of Police never came back to me and asked me what had happened to the report. He never asked me whether it was forwarded on as he had requested. He never responded to the queries that were contained in my correspondence of 16 October.

I believe that the evidence presented to the Royal Commission has been selectively dealt with by the Opposition, because it is interesting that the Opposition has not chosen to make any reference to correspondence sent to counsel assisting the Royal Commission from my former principal private secretary, Peter Ward, dated 17 July this year. That correspondence has been tabled in the Royal Commission, and it points out - and the Opposition should listen carefully to this - that -

My considered position is that I would not have regarded a breach of the law as alleged as being a matter which on its face went to support a suspicion of wrongdoing in the sense of moral turpitude.

The breach (if it occurred) would only on its face go to the validity of any licence issued and is a matter which could be corrected by following the procedures set out in the statute.

I do not wish to be taken as condoning breaches of the statute law but do not think that a breach of the nature set out in the report of itself implies turpitude or corruption as it is on its face consistent with simply trying to expedite matters . . .

Mr MacKinnon: Who made that judgment?

Mr GORDON HILL: A lawyer, Peter Ward.

Mr MacKinnon: Who works for you.

Mr GORDON HILL: He does not, nor did he at the time he wrote this letter.

Mr MacKinnon: Independent legal advice.

Mr GORDON HILL: He is following up the evidence that he gave to the Royal Commission.

The letter continues -

Accordingly, I am now of the view that had this matter been in focus in my mind in early 1988 I would not, without more, have been inclined to recommend to minister Hill that he take any action by way of reference to the Premier.

That was the advice of my former principal private secretary, who did not believe, in giving me advice at that time, that there was any -

Mr MacKinnon: What advice did he give you at the time?

Mr GORDON HILL: The same advice. I made that clear in the evidence to the Royal Commission, and so too did Peter Ward; and I am saying it again today.

Mr MacKinnon: You can remember the advice that he gave you but you cannot remember seeing the report.

Mr GORDON HILL: I did not say that at all. I said in evidence to the Royal Commission that I had a vague recollection of a report of that sort, but I am not sure whether that was as a result of discussions with Commissioner Bull or discussions with a member of my staff. That is the position. I have a vague recollection of the report. I did not read the report. My officer has given evidence to the Royal Commission that that was the likely position that he put to me. It is interesting - without going through all of the evidence given to the Royal Commission - that counsel assisting the Royal Commission came to the conclusion that the report may well have been destroyed, because all of the evidence was to the contrary. My former principal private secretary stated clearly in his evidence to the Royal Commission that he had handled the report and that the most likely scenario was that he had given advice to me in early October or thereabouts, whenever the draft report was - apparently - handed to me, that there was a need for substantiation of the allegations made in the draft report. He said to me at a later time - which is clearly evident from his comments to the Royal Commission - that nothing had changed in the second report that came to my office. There was no new evidence in the report that came to my office on 23 October.

I shall go through the sequence of events again for the benefit of members opposite. A draft report was apparently forwarded to me, but it did not contain any information to substantiate any allegations.

Mr MacKinnon: How do you know?

Mr GORDON HILL: From the person handling the report, and that is evidenced in the Royal Commission. The memorandum was forwarded to the Commissioner of Police under my signature asking for substantiation of allegations in that report. The Commissioner of Police had apparently delivered the second report to my office by hand on 23 October, a date on which I was not in my office, and I did not receive the report. It was not handed to me. It is clear from evidence given to the Royal Commission by Superintendent Ayton, by the Commissioner of Police, and by my principal private secretary, and it was known to my office and to my principal private secretary, that additional copies of the report were held by the Commissioner of Police. Why on earth would I want to destroy that report when additional copies were held by the commissioner? It is ridiculous!

Mr Strickland: Where are they?

Mr GORDON HILL: Ask the Commissioner of Police. They should be with the chief casino officer. Why were they not forwarded if this report is of such moment? Why did he not come back to me and ask me what had happened to the report he was supposed to have sent to my office?

Mr MacKinnon: That is pretty sloppy.

Several members interjected.

Mr GORDON HILL: I make it clear that I did not interfere, nor did I ever interfere, in operational matters. The Commissioner of Police requested that I forward the report to the Minister for Racing and Gaming. I have no knowledge of what happened to it when it left my personal office, if indeed it came into my personal office. Clearly the Minister for Racing and Gaming did not receive the report. I do not know what happened to the report.

Mrs Beggs: If I had ever received it I would have sent it back to the Commissioner of Police because I was not responsible for dealing with it. The Act states clearly that it should be forwarded to the chief casino officer.

Mr GORDON HILL: What is clear is that Mr Ward, my principal private secretary at that time, met the author of the report on 27 January 1988. He was trying to satisfy himself whether the report could be used in a mischievous way by the police or by any element of the media. It is clear that there was no substantiation of the allegations made in the report apparently submitted to the Commissioner of Police by Les Ayton at an earlier time.

Another interesting and perhaps amusing fact is that when the matter was dealt with by the Royal Commission recently, counsel assisting the Royal Commission, Brian Martin, QC, spoke about the report, and one of the Royal Commissioners asked him to display the report. He asked for the reference number of that exhibit. As an amusing sideline, counsel assisting the Royal Commission could not find it; he had mislaid it.

Mr Pearce: Well! The Opposition had better not hear about this!

Mrs Beggs: That is the second time. When I tried to find out about the report and I asked to see it they could not find it.

Mr GORDON HILL: On two occasions the Royal Commission has itself mislaid the report.

Dr Gallop: They are human beings, not members of the Opposition.

Mr GORDON HILL: Exactly! The submission presented to the commission by Geoffrey Miller, QC, made a number of very important points which should be repeated in this House. On 27 January 1988 Mr Ayton met with Mr Ward, a policy officer in the office of the Minister for Police and Emergency Services, to discuss Mr Ayton's report. The report says, "Mr Hill ceased being Minister for Police and Emergency Services following a Cabinet reshuffle" within a very short time of the meeting between Peter Ward and Les Ayton.

*Withdrawal of Remark*

Mr COWAN: I distinctly heard the Minister make a comment which I think is unparliamentary and I think it deserves to be withdrawn.

Dr GALLOP: I was referring to the Leader of the Opposition. I withdraw those comments.

Mr Pearce: What did you say?

Mr Court: You wouldn't want to hear it.

*Debate Resumed*

Mr GORDON HILL: Geoffrey Miller said in his submission that it was alleged that somebody in my office, not me, may have decided it would be convenient if the report were lost. This is what Brian Martin had to say. He was not making any allegations about me but about somebody in my office. I reject that allegation, which again is made without any substantiation. Geoffrey Miller went on to say that this comment was essentially speculation and certainly not the only inference open on the evidence before the commission. He submitted that the commission should not accept as a fact that this occurred. He went on to say that even if such a fact were accepted, there was no suggestion, and indeed no evidence to support a suggestion, that I was in any way involved in such a matter. The submission went on to say that the suggestion that the report was deliberately lost or destroyed by someone in the office of the Minister for Police and Emergency Services was not put by counsel assisting the commission to me or to Mr Ward. The question was never asked, and I have said publicly that it was not. As far as I am aware, or as far as any member of my staff is aware, the report was not deliberately lost or destroyed.

Mr Pearce: That highlights one of the reasons why it is difficult to go the Royal Commission without a lawyer, because you are absolutely dependent upon the questions asked by counsel assisting the Royal Commission. If they deliberately or negligently leave out questions which would give you a chance to deny a point, they speculate about those things afterwards. If you had your own lawyer he could fill in those gaps for you. It is not something you can do yourself.

Mr GORDON HILL: Quite right. When I was before the Royal Commission, I made the point to counsel assisting the Royal Commission that the Commissioner of Police never came back to me to ask what had happened to the report. Quite pointedly, I thought at the time, counsel assisting the commission, Brian Martin, simply dropped the subject. He said, "Let us not talk about that; let us get onto something else." That is an important matter.



Mr Pearce: Some of these counsel assisting the commission may not be all that impartial in their duties.

Mr GORDON HILL: That is the impression I was left with as a result of my experience before the Royal Commission. Geoffrey Miller said, "Both Mr Hill and Mr Ward rejected the suggestion that the report was deliberately lost." Further, Geoffrey Miller says that the deliberate losing of the report by someone in the office of the Minister for Police and Emergency Services "could not reasonably be expected to solve such a problem because of there being other copies of the report held by Mr Ayton and the Commissioner of Police". I made that clear. It is a ridiculous assertion to make. In the circumstances it is somewhat surprising that no action on the report was followed up by the Commissioner of Police or by Mr Ayton. The submission goes on -

The evidence of Mr Ward and Mr Hill was both that they expected the report would have been forwarded onto the Minister for Racing and Gaming . . . This raises the possibility that although Mr Hill intended the report be forwarded to the Minister for Racing and Gaming, due to some administrative error, this did not occur.

I am not responsible for every report that moves between my office and other offices or to other parts of the public sector. It is not possible physically for me to become involved in the handing over of reports, especially when it was suggested to the Commissioner of Police by Mr Ayton that the report should be forwarded to the chief casino officer. One would reasonably expect that this would have happened since that was the recommendation, and since the Commissioner of Police did not come back to me on the matter one would assume it happened.

The comments made by Mr Miller go on -

Another inference more likely than the one submitted by Senior Counsel assisting is that the report was inadvertently not acted upon and then later destroyed at the office of the then Minister for Police, Mr Taylor.

Evidence given by Mr Ward before the Royal Commission was that soon after he met Mr Ayton at the end of January 1988 a reshuffle occurred - and we know that to be the case - and that all the material in my ministerial office that related to the Police portfolio was put into boxes, parcelled up, and physically left my office. I cannot account for every piece of paper in the boxes or account for every report in those boxes. I cannot account for what happened to the boxes after they left my office, or whether they went to another Minister's office. However, it is clear that a great deal of the material was put into boxes and, I suggest, was forwarded to another Minister's office.

As Mr Ward said before the Royal Commission the material in those boxes was later destroyed. I do not know what material was contained in the boxes. The boxes had long since left my office. I had no involvement in the process. Therefore, the suggestion by the member for Applecross that the report was deliberately lost within my office is unsubstantiated; the suggestion that it was destroyed within my office is not the only reasonable inference that can be drawn from the facts before the Royal Commission. It is more likely that the report was inadvertently lost or destroyed as outlined in the evidence before the Royal Commission and as outlined in the submission by Geoffrey Miller, QC, before the Royal Commission.

I remain surprised that members opposite, some months after the matter was considered before the Royal Commission, would seek to bring the matter before Parliament. Clearly the aim of the Opposition is to score some political points or to attempt some political grandstanding when members opposite present an argument largely based on rhetoric, and without substantiation of the allegations; it has selectively chosen evidence given before the Royal Commission. I challenge members opposite to say whether they have read every piece of evidence before the Royal Commission.

Mr C.J. Barnett: I have.

Mr GORDON HILL: The member may have, but his colleagues will vote on the issue also. If members opposite have read all the evidence, that makes them even more mischievous because they have chosen certain parts of the evidence put before the Royal Commission and excluded others. As I said earlier today, and I have said this previously in public, I am happy to go back to the Royal Commission if there is any doubt about that matter. If the Royal

Commission would like me to reappear I will repeat and clarify what I have said before. I know that Peter Ward is happy to do the same. By way of correspondence to the Royal Commission, Peter Ward has asked to go back to restate his position. It is not appropriate for these matters to be considered by a kangaroo court in this place. The Royal Commission is the appropriate body to give consideration to this issue.

I have been open in the evidence I have given, as has Peter Ward. I have nothing to hide. We are both happy to go back and repeat our evidence or to give fresh evidence if new questions are asked. The Opposition is simply being political about this issue; it is not interested in justice on this matter. The Opposition is attempting to do the work of the Royal Commission and of the counsel assisting the Royal Commission because in statements made before the Royal Commission the counsel assisting was trying to search around for an issue. He was attempting to dramatise an event because he had been reprimanded by the Royal Commission for expressing certain views before it.

Mr Lewis: This is unbelievable!

Mr GORDON HILL: It is true. The member should read the evidence. In my view, the counsel assisting the Royal Commission was searching around for a sensational issue so that he could justify a particular term of reference of the Royal Commission. It had failed miserably to live up to the public expectation on that reference.

MR MacKINNON (Jandakot - Leader of the Opposition) [3.47 pm]: When a point of order was taken today by the member for Marmion, one speaker said words to the effect: We need to consider what we are here about; if there is no honour in a Government member, he or she should not be here. That is what last week's and this week's debate is all about. We have highlighted how far away the Government has moved from the proper path of propriety and honour in government. I want to spend some time expanding on that point before I address the specific issue of the Minister, because debate should focus on the important principles that until now in this State, indeed in this nation, have been principles of the Westminster system predominantly complied with by parties on both sides of the political fence. I refer specifically to a commitment to ministerial responsibility.

I was pleased to read an article in *The West Australian* by John McGlue today. I do not agree with every part of the article; however, the article is well overdue and is one that should have been written months ago to focus upon what I believe is one of the most important issues, if not the most important, to come out of the WA Inc debate. That issue led to the Deputy Speaker's sitting in this Parliament as an Independent. What are the standards that a Government should abide by under a Westminster system? What is right and what is wrong? When is it appropriate for Ministers to stay in their place or resign? They are very important questions if we are to have a Westminster system that has the support of the people of the State. I argue very strongly that politicians across Australia now are held in grave disrespect in part because of the way the Government of this State has ignored those standards of the past. A reference on the question of accountability is on page 88 of Browning's, *House of Representatives Practices* Second Edition. I will quote certain aspects relating to some Royal Commission comments. Browning says -

As the Royal Commission and other authorities have noted, there are still circumstances in which a Minister is expected to accept personal responsibility and to resign (or be dismissed):

Resignation is still a valid sanction where ministers have been indiscreet or arbitrary in exercising power. In cases where the minister has misled parliament, condoned or authorized a blatantly unreasonable use of executive power, or more vaguely, where the minister's behaviour contravenes established standards of morality, . . .

In my opinion that is the area where the current Ministers' behaviour fails. Browning continues -

. . . resignation or dismissal is the appropriate action. In these cases, the factors which may often excuse the minister from blame for administrative blunders do not operate to the same degree: the minister's personal responsibility may be more easily isolated.

Further on the reference on page 88 indicates -

...If the compelling penalty for a 'mistake' is resignation then the compelling prerequisite for punishment is the establishment of proof. This is not easily done in the political arena. The gravity of the 'mistake' would be an essential factor to any requirement of resignation.

Last week the proof came from the Ministers themselves. I agree with that. It continues -

Equally the premise is only as sound as 'personal fault' or 'lack of reasonable diligence' can be established. Penalty by compulsion is dependent on the establishment of guilt. For the purposes of political advantage, allegations of ministerial 'mistakes' of a baseless or minor nature are no less possible than ministerial or government defence in the interests of self-preservation.

I commend this reference to members and others who might be interested in this subject because of the nature of what has happened under WA Inc and the Royal Commission. They should read that reference to see what has happened elsewhere when circumstances, not the same as those that have occurred in Western Australia but similar, have presented themselves. What course of action did those Governments take - Governments that in two cases were of a Labor Party pedigree and in one case a National Party pedigree? Neville Wran stood aside as Premier of New South Wales from 16 May 1983 to 29 July 1983 after allegations on a "Four Corners" program. Mr Brereton took his place until the Royal Commission appointed to examine those matters cleared him of the accusations. Premier Ahern refused to allow Don Lane to continue as a Minister unless the allegations against Mr Lane were cleared up, despite the personal and public protestations from Mr Lane as to his propriety. We know that the Fitzgerald inquiry subsequently made recommendations and Mr Lane was charged, but that is now history. More recently Brian Mier in Victoria made statements about one of his staff members on an Aboriginal issue and was forced to resign. Let us compare the events in Western Australia when we look at each of those cases and the facts surrounding them: The serious allegations against Mr Wran which were not proved; charges against Don Lane which were proved and whose nature did not equate to the major losses or the events surrounding the Government of this State; and Brian Mier because of the comments that he made. Western Australia has had major scandals involving former Premiers and Ministers of the Government: Hundreds of millions of dollars were involved; there has been deceit on a scale unprecedented in Western Australia - deceit of the Parliament and of the public, and deceit supported by every single member of the Government; millions of dollars were contributed to the Labor Party through contributions to the leader's accounts in return for so-called favours; and amazing allegations about stamps.

Mr Gordon Hill: They are allegations so far.

Mr MacKINNON: Time and time again Ministers like the one who just interjected have said in the Royal Commission, "I can't recall; I don't remember" about matters of major import that any Minister would have or should have recalled if he were doing his job. We have heard amazing evidence of the destruction and loss of files by Ministers and the Government of this State. What has happened in response? My observation is that the only person who has resigned from the Labor Party as a consequence of the WA Inc disasters is you, Mr Deputy Speaker.

The DEPUTY SPEAKER: Order! I must point out - whatever the Leader of the Opposition's opinion may be or the accuracy of it - that it is not proper to draw the Chair into the debate. I cannot respond or comment. I suggest that the Leader of the Opposition should take another line.

Mr MacKINNON: I should have referred to the member for Perth. In any event the point has been made. I will refer to individuals so that members are reminded that no person who has resigned, or been forced to resign over what has become known as the WA Inc tragedies, has taken responsibility for that. The former Premier, Mr Brian Burke, on 22 December 1987, gave four reasons to the Parliament for resigning such as family and a few others, but not once did he say that he was resigning because the heat from the kitchen would get too much for him, or that his decision had cost the people of this State hundreds of millions of dollars, or that he had been part of a massive cover up in that process. The next Premier, Mr Peter Dowding, resigned too. He was forced to resign because there was a Federal election around the corner. His colleagues, Bob Hawke and others, put the pressure on him. In his statement of 11 February 1989 Mr Dowding said, "My primary concern now is to

minimise the damage to the State Government and Labor Party and I believe it is now necessary to step aside immediately." That is astounding. The former Deputy Premier, David Parker, stood aside not because of WA Inc but, as was reported in *The West Australian* of 6 April 1990 -

But he said his decision to quit the state political scene was not an acknowledgement that he was taking any more responsibility for the political errors of WA Inc which have cost the WA taxpayers hundreds of millions of dollars.

Mr Parker steadfastly stood by his part in the dumping of Mr Dowding.

He said it had been vindicated by last month's Federal election result in which Labor lost only one WA seat

That reinforces the point I made earlier as the reason Mr Dowding was dumped. Finally, Julian Grill the member for Eyre resigned, but not because he wanted to accept responsibility or admit that in any part it was due to the scandal that has become known as WA Inc. Has this nation seen another major scandal involving total deceit and dishonesty with not one executive officer of the Government resigning or being asked to resign because of impropriety?

Mr Gordon Hill: There is no suggestion that I am involved in any of that.

Mr MacKINNON: I will come to the Minister for Mines in a moment. What happened last week when a motion was before this House asking for Hon Joe Berinson to resign? The chief law officer of this State admitted that he had made mistakes; that he should have looked but did not. It is almost like a man who has murdered his wife saying that he is sorry, he did not mean to do it or did not realise what he was doing and by so doing hoping to absolve himself of all responsibility for his wife's death. It is not good enough for the chief law officer of this State - a QC - to apologise and provide no excuses. We now hear the response from the Minister for Mines. However, before I comment on that I shall refer to the second edition of the *House of Representatives Practice* edited by A.R. Browning which states -

When responsibility for a serious matter can be clearly attached to a particular Minister personally, it is of fundamental importance to the effective operation of responsible government that he or she adhere to the convention of individual responsibility. However, the prime consideration in determining whether a Minister should resign or be dismissed has sometimes been the assessment of the likely political repercussions on the Government.

That is the position we are facing today. Both the Attorney General and the Minister for Mines are personally responsible. In those situations who should have taken responsibility for their actions? The Minister for Mines has clearly been condemned by his own evidence. It is clear that nothing will happen and that the Government will tough it out over any Minister's failure to accept responsibility for his actions. The Government stands condemned because, as it says in the *House of Representatives Practice*, responsibility usually lies in "the assessment of the likely political repercussions on the Government".

What was the Minister's response today? The motion moved by the member for Applecross calls on the member for Helena to resign from the Ministry for failing in his duty as a Minister of the Crown while serving as the Minister for Police and Emergency Services. The motion states that he -

... failed to forward the Ayton Report of August 1987 to the Minister for Racing and Gaming as requested by the Commissioner of Police;

The Minister did not do that.

Mr Gordon Hill: How would you know?

Mr MacKINNON: Did the Minister do that?

Mr Gordon Hill: I gave the evidence before the Royal Commission.

Mr MacKINNON: Did the Minister forward the report or did he not?

Mr Gordon Hill: You do not like to hear the answer. I gave the evidence before the Royal Commission that as far as I am concerned if I had a report of that nature given to me by the Commissioner of Police asking for it to be directed on, I would have done it.

Mr MacKINNON: Did the Minister do that?

Mr Gordon Hill: I could have done it. I do not know if I physically left my office and went to the Minister for Racing and Gaming.

Mr MacKINNON: That is condemnation number one. The Minister said he would have, he might have, he should have, but did he? The Minister does not reply. The Minister is not prepared to say yes or no because he knows that the report never left his office.

Mr Gordon Hill: That is not true.

Mr MacKINNON: The Minister did not want to do it!

Mr Gordon Hill: That is a lie.

Mr MacKINNON: The Minister is trying to cover up the matter!

*Withdrawal of Remark*

Mr KIERATH: The member for Helena described a statement made by the Leader of the Opposition as a lie. I believe that is unparliamentary, and should be withdrawn.

Mr GORDON HILL: I withdraw and substitute the word mendacious.

*Debate Resumed*

Mr MacKINNON: The Minister can say neither yes nor no. That report never left the Minister's office because he did not want it to leave. The Minister knows that and I know that. The Minister also failed to inform the Premier of the day that the report contained serious allegations against another Minister. Did the Minister for Mines inform the Premier of those allegations?

Mr Gordon Hill: Didn't you listen to my speech?

Mr MacKINNON: Did the Minister inform the Premier of the day?

Mr Gordon Hill: I made my speech; didn't you listen to it?

The DEPUTY SPEAKER: Order! We have been through this before. This Parliament is not suitably used by the Leader of the Opposition's continuing to put a question to an individual member on the other side of the House. It is important that the Leader of the Opposition is able to make his points, but not in a way which turns this place into a quasi court.

Mr MacKINNON: With due respect, Mr Deputy Speaker, I believe that the Parliament is exactly the place to be putting questions to Ministers and for me to be asking a Minister whether he is prepared to answer those questions. If I cannot do that in the Parliament where can I ask the Minister those questions? If he is not prepared to answer them, so be it.

The DEPUTY SPEAKER: Order! It depends on how the Leader of the Opposition puts those questions. I am not trying to restrict the debate, but there is a way of doing things in this House and I do not believe questioning individuals on the other side is appropriate to the debate. That does not prevent the Leader of the Opposition from making his points and receiving replies to his answers.

Mr MacKINNON: The truth of the matter is that the Minister said he did not read the report. Why then did the Minister write a letter to the Commissioner of Police which was headed "Strictly Confidential" and which stated -

I refer to the report on Key Casino licence-holders which you recently made available to me for my perusal.

The Minister has signed this letter and which went on to state -

My recollection is that the report makes reference to a view on the part of its author that certain public figures or Government officers have acted with impropriety.

The Minister wants us to believe that he signed a letter which was headed "Strictly Confidential" and which referred to a report naming senior Government officers and his ministerial colleagues but that he cannot remember what he did with that report. That is what he has claimed in this Parliament. I do not believe the Minister. Which Minister is doing his job when he receives a report referring to impropriety on the part of his colleagues and does not remember it? How many times did that happen in his career? Did the Minister ever receive any other reports about his ministerial colleagues? The Minister does not want to answer that question.

Mr Pearce: You don't know that it says that.

Mr MacKINNON: I would have remembered and the Leader of the House would have remembered receiving such a report. The Minister has claimed that he did not remember this major report but he wrote a letter to the Commissioner of Police about it. Whose signature is on the bottom of the letter? Who is responsible for writing that letter? The Minister, in the Westminster system, must accept responsibility for that letter. It is not the responsibility of the man who drafted the letter, but the responsibility of the man who signed it. Can we claim that a typist was responsible for the letter and should be locked up? Can we blame the postman who delivered it or can we blame the man who signed it?

Mr Kierath: The Minister.

Mr MacKINNON: The Minister acknowledges in his letter to the Commissioner of Police that he read the report.

Mr Gordon Hill: I did not.

Mr MacKINNON: The Minister said in his letter to the Commissioner of Police -

My recollection is that the report makes reference to a view on the part of its author . . .

Why would he say that if he had not read that report? As my colleague the member for Applecross said, either he did or he did not. If the Minister for Mines, when he was Minister for Police and Emergency Services, did not read it he was not doing his job, especially as the Commissioner of Police had delivered the special report to him and told him that he would write to him about it the following week. He asked him to read the formal evidence, and yet the Minister sits opposite and tries to get me to believe that he does not remember. That does not wash with me, nor does it wash with the people of Western Australia.

What was the Minister's defence today to this motion? Firstly, he mounted an unmitigated and unprincipled attack on the Commissioner of Police. This person who, when he was Minister for Police and Emergency Services, stood in this place many times and tried to defend the Commissioner of Police, now asks why the commissioner did not come back to him. It is not the commissioner's responsibility to remind the Minister; it is the Minister's responsibility to remember. The Minister was not speaking in defence of the commissioner; that is a nonsense. His comments were an attack on the commissioner and the Minister well knows it. The Minister then had the gall to say that the report should have gone to the chief casino control officer. Why did it not? I do not know the answer; it is a side issue and of no consequence. The real issue is that the report went to the Minister for Mines when he was Minister for Police and Emergency Services. He read it and he knew the consequences. He tried to obtain further information from Commissioner Bull, who rightly refused to be directed and bullied by him, and then the Minister refused to take the matter further.

The only other defence of this Minister was to attack the Royal Commission and the counsel assisting the Royal Commission, and his attack was supported by the Leader of the House. I remind members of the amendment moved by the Premier to a motion we were debating in this House last week. The amendment was -

To delete all words after "calls" with a view to inserting the following words -

on all members of Parliament not to use the Parliament as a forum to pre-empt or attempt to influence the deliberations of the Royal Commission into Commercial Activities of Government and Other Matters.

I remind the Premier that the Leader of the House said today - the Government cannot have it both ways - that the Royal Commission and the counsel assisting the Royal Commission are not impartial. That is exactly what he said and he knows it. He attacked the credibility of counsel assisting the Royal Commission - Martin, QC, and Templeman, QC. It was also stated that the counsel mislaid reports as though it was some major crime. It is a nonsense; it was simply a side issue and an attack on the Royal Commission for which the Minister for Mines should apologise and for which the Premier should apologise on behalf of the Leader of the House. They clearly attacked the independence of those individuals by saying that they are not impartial. The Minister said he would tell this House the reason they are not impartial. I hope he does. If he does not, I hope there is an apology on the Royal Commission's desk tomorrow. We should not allow Ministers of the Crown to attack the

Royal Commission. The member for Eyre has been openly critical of the Royal Commission and I have criticised him for that. However, it is not right for the Leader of the House to do the same thing a week after the Premier moved an amendment to a motion in this House asking members not to do that sort of thing. The Premier should ensure that Ministers and members on her side of the House do not mislead the people of this State.

I conclude on the comments made by my colleague, the member for Applecross, when he said in crystal clear terms this is an either/or situation; either the Minister is incompetent or he is guilty of a major dereliction of duty. This is all about a report referring to a Minister and the information was not passed on. The Minister said that he did not talk about the report to anyone and that he cannot remember it. He is either incompetent or he took action to deliberately cover up the facts. The weight of evidence quite clearly falls down on the latter. The Minister, when Minister for Police and Emergency Services, deliberately sought to cover it up. I have no time for people in this Parliament who do not have the courage of their convictions in that regard. I used to have some time for David Parker until he came to this Parliament and told deliberate untruths. From that day on I said I did not want anything more to do with him and I advise the Minister for Mines that I do not want anything more to do with him; he will follow the route taken by David Parker.

**MR PEARCE** (Armada - Leader of the House) [4.16 pm]: It is always good to see the dumb come to life and it is a while since we heard from the Leader of the Opposition in this House.

**Mr Omodei**: He spends more time in this House than the Premier.

**Mr PEARCE**: Not speaking. The simple fact is that the Opposition has fallen into the same trap as that which it fell into last week. It was left to the member for Applecross, for heaven's sake, to go through the evidence of the Royal Commission and take out the juicy bits to try to put a case to this House which has not been proved before the Royal Commission. I repeat what was said in this House last week: The reason the Royal Commission was established is to find out the truth of these matters. The Royal Commission can call anyone before it and ask him about any matter and it can subpoena any document it wishes to assist it in reaching a conclusion. All the journalists who have covered the Royal Commission have reached a conclusion with regard to the casino terms of reference; that is, that it has been a real fizzer, especially when one considers the expectations about it that had built up at the commencement of the Royal Commission's hearings. Out of all the evidence that has been given there has not been a public view or a view from any observers of the Royal Commission that any impropriety of a serious kind, particularly on behalf of Government Ministers or anyone involved in the casino, has been proved in evidence given to the Royal Commission. It is a matter on which the Royal Commission will, in due course, make a decision. The Government has made it clear that once the Royal Commission has come down with its findings on this or the other terms of reference, it will take the necessary action. The Government is certainly not seeking to pre-empt the findings of the Royal Commission.

The weakness of the Opposition's approach was clearly demonstrated in the speech by the member for Applecross. He came into this place and used exactly the same technique that Joseph McCarthy, an American senator, used repeatedly. He was the person who said, "I have here a document." He would wave the document around and the physical reality of it seemed to give weight to what he was saying. It was a few years down the track before the journalists woke up to the fact that they could not believe what Senator McCarthy said was in the document. They had to read it to ascertain whether what Senator McCarthy said was in the document was really the case.

I noted that the Minister produced documents today and he finally forced some members opposite to read part of the evidence which they said supported their point of view. We noticed very quickly that what they said the documents said was not the case at all. That was very much so in respect of a letter to the Commissioner of Police which the Minister produced. Opposition members said that the letter demonstrated that the Minister had read the report. They almost suggested that the Minister had admitted reading the report. In fact, the letter does not say that at all. I will paraphrase the letter, but will use the actual words in it. It says that the commissioner left the report for the Minister to read. That does not mean that he read it. Furthermore, he said that within days of the report having been delivered in

its draft form his recollection was that the report made reference to a view on the part of its author that certain public figures or Government officers had acted with impropriety. That is not a form of words that implies a person has read the report. As a former English teacher I advise the House that that form of words is a clear indication that the person had not read it. He may have been advised about the general tenor of it, but there is no suggestion that the person had read it. If a person had read it he would have included specific comments in the report pertaining to the information he was seeking. I found the position of the Opposition in regard to this letter a little strange. I do not know what its view is of the relationship between a Minister and a departmental head. I would have thought that a request from a Minister to a departmental head, or the Commissioner of Police in this case, was worthy of a reply. The Minister said in his letter that the allegations had been made and asked whether there was any substance to them. That is the letter that the Commissioner of Police apparently saw fit not to respond to, but not in the way that the member for Applecross said - to paraphrase - "I am the Commissioner of Police. I am too important to tell mere Ministers what evidence we have for our claims. We do not have to respond to Ministers about claims that we are making unsubstantiated allegations against citizens. If we want to provide substantiation that is up to us." That is a statement about which the Commissioner of Police would not be pleased because it is not a proper description of the way in which he carries out his duties. Even if he felt it was improper for him to provide the information for which the Minister asked I think common politeness or, if you like, one's duty as a public servant, would have led him to reply to the Minister saying, "We have your response. In my view it is not proper to provide the information you ask for." In fact, no substantiation was provided.

That leads me to the second aspect of the Opposition's attack; that is, the unselective way in which it uses evidence given to the Royal Commission. The simple fact is - as any journalist covering the Royal Commission will tell us - that many of the people giving evidence before the Royal Commission are not telling the truth. In many cases they are doing that deliberately to cover up for themselves. In other cases they are doing it less deliberately and simply out of suspicion or an assumption they have made or conclusion they have drawn. That has never been better demonstrated than in the publicity about Paul Keating a week or so ago when a witness before the Royal Commission seemed to say he knew that Mr Holmes a Court had telephoned Mr Keating regarding the soundness of Rothwells. That claim appeared nationwide on the front page of every major newspaper. That occurred on the Saturday. On the Monday the same man, when before the Royal Commission and subject to cross examination - and not this time by counsel assisting the Royal Commission but by lawyers representing other people before the commission - admitted straight away that he had no personal knowledge of that kind. In fact he had no evidence to back up the claim that Mr Holmes a Court rang Mr Keating, so all the Press pulled away from the claim; but the damage to Mr Keating had already been done.

The fact that people appear to make claims before the Royal Commission and are not tested on the evidence of those claims by counsel assisting the commission is a matter of concern. Today the Opposition has placed great weight on the evidence of Superintendent Ayton. Even before the Royal Commission was convened Mr Ayton was referred to by other police officers as a person likely to run in his own mother. One thing one notices about his evidence before the Royal Commission is that he suspected everybody who had the slightest connection with the casino. He suspected Genting Berhad. He went to Malaysia and suspected everyone there. He went to Queensland and then furnished a report which indicated he had suspicions of everyone he met in Queensland responsible for the casino. He suspected all members of the casino control board and every Minister involved, partly involved or mentioned in passing in relation to the casino. Mr Ayton is a very suspicious man who suspects everybody evenly. He does not seem to have much evidence for his suspicions.

When a report came from Superintendent Ayton, whose reputation in this matter was well known long before he went to the Royal Commission, putting one small segment of his suspicions, I do not think it strange that the adviser to the then Minister for Police and Emergency Services said he should be able to substantiate some of the claims he was making in his report. There seems to be a clear explanation about why people may not have taken the report all that seriously. One is not too surprised to hear a cry of "wolf" from a little boy who is always crying wolf. That may well be what happened with the report made by



Superintendent Ayton. It is up to the Royal Commission to determine these matters, but on the evidence made public a clear conclusion may well be reached regarding this matter; that is, that there was no substantiation of the claims made by Superintendent Ayton; and in the same way as almost every claim he has made regarding anything else has been denied time and time again by the people involved at the Royal Commission, this allegation also has been denied.

The Opposition makes a claim it says comes from the evidence. It says that the report was handed personally to the former Minister for Police and Emergency Services and therefore he must be lying; that that was the implication to be drawn when he said he had not read the report. The fact is, as we have been able to demonstrate, that the former Minister for Police and Emergency Services produced a diary at the Royal Commission which showed clearly he was not in Perth, or in his office, on the day it was claimed the report was handed to him. The Police Commissioner said, "I sent somebody to hand that to the Minister for Police." That does not mean the person did what he was told. He may have gone to the Minister's office to be told the Minister was not there and after handing it over were told, "We will give it to him when he comes in." That may have happened. There are many explanations of what could have occurred. This is not a simple either/or option. Those few members of the Opposition who have been to university and who have studied philosophy, as I have, would have been told in about their second term that that is the "fallacy of the excluded middle" where one sets up two positions and says it has to be one or the other when in fact it could be something else. In that case it is neither A nor B but C, something other than the reasons the Opposition espouse in this case. In due course those reasons will be determined by the Royal Commission; that is, the C alternative. None of the options just mentioned will be used by the Royal Commission which will fill in a "D-Other" and explain precisely what these things are. I bet that the Royal Commission finds that the then Minister for Police and Emergency Services did not deliberately destroy that report. I bet it finds that he did not behave improperly. I bet one extra thing: If the report is ever found, the commission having lost its own copy twice, and it is investigated it will be found that there is no substance to the claims made in that report. I believe that is a view that even the Commissioner of Police secretly holds, because no-one who saw the report took it seriously. It was not sent off to the Gaming Commissioner in the way called for under the legislation. It was not acted upon by the police. If the police suspect a person of a crime the last thing they do is send a note to advise that person that they are being investigated. That is the last thing the police do! If Inspector Ayton's evidence suggested anything criminal or against the law the police would not have been sending notes to Ministers but flatfooting it around to investigate the allegations. That did not happen.

As the Minister has said, the Commissioner of Police did not follow up the request to pass on the information. Everyone had the latest of Inspector Ayton's little missives, his suspicions, and no-one wanted to take them seriously. That says something about the substance of the report. Even counsel assisting the Royal Commission clearly did not take the report seriously because he had not read it. He is the person who, before cross-examining people regarding such things, is responsible for reading documents and questioning witnesses on what is in them. Mr Martin had not read this supposedly damaging report referring to improper and maybe criminal conduct on the part of public figures and a former Minister. Mr Martin did not see fit, so he says, to read that report before examining the Minister to whom it was allegedly sent.

Mrs Beggs: The Minister was not asked anything about what was supposed to be in the report.

Mr PEARCE: Yes. The aspect I find particularly annoying - and this is why I made the interjections I did during the debate - is that when the Minister was before the Royal Commission the matter of whether he destroyed the report or took some action to cover up was never put to him. The Minister went down to the commission without legal representation.

The trouble is that under those circumstances, one does not get to stand up in the Royal Commission and tell all of one's story. All one gets to do is respond to questions which are asked by counsel assisting the Royal Commission. Those counsel do not always ask a line of questions which is designed to cover all of the eventualities. They go through the documents, and reach a tentative set of conclusions of their own. I guess under the

circumstances it is not surprising that they act a little like prosecutors and that they roll up with a line of questions in that way. However, if there is a question which a witness wants to be asked, he cannot have that question asked of him unless he has his own lawyer present to ask follow-on questions to fill in the gaps in the questions that are asked by counsel assisting the Royal Commission. When the former Minister for Police and Emergency Services was before the Royal Commission, he was not given the opportunity to say that he did not destroy those documents. If that opportunity had been given to the Minister, he would have stated that clearly, simply, in plain English and under oath.

It is quite disgraceful for a counsel assisting the Royal Commission, who did not raise that matter in the presence of the Minister, and who did not put the matter to him, either by deliberately avoiding that line of questioning or - in the "either/or" of the member for Applecross - by negligently failing to follow up that line of questioning, to then allege it in his final response. It is quite unbelievable conduct by anyone in a senior and responsible public position like that to try to allege to the Royal Commissioners a course of conduct which he has not raised with the person against whom he is alleging that course of conduct. That is bizarre behaviour. That behaviour may have been just the result of the pressure of the Royal Commission and the vast range of things that have to be considered, or it may have been the result of absent-mindedness on the part of Mr Martin, QC, but it surely must have occurred to him before he made that claim to the Royal Commission that he had not asked questions of the Minister on that matter, and at the very least he should have said in his address to the Royal Commission on this matter that, "This may be the case but I did not put it to the Minister; therefore, the Minister has not been given the opportunity to respond." The Minister had to employ a Queen's Counsel and go to the Royal Commission to seek a right of reply to the claims that were made by Mr Martin, QC, in this regard.

I think that is bad enough, but that is what the Opposition does all the time in this Parliament - not just in terms of one little act. The Opposition tries to catch a bit of the evidence and work it up to the kind of conclusion that it wants to reach, ignoring all the other evidence which is given against it, and distorting the evidence that is put forward by paraphrasing it in the way that the member for Applecross does so that it comes out of his mouth in a form which is far different from the form in which it came out of the mouths of the people who first were the witnesses with regard to these matters. The member for Applecross does a little re-enactment. He prances around like a Borneo orang-outang, and tries to give some credence to the fallacious propositions that he is putting to the Parliament by waving around his arms and changing his voice. He does his own personal "Goon Show" and thinks that somehow gives greater credibility to the distortions that he is putting forward.

That is the reason I said to the member for Applecross consistently when he was doing that, "Don't paraphrase. Read it out. You have got the precise words in the documents that you are waving around. Do not give us your words; give us the words of the witnesses before the Royal Commission." However, he would not do that. The reason is that the witnesses before the Royal Commission gave evidence which differs from what he was saying. That is also the reason why the Royal Commissioners, when they draw their conclusions, will draw conclusions which are different from the conclusions drawn by the member for Applecross. The Royal Commissioners are working on different evidence - not the evidence of the member for Applecross, who is seeing through jaundiced eyes and seeking to make out a case, like the feeblest of prosecutors. The Royal Commissioners will hear evidence from all the parties involved, and will be able to make judgments about the reliability of the suspicions of Mr Ayton, for example. They will be able to make judgments from the documents themselves about what those documents mean or imply - not what the member for Applecross thinks they mean or imply. The Royal Commissioners are men of learning and substance in the law. They are not people like the member for Applecross, who cannot read simple words which are stuck under his nose without putting on everything that he sees a patina of party political point scoring. The Royal Commissioners are not people looking for political opportunity in everything that passes before their eyes. They are not like the schoolboy who is thumbing through a salacious book, trying to find the dirty bits and marking them with texta pen. They are people who read all of the book, and decide whether it has literary merit. The member for Applecross is like the schoolboy who is hiding behind the school shed, pointing out the dirty bits in a book, and saying, "Look at that!" I bet he was there in his early days, reading *Lady Chatterley's Lover*, and that he could not even

understand the four letter words. He would have had no understanding of what that book was about at the end of it; all he would know was that it had a few dirty words in it. That is what the member for Applecross is doing to the Royal Commission.

The summary of that approach, which is not always confined to members of the Opposition, was actually brought to life at the beginning of the Leader of the Opposition's speech when he referred to a privately produced publication entitled *The Executive State* edited by Patrick O'Brien. I was not aware that Patrick O'Brien had produced a new book until I saw a review of it in today's *The West Australian*. I was stunned when I read that review, because I said to myself, "This is the first favourable review that Paddy O'Brien has ever received for his books outside the reviews in Bill Hassell's electorate newsletter." I might say that although the review was favourable about the political side of things, it was particularly unfavourable about the criticisms he made in his tome about the Press. I said to myself, "What could lead an esteemed journalist, who is not particularly renowned as a book reviewer, to give such a favourable review of this literary work?", and I flicked through the book to see what great depths of enlightenment might occur to me, and I found some. The answer to my question appears to be on page 196, where Patrick O'Brien stated -

The three journalists who, over a period of approximately three years, did the most to expose WA Inc. activities in Western Australia were McGlue of the *West Australian* . . .

The reviewer of this book starts off by his receiving a favourable review in this book. That is not a bad idea. Shakespeare could have done that by working a bit into the first couple of lines of *Hamlet* about what good chaps the reviewers of his plays were likely to be. That is the kind of matey relationship that led to all sorts of questions being asked about WA Inc in the first place. I thought that was the kind of matey relationship that people like Paddy O'Brien were complaining about. However, we find that Paddy O'Brien gets favourable reviews for his books by giving favourable reviews to his reviewers. This book is arrant nonsense in most of its respects.

I once had the pleasure of reviewing a paper by Paddy O'Brien on Western Australian politics that he gave to the Australian Politics Association conference held in Perth in the late 1970s or early 1980s. In those days, Paddy O'Brien was putting forward the view that the Australian Labor Party was run by the Catholic Church. He based that view on the proposition that the then State Secretary of the Labor Party, Michael Beehan, was a Catholic. The fact of the matter is that Michael Beehan - as he pointed out in an article subsequently, and as I pointed out at the conference - is an atheist; and there is a substantial difference between Catholics and atheists. The fact that we have an atheist as the secretary of the party does not necessarily mean that the party is run by the Catholic Church. I gave a compelling destruction, I might say, of Paddy O'Brien's paper. However, the irony of it was that I gave him one favourable point, because I felt guilty about doing him over in front of all his academic mates. I said that it may be the case that Paddy O'Brien is accurate in respect of his work on the Liberal Party, because everyone knows that is the sphere from which he comes, and he may know a bit more about things on that side of the fence than he does about things on the Labor side. Do members know what happened? Phillip Pendal from the Liberal Party, who was also to give a review of Paddy O'Brien's paper from the Liberal Party's point of view, got up and repeated almost word for word what I had said about Paddy O'Brien, because Paddy O'Brien did not know anything about the Liberal Party either!

The simple fact of the matter is that a woman came to me afterwards and said that the biggest mistake the University of Melbourne has ever made was to give Paddy O'Brien a degree. I can say that the biggest mistake the University of Western Australia has ever made was to make him an associate professor. Mr O'Brien is used to doing it to all sorts of people from a great height, or at least from the first floor of the politics building, but it is a disgrace for the Leader of the Opposition to pop up and use this book as a justification for the approach which he is taking to the Royal Commission.

Last week this Parliament was given the opportunity to consider a position whereby these matters would be left to the Royal Commission; and that is what we ought to be doing. The Opposition has failed singularly in its efforts today to make a dent on the former Minister for Police and Emergency Services. The Minister responded compellingly to the claims made

by the Opposition. He was able to make the member for Applecross look silly, by simple quotation of the facts and by simple relation of the truth - not with any rhetorical flourish, not by trying to do a re-enactment, not by leaping around and prancing, waving his hands, and changing his voice, and trying to sound like Spike Milligan or the chap who does the re-enactments on the "7.30 Report" - and he was able to put paid to all of the claims made by the Opposition, in a very extensive, effective, complete and final way. I wish Ministers had the opportunity at the Royal Commission to stand and respond to allegations directly like that, without having to go through a third party with people putting claims and allegations to them, so that Ministers could tell their story from beginning to end as the former Minister for Police and Emergency Services has done on this occasion.

There is no doubt in the mind of any member on the Government side of the House that the former Minister for Police and Emergency Services has been completely exonerated in the statement he has given to this House. He has specifically and definitively dealt with every last one of the claims that were made. He has been able to quote from the evidence to the Royal Commission and produce the documents in a very open and clear way, which has made the misrepresentations of the member for Applecross, and the even worse rhetorical flourishes of the Leader of the Opposition, look like childish work. That is something that in the end will be proved by the Royal Commission for all the claims that are made by people - people who have done dastardly things and are seeking to cover themselves; people seeking to cause trouble; and people leaping to conclusions. For all that, the truth will shine through. That was shown very clearly today in the speech of the former Minister for Police and Emergency Services. The truth shone through, and all of the evidence that was there attached itself to the glow of truth that was in the speech the former Minister for Police and Emergency Services made to this House.

Members opposite have a choice: They have the opportunity to act honourably now. They might have been misled by the claims made in the party room by the member for Applecross, but they have heard the truth now. I watched while the former Minister for Police and Emergency Services was speaking, and I could see in the eyes of each member opposite that they understood the truth of what he was saying. They understood it, and they know they did. Now they are being given the opportunity to act honourably.

Mr Court: We heard they put a torch in your ears and your eyes lit up, too.

Mr PEARCE: I concede that the member for Nedlands is the wittiest member opposite - and does that not say it all?

Several members interjected.

The SPEAKER: Order! It is very difficult to take down the words of the Leader of the House as he speaks so rapidly, and with continuous interjections as well it is likely to send the Hansard reporters into a spin.

Mr House: If they left out all the rubbish they would not have any trouble.

Mr PEARCE: Members opposite now have the opportunity to act honourably. I would like to think they have the honour in themselves to take it, but my bitter experience over many years in this House is that they will not.

MR THOMPSON (Darling Range) [4.43 pm]: I feel some sympathy for you, Mr Speaker, because as a Presiding Officer of this Parliament you will be well aware of the convention which applies with respect to sub judice. This Parliament traditionally has not permitted debate to occur on matters that are before a court of law, and it does not apply only to matters that go before juries. The convention holds true for matters before judges of the Supreme Court or other courts, as it does with respect to cases that go before juries. The reason that convention has always been honoured is that, as a matter of courtesy to those courts, in whom this Parliament has entrusted a responsibility, we should not be seen to be cutting across what they are doing. I believe the exercise last Wednesday and the one here today is a gross discourtesy to the Royal Commission, which was set up after much baying from the Opposition, me included, and given some very wide powers. The Royal Commission comprises three of the most eminent legal people in this State and I have, if no-one else in this Parliament has, the utmost confidence in their making a determination on the evidence that comes before them. I will have no truck with this Parliament's attempting to involve itself in a debate on matters that have come before that Royal Commission before it has

reported to the Parliament, and I want to say quite clearly that it is an offensive action, in my view, for those matters to be raised in the Parliament. I do not know whether the former Minister for Police and Emergency Services is guilty and it is not my position, when a Royal Commission is under way, to be making those judgments. It is for the Royal Commission to make a judgment on that matter after looking at the evidence that comes before it and giving the matter due consideration.

I became fed up to the back teeth with the Liberal Party's using all of its time in this Parliament - and it has only limited time - to pursue negative issues. The Liberal Party is in front in relation to the matters coming before the Royal Commission. It does not have to do anything to bring discredit, if discredit is being brought, on people who are being exposed in the commission; that is happening already. What the Liberal Party should be doing is answering the second question the community is asking. The first question is, "Who should govern the State?" and I think the public have come to the conclusion that the Labor Party should not. Their second question is, "Who should govern the State if the Labor Party should not?" and they are looking for some indication from the alternative Government as to why it should be given the opportunity to govern. I say to the Liberal Party now, as I have said over a long period, that it must substantiate in the minds of the people in the community that it is a viable alternative Government, and it should use the limited time it has in the Parliament to demonstrate that it has the answers to the problems that concern the community, rather than regurgitating stuff that is dealt with daily in the Parliament.

Mr MacKinnon: We have spent two weeks doing that in the Budget debate. If you had been here you would have heard it.

Mr THOMPSON: The Leader of the Opposition perpetuates an offensive matter that I have drawn to the attention of at least one member of the Opposition front bench. A couple of weeks ago I indicated to the Opposition and to the Government that I would not be in the Parliament last week because I would be in Geraldton. To my regret, I was approached towards the latter part of last week and accused of having let the Opposition down by not being here to vote for a motion that would have seen Hon Joe Berinson lose his ministerial position. Firstly, I gave no commitment to support the motion in the first place; secondly, I had said I would not be here, so if the Opposition was counting on me to give it a hand in that respect and it brought the matter on, it was not being dinkum about it. Not all members of the Parliament can be in the Parliament all the time, and that applies to the Leader of the Opposition and a number of other members as well. I recognise that, and although I have resigned from the Liberal Party I am sympathetic to most of the things it does; so I approached the Opposition Whip and said, "There will be times when I cannot be in the Parliament but there will be issues on those days that I would like to support and I would like the opportunity to be paired." He told me very clearly that I would not be accommodated in the pairing arrangements. Therefore, if I was absent from the Parliament on that occasion - which I am entitled to be, as is every other member - and I was not paired, it was not because I did not try to make those arrangements. I have come to the conclusion that, had I been in the Parliament last week for the debate concerning Hon Joe Berinson, I would not have been prepared to support that motion. I will not support this motion either, because it is not our place, when the Royal Commission is running, to pick up some of the evidence which has come before it, pre-empt what the commission might do, and ask for people to stand down. It is a nonsense.

Government members: Hear, hear!

MR COURT (Nedlands) [4.50 pm]: Briefly, I completely disagree with two of the points raised by the member for Darling Range. Firstly, the existence of a Royal Commission does not mean that the Government cannot operate under the traditions of the Westminster system. If a Minister has done wrong, such as misleading the Parliament or other serious offences, he should stand down. The evidence we are considering, and that involving Hon Joe Berinson last week, was available long before the Royal Commission was instituted. If we believe that these matters are for the Royal Commission, and should not be raised in Parliament, nothing will happen to them. These matters have been running for four years.

Secondly, I disagree with the member's view that discussing WA Inc is negative. I am sick of talking about WA Inc! However, it is an absolute disgrace that no Minister or member opposite has had the decency to resign over these issues. We will now have to tough it out

until the Royal Commission concludes, and we still do not know who will lay the prosecutions arising from the commission. We do not know whether an independent prosecutor will be appointed, as happened with the Fitzgerald inquiry. It is not negative because the message will be rammed home to members on both sides of the House that a Government must be accountable to this Parliament and to the people of this State.

The Leader of the House has become the great defender. Every week he rises in this House to defend somebody. He has defended Burke, Dowding, Parker and many others; the Leader of the House must be sick of that role. Today he performed like a Minister of a Government that was on its way out; he stooped into the gutter, as the Premier has started to do, with personal vilification. Today the Leader of the House attacked everyone he could think of. He attacked Mr Ayton, the counsel assisting the Royal Commission, journalists from *The West Australian*, and Paddy O'Brien - he said that Professor O'Brien should not have been given a degree. How would the Leader of the House like it if people told him that his university degree should not have been issued? I remember Brian Burke saying in this Parliament that we should lift the standard of debate. The Premier gave a similar speech when she first attained her position. However, the Leader of the House and the Premier contributed to the debate today only by attacking those people who have had the nerve to criticise what this Government has done.

Members opposite have tried to complicate what is an incredibly simple issue. The same tactic was applied last week when the Opposition suggested that the Attorney General, who has claimed to be clean on these matters, presented the proposal to Cabinet for a deal which resulted in a \$300 million loss for this State. Also, he did so knowing that \$470 million had already been injected into Rothwells as part of its rescue. No matter how members opposite try to complicate the issue, the Attorney General was responsible for that proposal. We have seen a similar situation today in which Ministers have tried to complicate a simple situation: A report, preceded by a draft report, was presented to a former Minister for Police and Emergency Services. That Minister claims that he did not read the report, yet he has tabled a letter stating that he wanted further information about the report, especially regarding those issues relating to unlawful conduct.

Dr Lawrence: Is that not proper?

Mr COURT: The Minister has not read the report! That is the confusion of this exercise. I ask the Premier: Why are we arguing about this damned report when she knew it existed - be it four years later - and that it contained allegations of unlawful conduct of a Minister? Why has the Premier not obtained a copy of the report, examined it, and indicated that the report has been located? Why has the Premier not announced that the report which went missing has been found and that some ensuing action will be taken? The Government is responsible for this matter, the police provided the report to the then Minister. Is the Premier saying that she cannot get hold of the report?

Dr Lawrence: It is now before the commission, and the commission will draw conclusions on it.

Mr COURT: The Premier should take us all out of our misery. She is aware that those allegations have been made -

Dr Lawrence: The Minister informs me - I am sorry that I was ignorant of the fact - that a suppression order is on the report.

Mr COURT: The Premier is the leader of the Government, and this report involves one of her departments. No wonder we cannot get resource projects off the ground in this State! We must constantly undertake bureaucratic exercises, and in this case the Government is buying time. It wants to undertake the whole process and wait for the Royal Commission to finish its proceedings and produce its report. However, the Royal Commission is not needed in this matter. This was a Government report which contains serious allegations.

Mrs Beggs: How do you know?

Mr COURT: I have read the evidence from the Royal Commission; this reads -

Sections 17.11 to 17.14 of the report on pages 43 and 44 contained allegations of unlawful activity by member of the CCC and minister Dans in connection with the issuing of the gaming licence.

The Royal Commission transcript is available to all of us.

Finally, the question being asked by not only the Opposition but also the public is: What do Ministers have to do before they are stood down or stand aside under the Westminster system? All these matters will be revealed. The Premier asked, "What cover-up?" We have been through so many cover-ups that one loses count. We have seen cover-ups with the Western Australian Development Corporation, the Exim Corporation, Petrochemical Industries Co Ltd, the Superannuation Board and the State Government Insurance Commission - the list goes on - and these matters have been exposed in this House by the Opposition. The member for Darling Range is right in saying that this may be regarded as negative; however, the negative work done in this House has eventually brought these matters out into the public arena, and I hope that as a result of the Royal Commission more information will be revealed. The public is fed up with the outrageous activities that have taken place. The Government has decided to tough it out, but it should take this House out of its misery and stop this nonsense of covering up the report under discussion.

Mr Gordon Hill: It is not a cover-up.

Mr COURT: We cannot accept the Minister's word on these matters. The Minister has produced a letter indicating that he wanted more detail on the report, yet he claims he never read the report. That is crazy! The Premier should announce the allegations contained in the report and have them investigated, or she should say that they have been investigated and tell us what action is to be taken. Instead a Minister is trying to convince this House that he has not read the report. If the Minister has not read the report, someone must have read it to him.

Mr Gordon Hill: How can you suggest that?

Mr COURT: I do not know how else the Minister could have written this letter.

Mr Gordon Hill: I did not write it.

Mr COURT: My recollection is that the report makes reference to a review on the part of the Government and certain parts of it -

Mr Gordon Hill: I did not say I read it. I have been given advice on it.

Mr COURT: The Minister says he has been given advice on the report. What a crazy situation!

Several members interjected.

The SPEAKER: Order!

Mr COURT: We have determined today that the Minister for Mines knows about the report; he was given advice on it. It contains one of the most, if not the most, serious allegations that can be made against a Minister. That has been covered up with Government members saying, "Mum's the word."

Mr Gordon Hill: How do you know it contains such serious allegations?

Mr COURT: I know that because Mr Ayton, whom the Government now seems to imply is not a credible witness -

Mr Gordon Hill: I do not know whether he is credible, quite frankly.

Mr COURT: The Royal Commission said Mr Ayton was a credible witness, but the Government says he is not. The Government is talking double Dutch. No-one believes it is telling the whole story and as Ministers try to cover up, they bury themselves further and further into the quagmire.

DR LAWRENCE (Glendalough - Premier) [5.03 pm]: Again, it is with regret that I speak today - not because I am unable to defend the Minister under attack, but that I must do so. I strongly endorse the views expressed by the member for Darling Range about the use of this Parliament. I also agree with the member for Perth who said last week that Parliament must be able to debate these matters. However, on the other hand I am disappointed that on two successive weeks the Opposition has chosen blatantly to debate matters which are currently before the Royal Commission. Let no doubt exist about my position: It was very clear to me not only in the House today, but also in evidence given by the Minister before the Royal Commission and in discussions I have had with him that his account of the event is accurate and fair. It indicates that no impropriety or illegality occurred and that there is no reason for

him to stand aside or for me to ask him to step down. If the Opposition listened very carefully - I believe it should have if it has any decency at all - to what the Minister said, that is the only conclusion it too can reach. Although it has already been said, it is important to remember that the only people in this State hearing all the evidence on all the terms of reference are the three Royal Commissioners. That position is not enjoyed by counsel assisting, officers undertaking the investigation, members of this House or members of the media. The three Royal Commissioners have been charged with examining matters; they are the ones who are competent to do so and the only ones whom I will trust to reach a resolution.

Another reason I regret having to speak is not because I must defend the Minister - I do so willingly and with enthusiasm - but because on this side of the House we have been subjected to the most extraordinary abuse. During the debate this afternoon one of the thin skinned members of the Opposition - I forget which one - objected vehemently to the fact that the Leader of the House said some Opposition members were without honour. We were given a huge exhibition of huff and puff about our daring to suggest that. Yet, in the course of debate in this House, Government members have been called every name one can think of by Opposition members including, today, the members for Applecross and Nedlands and the Leader of the Opposition who was almost frothing at the mouth. The Minister was called a liar and dishonest by implication; he was also called corrupt as were all the Government members. That has occurred over many weeks and months. Yet when the Leader of the House made a mild interjection the Opposition suddenly went into a tizz.

Several members interjected.

The SPEAKER: Order!

Dr LAWRENCE: That has occurred on a daily basis and over the last two years the Opposition has criticised the Government and individual members.

Mr Lewis interjected.

Mrs Beggs: Did you say the Premier's brother said he thinks his sister is corrupt?

Mr Lewis: He said she leads a corrupt Government, and you know it.

Mrs Beggs: That is a bit different.

Dr LAWRENCE: In any case, it is not what he said. The members opposite need to examine their own conduct in that respect. I remind the Leader of the Opposition of his own words.

Mr Kierath interjected.

Dr LAWRENCE: If members on this side of the House retaliate from time to time, that is to be expected. Government Ministers have been collectively and individually verbally abused.

Several members interjected.

The SPEAKER: Order! I asked earlier today if members would use a bit of commonsense and, probably, good manners in the way they interjected. I ask again that they consider doing that.

Dr LAWRENCE: As I was saying, Government members on this and on other matters have been subjected to character assassinations; there is no other way to describe it. That has been conducted without any attempt to discover the truth of matters. Allegations have been made in this House where members are protected by parliamentary privilege. That is an abuse of parliamentary privilege. Allegations have also been made about the integrity of members on the Government benches, not just today, or yesterday, or last week, or the week before, but persistently by members of the Opposition. Frankly, I find the Opposition's objections to being called "people without honour" somewhat surprising. I remind the Leader of the Opposition of his own words: He was gently reminded of them by the member for Darling Range and they bear repeating. Recently on a radio program the Leader of the Opposition discussed what it was that the people of Western Australia thought to be important and he said -

I think I've got a fair idea, because I have been out talking to the people of this state, the unemployed as well, and I know what their concerns are. And they are two-fold,



as I've said to you before on this program. Firstly, they are concerned about the jobless situation in this state, . . .

I agree, that is a very important issue. The Leader of the Opposition continued -

And they're concerned also about the law and order issue. That's the only two issues that people want to talk to me about. There's no doubts about that.

I am sure that is true. However, in spite of that, in this debate today the Opposition returned to using tactics it adopted over the past two years. As I suggested to members opposite last week, I can understand why it is reverting to those tactics. The situation is obvious. Having tested itself, for the best part of one session at least, to leave the Royal Commission and its terms of reference alone - it more or less succeeded, although a series of debates took place on the Royal Commissions Amendment Bill - it has now returned to that matter because it has no other weapon or direction. Its members have no other policy or thought other than to denigrate members of the Government and its Ministers.

Mr Omodei interjected.

The SPEAKER: Order! I suggest the member for Warren look at Standing Order No 73A and give serious consideration to refraining from what he is doing. If I refer to the matter twice more, he will be saying goodnight.

Dr LAWRENCE: It is clear to all members of this House - at least to those who are honest - that this tactic is not designed to force some recognition of a Westminster convention. If members opposite were better educated they would understand that that system does not exist in the form they have described. Their goal is to continue with the character assassinations they have undertaken from the first day I came into this Parliament. They want to continue targeting Ministers, such as Gordon Hill, who undertake their role for this Government and for the people of Western Australia in a diligent and impeccable manner.

The Opposition believes it will succeed in achieving Government if it has successfully denigrated every member on this side of the House, and if, in the minds of the community, it has thrown enough doubt on our integrity that those question marks remain in a damaging way. I know that members opposite seek to do that to me. That was clearly the intent of the motion last week. None of us is exempt from that. I understand why they want to do that to a Minister like Hon Gordon Hill and why they want to undertake a character assassination of me by suggesting that I cover up and that I am trying to run a Government that is not direct and honest with the people. In case members opposite have forgotten, we have had an election in this State since most of the events occurred and, contrary to the view expressed by a certain journalist in this morning's newspaper, we have faced the people on these issues. To the extent that matters were further revealed following that election, have members opposite noticed that there has been a change of leadership and that there is now a different Deputy Premier? The former Premier and Deputy Premier resigned taking responsibility for those matters. I do not want to hear any cant from members opposite about this Government not being open and accountable.

Several members interjected.

The SPEAKER: Order! The member for Melville should also read Standing Order No 73A. If the next series of interjections are designed to stop the person on his or her feet - whoever is speaking - from speaking, I will take a careful mental note and endeavour, as far as possible, to remind each and every one of those people I see interjecting about the same Standing Order.

Dr LAWRENCE: The Royal Commission is a demonstration of my point and a refutation of the Opposition's. The commission has been provided with three commissioners, with staff to back them up, with resources that are unparalleled in this country and with powers that some in the legal profession believe are excessive. This Government has also, in the eyes of some members of the legal profession and government generally, undertaken to expose to the commission papers, documents and discussions that might reasonably have been hidden under the guise of Executive privilege. Cabinet minutes have been made available to the commission. Ministers of the Crown have been prepared to talk about discussions that they have had in Cabinet and in meetings with other Ministers. If that is not open, I do not know what is. Not one other Government in this country has exposed itself to that sort of scrutiny. The Minister, as he indicated earlier, is part of that process. He went to the Royal

Commission without legal advice to answer the questions that were asked of him and subsequently with legal assistance provided additional information to the commission which it would not otherwise have had before it. That is fair and reasonable and if and when members opposite are called before the commission and wish to be legally represented, as is the right of every citizen, they will be afforded the same privilege and assistance to achieve that end.

A Government that is covering up does not make available Cabinet submissions, hold a Royal Commission, or provide resources to the commission to ensure that it succeeds; it does none of those things and this Government has not covered up. In this Parliament, on every occasion, we are as direct and straightforward as we can be.

Mr MacKinnon: You had no alternative and you know it.

Dr LAWRENCE: In a sense, it was my judgment that there was no other way to resolve these matters.

Mr MacKinnon: You had no alternative.

The SPEAKER: Order! The Leader of the Opposition is also reminded of Standing Order No 73A.

Dr LAWRENCE: That was in a sense my decision because it was important to resolve these matters once and for all.

The SPEAKER: Order! One thing on which I pride myself, whether the Leader of the Opposition agrees, is my efforts to ensure that I dispense the Standing Orders of this place with absolute fairness. I take strong exception to the Leader of the Opposition's taking any other point of view than that, especially out loud, and I expect an apology for it.

Mr MacKinnon: I apologise, Mr Speaker.

Dr LAWRENCE: I understand why members want to shout me down and want to express in this Parliament a point of view that is contrary to mine because I can see where they are coming from.

The SPEAKER: Order! I call back to the Chamber the Leader of the Opposition. He will resume his seat. He may now take the opportunity of taking the matter up with me in public. He may not come to my chair and tell me that he is going to take the matter up with me at some other time. If he has a problem, he will raise it in front of everybody in this place or if not apologise again.

Mr MacKinnon: I apologise, Mr Speaker. My comment to you then was that I wanted to speak to you later about the matter in the interests of having a proper approach to these matters. However, again I apologise without reservation.

Dr LAWRENCE: I fully support the Minister and his version of events. Even if, with the worst possible interpretation, the Opposition wants to say that losing the report was careless, it is quite clear that the Minister never laid hands on that report.

Mr Lewis: Come on!

Mr Court: It is not lost, you have got it.

Dr LAWRENCE: But what is more important and members opposite choose to ignore this -

Mrs Beggs: Who has got it?

Mr Court: The Premier said she has it.

Dr LAWRENCE: No, I do not have a copy of it.

Mrs Beggs: We haven't got it.

Mr Court: So, it is lost again.

Mrs Beggs: We have never had it. I have never had it and the Premier has never had it.

The SPEAKER: Order!

Mr Court: You had it 18 months ago.

Mrs Beggs: That is rubbish.

The SPEAKER: Order!

Dr LAWRENCE: I have never had the report.

The SPEAKER: Order!

Dr LAWRENCE: It is clear that, at the time, the office of the former Minister for Police and Emergency Services was given a copy of the report -

Mr Court: There is one now, is there?

Dr LAWRENCE: Despite the smart interjection from the member for Nedlands, it is clear that there were, at the time, at least two other copies of the report and I have no doubt by now, given the resources of the commission and in order to avoid the problems it had previously, there are more than two copies of the report. The important thing about that report is that it could not be destroyed or covered up and, in any case, it should have been sent directly to the casino control committee. That evidence might have formed the basis for a judgment by it. However, more importantly, the Minister for Police and Emergency Services does not direct the Commissioner of Police or any other officer to take certain action or to do further investigations of serious matters such as issues relating to Ministers, car thefts, juvenile crimes or other illegal activities. That is not his role, nor should it be. If he did that then or now he would quite properly be accused of political interference, especially on matters such as that. Therefore, it is always open for the Commissioner of Police, his officers or the Royal Commission to investigate those matters further and, if there are significant problems, to lay charges; it is not a matter for the Government if the law has been broken in that way; it is a matter for the police.

I remind members opposite that the Royal Commission's terms of reference expressly indicate that if, in the course of its investigation - it appears to have completed its investigation of the casino - it believes charges should be laid, it can recommend that during the commission. It does not have to wait until the commission is concluded or advise the police that further action should be taken, or wait for Government endorsement. It has power to recommend that and we expressly told it in the attachment to the terms of reference that if, in its view, there were matters of that kind that deserved its attention, it should so recommend that appropriate action is taken.

It is also important to say that when the commission was hearing that term of reference, the allegations contained in Mr Ayton's report - as I understand it because I have not seen the report - pertained to two matters which have been the subject of Press comment, prior to the Royal Commission and during the Royal Commission, referring to the use of bore water and the timing of the opening of the casino. Obviously, the commission has already heard evidence on these questions and, indeed, Press reports have been made about both matters. Mr Martin, QC, in his summing up - for which I believe he was rapped over the knuckles - said there was no evidence of Government corruption. The next day Mr Martin was more circumspect because that was not his to find, it is the Royal Commissioners' to find.

Mr Court: How do you know he was rapped over the knuckles?

Dr LAWRENCE: The member for Nedlands is usually pretty good at peddling gossip; I would have thought he had heard it by now, too.

Mr MacKinnon: You are prepared to attack counsel assisting the Royal Commission. Are you supporting the Leader of the House in the attack on the commission?

Dr LAWRENCE: The transcript of the Royal Commission hearings the following day indicates precisely what happened. The commissioners indicated that it was for them to determine what the findings of the commission will be and not for anybody else - not me, the Leader of the Opposition, Mr Martin, journalists nor anybody else. I urge members opposite to adopt that course of action. Whether or not the Royal Commission comments on this matter - and it may well not because in relation to the Minister it is of little importance - the Minister, by the way he has presented himself today, has clearly demonstrated to this Parliament and to me that the events that occurred are as he described them. If members opposite believe that the failure of a report to get from one office to another is a signal cause for dismissal or resignation, I frankly despair of the lot of them.

MR LEWIS (Applecross) [5.22 pm]: I pick up the final words of the Premier to the effect that she despairs of the lot of us because of this motion about the failure of a report to get

from one office to another. I make the point - I note that the Premier conveniently chooses now to leave the Chamber - that this is not an ordinary report. It was compiled by a very senior police officer. It was submitted to the Commissioner of Police, who recognised that it had grave consequences and was a serious matter, and in one of the weekly briefings with the Minister he ran him through the report and gave him a copy of it. The report contained serious allegations that the law had been broken by a Minister of the Crown and members of the casino control committee. That is an indication of how serious it is. It is not just "a report that went missing". It had tremendous and very wide consequences for the Government. It is not that the Minister forgot to do anything with the report. I suggest that he was incompetent in not dealing with that report as was appropriate for the responsible Minister for Police and Emergency Services. After all, he was not the Minister for Racing and Gaming or the Minister for the Environment, he was the Minister for Police and Emergency Services, and he was given a copy of the report by the Commissioner of Police on two occasions and asked to take action. Three months later he sent one of his minions to discuss with Mr Ayton and Mr Illingworth how many copies of the report were in existence.

Mr Gordon Hill: That is not right.

Mr LEWIS: That is the substance of the evidence. The Government was petrified that a copy may be leaked. Indeed, Mr Ward said in his evidence to the Royal Commission that he was concerned about the political ramifications if such a report were leaked to the media.

Mr Gordon Hill: Who said that?

Mr LEWIS: The Minister's underling, Ward. It is no ordinary report. I reiterate that the Minister was either incompetent or he wilfully ensured that the report did not see the light of day. The Premier said that a copy of this report is at the Royal Commission; that is four years after the event. The Royal Commission has been in operation for only nine months, and the Government hoped that this report would never surface. It was a classic cover-up and it is convenient that since then changes have been made in the offices of the Premier of this State, the responsible Minister, and the Ministry. This provided an opportunity and excuse to forget about the report. I ask the culpable Minister why he did not do his duty to the Government and the public of Western Australia and take action on that report. I put it to him, as the former Minister for Police and Emergency Services, that the report contained serious allegations of the law having been broken by a Minister of the Crown and members of the casino control committee. The former Minister for Police and Emergency Services should have made a recommendation that those people be charged and tried before the courts. That was his responsibility and he failed dismally.

I turn now to the member for Darling Range: The Government and the Premier last week made it clear that the Royal Commission is not a court; it is an inquiry into the dealings of Government. Therefore, sub judice does not apply in this matter. It is an inquiry into the activities of people on the Government benches. My second point to the member for Darling Range is that I do not expect him to vote with the Opposition; he lets us down all the time and cannot be relied upon, even though he calls himself a Liberal. The Opposition did not come into this place last week to argue the pros and cons of Mr Berinson and it did not come into this place today to argue the pros and cons of the former Minister for Police and Emergency Services. The Opposition is here to argue for the conventions and traditions of the Westminster system of government. If there is the slightest doubt that a Minister has erred, been incompetent, or done the wrong thing, it is proper for him to stand aside until he has been cleared. That is the basis of the Opposition's argument today. The Opposition is not arguing the facts before the Royal Commission, but rather the principles of the Westminster system. This Government sits through thick and thin and is prepared to continue to tough it out. It will not recognise the traditions, and the propriety of taking the proper course for a Government in this Parliament.

The contribution to the debate by the Leader of the House was an absolute disgrace. He disparaged the Royal Commissioners and said they were biased. He disparaged Mr Martin, QC and virtually implied that he was unfair in doing his duty for the Crown. The Leader of the House disparaged Mr Ayton. He disparaged John McGlue of *The West Australian*. He disparaged Paddy O'Brien. All he could say was that those people were wrong and that the Government was right. The Leader of the House is wrong and I suggest to the Premier that, notwithstanding the protestations of the former Minister for Police and Emergency Services, if he had any honour he would resign and relieve the Premier of the pain of sacking him.

Question put and a division taken with the following result -

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Ayes (22)

Mr C.J. Barnett  
Mr Bloffwitch  
Mr Bradshaw  
Mr Clarko  
Dr Constable  
Mr Court

Mr Cowan  
Mrs Edwardes  
Mr Grayden  
Mr House  
Mr Kierath  
Mr Lewis

Mr MacKinnon  
Mr McNee  
Mr Minson  
Mr Omodei  
Mr Shave  
Mr Strickland

Mr Fred Tubby  
Dr Turnbull  
Mr Wau  
Mr Blaikie (*Teller*)

Noes (26)

Dr Alexander  
Mrs Beggs  
Mr Catania  
Mr Cunningham  
Mr Donovan  
Dr Edwards  
Dr Gallop

Mr Graham  
Mr Grill  
Mrs Henderson  
Mr Gordon Hill  
Dr Lawrence  
Mr Leahy  
Mr Marlborough

Mr McGinty  
Mr Pearce  
Mr Read  
Mr Ripper  
Mr D.L. Smith  
Mr P.J. Smith  
Mr Taylor

Mr Thomas  
Mr Thompson  
Dr Watson  
Mr Wilson  
Mrs Watkins (*Teller*)

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Pairs

Mr Trenorden  
Mr Ainsworth  
Mr Nicholls

Mr Troy  
Mr Kobelke  
Mr Bridge

Question thus negatived.

[Questions without notice taken.]

*House adjourned at 6.03 pm*

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## QUESTIONS ON NOTICE

UTTING, MR JOHN - GOVERNMENT EMPLOYMENT  
*Resignation*

1007. Mr BRADSHAW to the Premier:

With reference to question 642 of 1991 -

- (a) when did John Utting actually leave Government employment;
- (b) prior to this date, was he on leave for any reason - holiday, etc;
- (c) did he submit a report on his study tour;
- (d) if yes to (c), is this available for me to read;
- (e) after his study tour did he return to the Department of Premier and Cabinet or the State Energy Commission; and
- (f) did he notify the department head or Public Service Board that he was engaged in commercial activities outside his Public Service employment?

Dr LAWRENCE replied:

- (a) 21 April 1988.
- (b) Yes. Annual leave from 14 July 1986 to 18 July 1986 and 10 February 1987 to 16 April 1987. Leave without pay from 22 April 1987 to 20 April 1988.
- (c) Mr Utting submitted a report on his study tour. However, a copy of the report cannot be located in the records of the Ministry of the Premier and Cabinet. The Ministry of the Premier and Cabinet has requested Mr Utting to provide another copy of the report.
- (d) The report will be considered for release to the member when it is available.
- (e) Mr Utting returned to the Department of the Premier and Cabinet after his study tour until his leave in February 1987.
- (f) Not to my knowledge.

HOMESWEST - BUDGET  
*South West Allocation*

1190. Mr BRADSHAW to the Minister for Housing:

- (1) How much money was budgeted this year for Homeswest housing?
- (2) How much is estimated to be spent in the south west?
- (3) Where and how many dwellings will be built in the south west?
- (4) Will any money be spent on acquisition of land or subdivisions in this year's Budget, and if so, will any of this be expended in the south west?

Mr McGINTY replied:

- (1) The total budget for housing which comes under the umbrella of Homeswest for 1991-92 is \$420 million, of which \$100 million is within the Homeswest Capital Works budget.
- (2)-(3) The project details are still being determined; however, the Albany, Bunbury, Busselton and Dunsborough regions should figure prominently.
- (4) Yes.

PUBLIC SERVANTS - BUSINESS ACTIVITIES  
*Agriculture Protection Board News*

1237. Mr MacKINNON to the Premier:

- (1) Is the Premier aware that in a recent publication of the *Agriculture Protection Board News*, Volume 17, August 1991 the following comment was made -

"A recent circular gave details of the need to advise and obtain consent of the CEO for any activities which could be considered a conflict of interest with employment.

By the deadline given, only three written statements had been received. I am well aware of a number of other staff who should have responded because of -

- \* employment or activities undertaken to raise income; or
- \* activities which might influence their duties in public employment.

Examples of the type of thing the public could be concerned about are -

- \* a business conducted by self or family;
- \* a specific business which could conflict, (e.g. pest control);
- \* working for farmers out of hours or on time in lieu;
- \* membership of a local authority; or
- \* active participation in a political party or interest group (e.g. conservation body)."

- (2) Is the Premier also aware that the circular went on to say, "You should note that family interest and activities are more of concern than previously"?
- (3) What is the Government's policy with respect to active participation in a political party or interest group by members of the public sector?

Dr LAWRENCE replied:

(1)-(2)

Yes.

- (3) The issues of political and interest group participation are covered in the original Code of Conduct published in 1988 which states that public employees have the same rights to political and industrial participation as other citizens unless this participation impairs, or can reasonably be seen to impair, their ability to undertake their official duties. It is to be noted that the Leader of the Opposition wishes to exclude persons from the Public Service on the basis of their affiliation to the Australian Labor Party, a move which is contrary to the State and Federal legislation.

#### WATER AUTHORITY OF WESTERN AUSTRALIA - STOCK WATER SHORTAGES

*Esperance, Ravensthorpe, Lake Grace Shires*

1244. Mr AINSWORTH to the Minister for Water Resources:

- (1) What contingency plans does the Western Australian Water Authority have in place to address likely stock water shortages in parts of Esperance, Ravensthorpe and Lake Grace Shires?
- (2) Is the Minister aware that traditional sources of emergency water supply for livestock such as Government dams are themselves extremely low in these shires?

Mr BRIDGE replied:

- (1) The Department of Agriculture monitors stock water requirements in rural areas and where necessary declares particular areas water deficient through the Drought Consultative Committee. This committee then engages the Water Authority to cart water to nominated storages within the water deficient areas from which farmers can collect their requirements.
- (2) Drought relief storages to the west of Ravensthorpe are generally at a satisfactory level, but from Ravensthorpe to the east, levels are low and it is likely that some areas may be declared water deficient. Ample supplies are available at either Hopetoun or Esperance.

**WATER SUPPLY - RAVENSTHORPE, MUNGLINUP**  
*Reserves*

1245. Mr AINSWORTH to the Minister for Water Resources:

- (1) What are the current reserves of the town water supplies at Ravensthorpe and Munglinup?
- (2) Where will water be sourced for these communities in the event of shortages?

Mr BRIDGE replied:

- (1) Current water storage reserves at Ravensthorpe and Munglinup are -
 

Ravensthorpe	-	26 026kL - 23 per cent of capacity
Munglinup	-	8 824kL - 44 per cent of capacity
- (2) Water consumption restrictions will be imposed if necessary to ensure available reserves last until the winter of 1992.

**HOSPITALS - ST JOHN OF GOD HOSPITAL**  
*Murdoch Land Sale*

1248. Mr LEWIS to the Treasurer:

- (1) Has the Government recently negotiated with the St John of God Hospital for the sale of land at Murdoch for a hospital?
- (2) If so, what is the area in square metres that has been sold and where is it located?
- (3) If so, what is the total sale price for the parcel of land sold?

Dr LAWRENCE replied:

- (1) Yes.
- (2) The site is designated as Cockburn Sound location 3070 and comprises 120 000 square metres - 12 hectares. It is generally situated on the corner of Murdoch Drive and South Street, Murdoch.
- (3) St John of God Hospital has requested that the sale price for the property not be made public until following the settlement date on 31 January 1992.

**LIQUOR LICENSING ACT - AMENDMENTS**  
*Sporting and Community Clubs*

1264. Mr HOUSE to the Minister for Racing and Gaming:

In relation to the ruling handed down by the Judge of the Licensing Court in 1990 which did not provide for certain procedures which had up until that time been accepted as perfectly in order by the Director of Liquor Licensing in relation to sporting and community clubs -

- (a) did the Minister inform sporting and community clubs that corrective amendments to the Liquor Licensing Act 1988 would be forthcoming;
- (b) if so, when will the Minister be presenting the amendments to the Parliament;
- (c) if not, what action will the Minister take to correct the anomaly?

Mrs BEGGS replied:

- (a) Yes.
- (b) I am currently considering proposals to amend the Liquor Licensing Act 1988 in several respects. These proposals include amendments to those sections of the Act which are of concern to sporting and community clubs.
- (c) Not applicable.



**WATER AUTHORITY OF WESTERN AUSTRALIA - KIMBERLEY PIPELINE**  
*Feasibility Study*

1267. Mr McNEE to the Minister for Water Resources:

- (1) What is the maximum capacity of the Kimberley pipeline currently the subject of a feasibility study?
- (2) How much is the feasibility study expected to cost?
- (3) What alternatives to the pipeline will be considered in the feasibility study?
- (4) If no alternatives will be considered, how was the decision to study the pipeline alone arrived at?
- (5) What are the terms of reference of the feasibility study?
- (6) Who is doing the study?

Mr BRIDGE replied:

(1)-(6)

The proposed Kimberley pipeline is not currently the subject of a feasibility study but a study of options for financing the proposed Kimberley water pipeline is currently under way. The finance options study has been undertaken by the Chase Bank - formerly Chase AMP - and is expected to cost \$49 500. The Chase Bank's terms of reference are to identify possible funding options from the private and/or public sectors. In formulating its report Chase Bank is to have regard to -

- (a) resources available to Government;
- (b) the potential benefits of the pipeline to sectional interests and the wider community both in Western Australia and elsewhere; and
- (c) other similar projects both in Australia and overseas.

Chase Bank is also expected to identify any cost savings, funding or other benefits from -

- (a) integrating the water supply pipeline with a national gas pipeline grid; and
- (b) supply of water to inland.

**FISHING - IMPORTED FISH LABELLING LEGISLATION**  
*Prosecutions*

1268. Mr McNEE to the Minister for Health:

- (1) How many people have been prosecuted under legislation passed last year requiring the labelling of imported fish?
- (2) How many officers are involved in the policing of this legislation.
- (3) Does the Minister intend to increase this policing effort?
- (4) When will all imported seafood, such as that found in fish and chip shops, be required to be labelled as such to the end consumer?

Mr WILSON replied:

- (1) None.
- (2) Enforcement of this legislation is through eight officers of the Health Department and approximately 330 local government authority environmental health officers.
- (3) No. I believe that the action taken on this matter has been appropriate and needs to be considered in relation to other health related matters. Effective policing of this legislation depends on reports from the public and industry which are followed up promptly by officers of the Health Department and local government authorities.
- (4) The requirement for declaration of country of origin applies to all packaged

fish and unpackaged uncooked fish as displayed for sale; it does not apply to unpackaged cooked fish. To legislate for such a declaration on unpackaged cooked fish would require a submission to the National Food Authority. This submission would then be considered by the National Food Authority for possible amendment to the applicable legislation.

#### RAILWAYS - ELECTRIC RAILCARS

##### *Vibration Problem - Queensland*

1269. Mr McNEE to the Minister for Transport:

- (1) Did the Queensland version of our new electric rail cars have vibration problems?
- (2) If not, what is the condition specific to Western Australia which causes the new electric rail cars to suffer vibration problems here but not in Queensland?

Mrs BEGGS replied:

(1)-(2)

The Queensland electric trains were designed about 12 years earlier than those manufactured for Westrail and have different componentry, suspension systems and dimensions. Their performance is not therefore comparable to the trains being supplied to Westrail.

#### RAILWAYS - PASSENGER STATISTICS

##### *Armadale Line, Midland Line, Fremantle Line*

1270. Mr McNEE to the Minister for Transport:

Would the Minister advise the average patronage figures, Monday to Friday, for the six month period ending 31 August 1991 for the -

- (a) Armadale line;
- (b) Midland line; and
- (c) Fremantle line?

Mrs BEGGS replied:

Estimated total passenger boardings for each suburban train line for the period 10 March 1991 to 24 August 1991 is as follows -

Armadale	1 435 400
Midland	1 190 100
Fremantle	1 047 500

#### WESTERN AUSTRALIAN MEAT COMMISSION - ROBB JETTY

##### *Disputes - Slaughter Statistics*

1275. Mr BLAIKIE to the Minister for Agriculture:

- (1) Would the Minister provide details of days involving lost time disputes at the Western Australian Meat Commission abattoirs at Robb Jetty in each year since 1989?
- (2) What has been the total number of people employed at the abattoirs, other than administrative staff in each year since 1989?
- (3) Further to (2), what has been the average weekly wage paid to employees?
- (4) What is the average number of hours worked by each employer in each year since 1989?
- (5) What is the total number of livestock, in each category slaughtered since 1989?
- (6) Would the Minister provide details of slaughtermen tally levels, for each category of livestock slaughtered since 1989?

Mr BRIDGE replied:

The Western Australian Meat Commission has provided the following information -

(1) **SCHEDULE OF STOPPAGES, STRIKES, BANS LIMITATIONS  
BY THE SLAUGHTER FLOOR WORKERS, 1990**

- |         |   |
|---------|---|
| 7 May   | Mutton slaughtermen restricted kill to 70.<br>M/s stickers RDO dispute.   |
| 8 May   | Mutton slaughtermen restricted kill to 70.<br>M/s stickers RDO dispute.   |
| 9 May   | Mutton slaughtermen restricted kill to 70.<br>M/s stickers RDO dispute.   |
| 17 May  | Mutton slaughtermen knocked off 2.30 pm.<br>Would not complete 100.   |
| 21 May  | Mutton slaughtermen knocked off 2.30 pm.<br>Tired and worn out. Would not complete 100.   |
| 22 May  | Mutton slaughtermen knocked off 2.30 pm.<br>Tired and worn out. Would not complete 100.   |
| 31 May  | Mutton slaughtermen knocked off 2.30 pm.<br>Thought M/s stickers were not going to work.<br>Would not complete 100.   |
| 5 June  | Mutton slaughtermen went home 12 noon after offal<br>blow line blocked.<br>Blockage cleared before workers went home.   |
| 8 June  | Circular expressing management dissatisfaction issued.  |
| 13 June | Meeting with union re circular.   |
| 14 June | 1.5 hours stoppage. Union meeting   |
| 24 Aug  | Walk out at 1.40 pm over alleged harassment of female<br>employee by Operations Manager.  |
| 27 Aug  | Union meetings over the dispute mentioned below<br>reduced killing time by 1.5 hours - approx. A ban<br>was placed on any additional overtime over 100 per<br>person, even though claim was unsubstantiated, and<br>false on the evidence of two independent witnesses. |
| 28 Aug  | The ban continued.  |
| 29 Aug  | Ban lifted, but insufficient time available to get<br>maximum team.   |
| 4 Sept  | Walk out after ammonia leak - no consultation with<br>management, who were prepared to pay waiting time<br>while situation assessed. Some workers remained to<br>complete sheep already stuck.  |
| 5 Sept  | Limitation of 70 per person imposed due to<br>non-payment for previous day.   |
| 6 Sept  | Limitation of 70 per person continued.  |

**SCHEDULE OF STOPPAGES, STRIKES, BANS, LIMITATIONS  
BY THE SLAUGHTER FLOOR WORKERS, 1991**

- |        |   |
|--------|---|
| 23 Jan | 5.25 hours strike over introduction of new<br>mutton teams.                               |
| 21 Feb | 2.5 hours lost over meeting over the<br>dismissal of delegate for abuse of staff officer. |
| 22 Feb | Extra 8 days 3 hours lost over dismissal.   |
| 1 May  | 8 hours strike over chin holders dispute.   |
| 2 May  | 3 hours strike re chin holders dispute.   |

- 7 May Half hour - unauthorised meeting in work time.  
 10 May Half hour - unauthorised meeting in work time.  
 13 May Half hour - unauthorised meeting in work time.  
 7 June 1 hour unauthorised meeting.  
 10 June 2.5 hour meeting re AMIEU claim for reverse gate seniority for casual slaughts.  
 11 June 6 hour strike over WAMC claims - wish list log.  
 12 June 8 hour strike in defiance of Western Australian Industrial Relations Commission order to cease industrial action.  
 13 June Half hour unauthorised.
- (2) 1989-90 393 FTEs  
 1990-91 299 FTEs
- (3) 1989-90 \$421.49  
 1990-91 \$420.31
- (4) This information can not be obtained precisely, as beef and mutton slaughterpersons are pieceworkers and not timeworkers.
- (5)
- |                   |         |          |
|-------------------|---------|----------|
|                   | 1989-90 | 1990-91v |
| Cattle and calves | 68 058  | 45 726   |
| Sheep             | 536 333 | 328 127  |
| Lambs             | 743 711 | 789 677  |
| Goats             | 26 694  | 16 127   |
- (6) Sheep, lamb and goats - 70 per man per day.  
 Normally operates to a maximum of 100 per man per day.  
 Cattle - The average minimum tally is 13.5 per man per day and average maximum tally is 22 per man per day.

#### RESEARCH STATIONS - PURPOSE AND FUNDING

1276. Mr BLAIKIE to the Minister for Agriculture:

- (1) Would the Minister provide full details of the purpose of each research station?
- (2) What has been the funding to each station since 1989?
- (3) What is the level of funding to each research station in the current budget?
- (4) Further to (3), what programs are to be either curtailed or cut; what stations are concerned and the reasons for the cuts?

Mr BRIDGE replied:

- (1) Most research stations carry out field research for the industries in the region in which they are located. Some carry out research in specialised areas as indicated in the response to question (2).

(2)-(3)

	EXPENDITURE		PURPOSE
	1989-90 \$	1990-91 \$	
Medina	365 119	488 512	Pigs, Poultry, Emus
(Intensive Industries)			
Manjimup	293 300	505 100	Horticulture - fruit and vegetables
Vasse	397 100	545 900	General and Dairy
Wokalup	412 000	615 100	General and Dairy
Esperance	162 800	265 300	General
Mt Barker	450 700	629 500	General

Salmon Gums	118 500	184 900	General
Katanning	238 600	333 200	General and Sheep Breeding
Avondale	151 100	257 900	General
Merredin	316 900	391 800	General
Newdegate	269 200	266 100	General
Badgingarra	238 800	355 300	General
Chapman	202 400	304 400	General
Wongan Hills	383 400	516 700	General
Fox River	62 833	411 860	Regeneration
Ord River	155 948	152 585	Regeneration and Cattle
Medina (Horticulture)	253 000	398 500	Horticulture - vegetables
Stoneville	197 000	407 600	Horticulture - fruit
Swan	123 000	215 100	Horticulture - grapes
Gascoyne	239 700	362 600	Horticulture - fruit and vegetables
Kununurra	779 300	900 400	General

In 1990-91 salaries were included directly in the expenditure allocations for the first time. In 1991-92 budgeting allocations have been made on a regional basis; for example, for all district offices and research stations within the region. Actual allocations by regional managers to research stations have not yet been finalised. I will advise the member of the final allocations when they are available.

- (4) No fields of research will be significantly affected in 1991-92. The level of effort, and the emphasis on research is constantly changing, largely in response to the availability of industry funds. The department is addressing the efficiency with which it operates its research stations and some changes, such as the rationalisation of activities between the Wokalup and Vasse research stations, will be effected.

#### AGRICULTURE DEPARTMENT - ENTERPRISE DEVELOPMENT GROUP *Membership*

1277. Mr BLAIKIE to the Minister for Agriculture:

- (1) Who are the members of the Enterprise Development Group, their date of appointment, salary and emolument of office, and their previous experience?
- (2) Did the Minister seek applications from persons outside his department and if so would he provide details and advise how the successful applicants were finally determined?

Mr BRIDGE replied:

- (1) Michael Poole, Director of Enterprise Development  
Appointed - 20 October 1988  
Salary - Level 9 - \$72 712  
Twenty-five years experience in the development of new agricultural industries.  
Brian Beetson, Executive Officer, Enterprise Development  
Appointed - 26 January 1990  
Salary - Level 7 \$55 813  
Twenty years experience in the development of agricultural industries.
- (2) Yes. Both positions were advertised publicly, according to normal Public Service guidelines. A committee of three reviewed all applications. A short list of applicants was interviewed, and the successful applicants appointed. The committee included people external to the Department of Agriculture.

**AGRICULTURE PROTECTION BOARD - ARUM LILY CONTROL PROGRAM**  
*Blackberry Control Program - Cost*

1278. Mr BLAIKIE to the Minister for Agriculture:

- (1) What has been the cost of the Agriculture Protection Board control program of
  - (a) arum lily;
  - (b) blackberry;
 in the Department of Conservation and Land Management estate?
- (2) Would the Minister indicate the APB policy in relation to (1) and is he satisfied the program is working effectively?

Mr BRIDGE replied:

- (1) Nil. The only cost to the Agriculture Protection Board is that of inspection. Where the Agriculture Protection Board does work for the Department of Conservation and Land Management this work is paid for by the Department of Conservation and Land Management.
- (2) The responsibility for control of all declared species belongs with all landholders including the Department of Conservation and Land Management. A satisfactory level of control is achieved by local negotiation between the Agriculture Protection Board and the Department of Conservation and Land Management officers.

**RAILWAYS - NORTHERN SUBURBS TRANSIT SYSTEM**  
*Stirling Station - Public Car Park*

1279. Mr CLARKO to the Minister for Transport:

- (1) Will public carparking for commuters and others be provided at the station named Stirling on the proposed northern subways railway?
- (2) If so, to what extent?
- (3) If not, what are the detailed reasons for not providing such parking?

Mrs BEGGS replied:

- (1) Car parking will be provided at Stirling Transfer Station for public transport users.
- (2) There will be 570 parking bays as well as 32 kiss "n" ride bays.
- (3) Not applicable.

**RESEARCH STATIONS - REVENUE**  
*Profits*

1282. Mr BLAIKIE to the Minister for Agriculture:

- (1) Would the Minister provide details of total earnings from each of the State's research stations?
- (2) Do any stations operate at a profit and, if so, which ones?

Mr BRIDGE replied:

- (1) Total revenue from each research station in 1990-91 -

	\$
Frank Wise Institute (Kununurra)	278 045
Gascoyne	66 190
Badgingarra	91 276
Chapman	74 736
Wongan Hills	116 709
Avondale	107 380
Merredin	70 305
Newdegate	53 479

Katanning	120 816
Manjimup	13 798
Vasse	255 016
Wokalup	366 730
Esperance	88 249
Mt Barker	296 351
Salmon Gums	36 784
Medina Horticulture	5 541
Stoneville	7 096
Swan	42 308
Medina Intensive Industries	254 568
Fox River	150 628
Ord River	203 769

(2) No.

#### AGRICULTURE PROTECTION BOARD - NOXIOUS WEEDS AND VERMIN REPORTS

##### *Conservation and Land Management Department Estate*

1283. Mr BLAIKIE to the Minister for Agriculture:

- (1) Do departmental officers make inspections and reports upon noxious weeds and vermin in the Department of Conservation and Land Management estate and would the Minister provide precis of these reports?
- (2) What are the levels of co-operation from CALM to the Agricultural Protection Board in this regard?
- (3) Will the Minister detail whether the program is working satisfactorily?

Mr BRIDGE replied:

- (1) Yes. These individual location and species reports are aimed at negotiating control work at a local level and any precis would have little meaning.

(2)-(3)

As a result of continued review and negotiation the level of cooperation between the Agriculture Protection Board and the Department of Conservation and Land Management is satisfactory.

#### HOSPITALS - LEMNOS HOSPITAL

##### *Closure*

1284. Mr MINSON to the Minister for Health:

- (1) Are there any plans to close Lemnos Hospital?
- (2) If so, when is this closure expected to take place?

Mr WILSON replied:

- (1) There are currently no plans to close Lemnos Hospital.
- (2) Not applicable.

#### HEALTH DEPARTMENT - HOME AND COMMUNITY CARE REGIONAL PROJECT OFFICER REVIEW

##### *Aged and Disabled Persons Development Officer Review*

1287. Mr MINSON to the Minister for Health:

When will the findings of the review into the respective roles and responsibilities of the Home and Community Care regional project officer and the Aged and Disabled Persons development officer be available?

Mr WILSON replied:

It is anticipated that the findings of the review into the respective roles and responsibilities of the home and community care regional project officer and the aged and disabled persons development officer will be available in mid October 1991. This review is now being finalised for presentation to the

HACC joint officers group meeting planned for the week commencing 23 September 1991. The joint officers group will make recommendations to the Commonwealth Minister and myself regarding the future directions of this project based upon the findings of the review. It is anticipated that our consideration of the report will be completed by mid October 1991, after which time the review findings will be available.

**HOSPITALS - FREMANTLE HOSPITAL**  
*Intensive Care and Coronary Ward Beds*

1290. Mr MINSON to the Minister for Health:

- (1) How many beds are available in the new intensive care and coronary ward at Fremantle Hospital, which was opened by the Premier on 7 August 1991?
- (2) Are all of these beds in use?
- (3) Are private facilities available in this ward?
- (4) If yes to (3) what is the allocation of private and public beds?
- (5) What staff numbers in what capacity are required for this ward?
- (6) What numbers of staff in what capacities are presently employed in this ward?

Mr WILSON replied:

- (1) 22 beds.
- (2) All beds will be fully operational from 8 October 1991.
- (3) No.
- (4) Not applicable.
- (5)-(6)

Medical staff	10.4 FTE
Nursing staff	74.3 FTE
Cleaning staff	3.0 FTE
Others	2.0 FTE

**HEALTH DEPARTMENT - ANNUAL REPORT 1989-90**  
*Hospital Building and Equipment Trust Account, \$12.2 million - Consolidated Revenue Account Transfer*

1291. Mr MINSON to the Minister for Health:

With reference to the Health Department's annual report 1989-90, pages 54 and 55 - Opinion of the Auditor General - refer to the transfer of \$12.2 million from the Hospital Building and Equipment Trust Account to the Health Department's Consolidated Revenue Account -

- (1) Was this amount incorrectly transferred in late June 1990 and then returned in December 1990 as requested by the Auditor General?
- (2) If the transfer out is recorded on page 63, is the amount mentioned in the Consolidated Revenue Fund?
- (3) If so, where?
- (4) Where did these funds go?
- (5) What was the purpose of the transfer?
- (6) Was the money transferred to other accounts to pay for hospital buildings/equipment?
- (7) If so, is this correct accounting procedure?
- (8) Was there an attempt to redirect funds for other uses?
- (9) If so, is this correct accounting procedure?
- (10) Who authorised the transfer of the funds from the Hospital Building and Equipment Trust Account to the Health Department's Consolidated Revenue Account?



(11) Is it expected that the use of the trust funds will be changed?

Mr WILSON replied:

(1)-(2)

Yes.

(3)-(4)

Consolidated Revenue Fund - Treasury Miscellaneous Revenue - Treasury Recoveries Other.

(5) The funds were transferred by the Health Department in accordance with a direction under section 14 of the Financial Administration and Audit Act given after advice that the \$12.2 million was in excess of the amounts reasonably required for the purposes of the account since other funding had, or was being, applied to the projects involved.

(6),(8)

No.

(7),(9)

Not applicable.

(10) The Minister for Finance.

(11) The future use of these funds is at the discretion of the Supreme Court of WA.

#### GREENBURG, MRS ROBIN - ROYAL PERTH HOSPITAL EMPLOYMENT

1293. Mr MINSON to the Minister for Health:

(1) Was Robin Greenburg employed by Royal Perth Hospital?

(2) If so, in what capacity was Robin Greenburg employed by Royal Perth Hospital?

(3) If Robin Greenburg was employed by Royal Perth Hospital as a social worker what were her qualifications for that position?

(4) Were these qualifications ever checked as bona fide?

(5) If not -

(a) why not;

(b) has the Health Department taken steps to check on qualifications of all staff before confirming employment and, if not, why not?

Mr WILSON replied:

(1) Yes. It is assumed that the Robin Rosenbaum employed by Royal Perth Hospital is Robin Greenburg.

(2) Social worker, 8/6/71 - 15/5/72, and chief social worker, 15/5/72 - 24/5/74.

(3) BA and diploma in social work, Sydney University, with five years' experience as a social worker in NSW.

(4) Yes. Satisfactory referees' reports from the senior tutor department of social work, University of Sydney; the lecturer, school of social work, University of NSW; the director of social service, Prince Henry Hospital; the medical director of the Spastic Centre of NSW; and the physician in charge, National Heart Foundation of Australia, cardiac rehabilitation unit, Prince of Wales Hospital.

(5) Not applicable.

#### HEALTH DEPARTMENT - SOCIAL WORKERS, HEALTH CARE PROFESSIONALS

##### *Registration*

1294. Mr MINSON to the Minister for Health:

Does the Government intend to introduce registration of social workers and other health care professionals who are presently unregistered, in this State?

Mr WILSON replied:

The Government is considering proposals to establish an independent board to determine which unregistered health care professionals require registration.

**HOUSING - COLLINGWOOD ROAD, ALBANY**  
*New Housing Estate Details*

1295. Mr WATT to the Minister for Housing:

- (1) Would the Minister provide details including dates and cost of the work being carried out on the new housing estate on Collingwood Road, Albany?
- (2) How many blocks will be created?
- (3) How many will be sold?
- (4) Will the money raised from the profits of the sale of blocks in the estate be used to fund redevelopment of Homeswest properties in Lockyer, or new housing stock?
- (5) What is the timetable for the sale of blocks?
- (6) How many blocks have been sold to date?
- (7) What is the average cost of redevelopment per block, and the average price received?

Mr McGINTY replied:

- (1) Stage 1 - January 1991 - Cost \$346 732  
 Stage 2 - June 1991 - Cost \$855 757
- (2) Total yield 170 lots.
- (3) Final numbers yet to be determined.
- (4) No.
- (5) Stage 1 - 20 lots - February 1991  
 Stage 2 - 53 lots - July 1991  
 Balance yet to be determined.
- (6) 24.
- (7) (a) The redevelopment cost per lot in Lockyer is not yet determined.  
 (b) Average sale price at Breaksea is -  
 Stage 1 - \$44 328  
 Stage 2 - \$41 437

**RAILWAYS - RAILCARRIAGES**  
*Replacement Plans*

1299. Mr CLARKO to the Minister for Transport:

- (1) What use does the Government plan for the existing rail carriages that are to be replaced by the new carriages which are now under trial by Westrail?
- (2) Are these old carriages to be sold to India?
- (3) Concerning the vibration problems associated with the new carriages, are any penalty payments to be paid by their providers?
- (4) If so, what is the amount of money that is to be paid?

Mrs BEGGS replied:

- (1) Most of the existing carriages will be sold because of their age, condition and obsolescence. Some may be retained for possible use on the Westrail system.
- (2) There have been no firm inquiries received concerning purchase of the cars.
- (3)-(4) See answer given to Council question 727.

**DISABILITY BUREAU - ROLE**

*Authority for Intellectually Handicapped Persons - Impact*

1304. Mr WATT to the Minister for Disability Services:

- (1) What is the role of the newly announced Disability Bureau and how will it impact on the Authority for Intellectually Handicapped Persons?
- (2) What criteria will be used when selecting members for the Advisory Council, and will the Government give an assurance that provision will be made for consumers and/or their family members to be appointed?
- (3) In view of the long waiting lists, will the Minister please advise how the new Bureau will reduce the same, and also increase the range of options and services to the disabled?

Mr RIPPER replied:

- (1) The Bureau for Disability Services is a policy unit established to work closely with the Authority for Intellectually Handicapped Persons and other Government and non-Government service providers to ensure that the special needs of people with disabilities are being met.
- (2) The Government will follow standard practice in appointing members to the Ministerial Advisory Council. Members will be chosen to ensure that the interests of people with disabilities are properly represented.
- (3) The question is unclear; in general terms I draw the member's attention to (1) above.

**AIRLINES - GOVERNMENT BOOKINGS POLICY**

*Compass Airlines*

1312. Mr TRENORDEN to the Premier.

- (1) What is the Government's policy concerning the purchase of airline tickets both inter and intra state for travel by governmental employees?
- (2) Does the policy give any recognition to Compass Airline's position as being a conduit to dramatically reduced airfares?

Dr LAWRENCE replied:

(1)-(2)

All Government travel bookings for domestic air travel are required to be made through Ansett Airlines which is contracted under agreement to act as a booking agent. Public sector agencies are free to nominate their choice of airline and are encouraged to obtain the most competitive fare structure before booking their request.

**MARKET CITY - HORTICULTURAL INDUSTRY**

*Minister for Agriculture's Comments*

1313. Mr OMODEI to the Minister for Agriculture:

- (1) Has the Minister received correspondence from the horticultural industry expressing concern about comments attributed to him in an article in *The West Australian* of 19 August 1991, headed "State Misses Markets - Bridge"?
- (2) Has he responded to the correspondence and if so has he refuted the statements and apologised to the members of this industry?
- (3) If not, why not?

Mr BRIDGE replied:

(1) Yes.

(2)-(3)

A response has been forwarded to the WA Vegetable Growers Association (Inc). While appreciating that some members of the association are doing a good job in supplying produce for export markets, Western Australia's overall export performance in this area could still be improved. The quoted ASEAN figures alone bear testimony to the capacity of these opportunities.

# MINISTERIAL EXPORT MARKETING UNIT - ESTABLISHMENT PROPOSAL

1315. Mr OMODEI to the Minister for Agriculture:

- (1) What is the cost associated with the establishment of the Ministerial Export Marketing Unit and from which source is this proposal being funded?
- (2) What is the relationship between the Ministerial Export Marketing Unit and the three dimensional analysis process and Austrade?
- (3) How extensively were positions for the Ministerial Export Marketing Unit advertised and how many applicants were considered?
- (4) Are any of the Minister's family involved in this proposal?
- (5) If so, what is the position?
- (6) What are the names of members of the Unit and their salaries and term of appointment?

Mr BRIDGE replied:

(1)-(2),(4)-(6)

The ministerial export marketing unit has been established to assist in maintaining and expanding Western Australia's export performance in portfolio areas under my ministerial control. As such it has direct links to relevant agencies and is required to establish cooperative links with a range of industry groups and other export oriented agencies and organisations, including Austrade. The MEMU has access to CRF funds of \$200 000 through the Department of Agriculture. The MEMU comprises personnel who already occupy substantive positions in other operational areas, but are regularly brought together to coordinate the development of export initiatives. As I have often publicly stated, it includes -

Mr John Nichols, Department of Agriculture  
 Mr Mick Poole, Department of Agriculture  
 Mr John Gallagher, Department of Agriculture  
 Mr Andy Munro, Office of Minister for Agriculture"  
 Mr Tony Howard, Rural Innovation Centre  
 Mr Kim Bridge, Aboriginal Enterprise Company  
 Mr Graham Brown, Water Authority of Western Australia

(3) Not applicable.

## HEALTH DEPARTMENT - FEDERAL HEALTH COMMITTEES MEMBER

### *Propylene Oxide*

1321. Mr MINSON to the Minister for Health:

- (1) Is the Western Australian Health Department a member of federal health committees?
- (2) If so, is it possible for Federal health authorities to know about the presence of propylene oxide in heptachlor/chlordane without the Western Australian Health Department, a member of Federal health committees, also obtaining the information?
- (3) If no to (2) did the Minister for Health mislead the Parliament in his answer to question 1282?
- (4) If no to (2) have any Western Australian Health Department officers who were members of federal health bodies ignored or failed to notice information disclosed by Velsicol in relation to propylene oxide to these federal health authorities?

If yes, who were the Health Department officers;

if no, did Velsicol not disclose the presence of propylene oxide to federal health authorities in 1986; and

if Velsicol did disclose the presence of propylene oxide to federal authorities can the Minister provide an explanation as to how it is possible for federal

- health authorities to know of the presence of propylene oxide in heptachlor/chlordane formulations in March 1986, but for the Health Department of Western Australia not to learn the same facts until April 1990?
- (5) When did the Agricultural and Veterinary Chemicals Council advise the Health Department of the presence of propylene oxide in heptachlor/chlordane formulations?
  - (6) Did Velsicol present a submission to the Western Australian Health Department for the clearance of technical heptachlor in 1986?
  - (7) If yes, did this submission include the disclosure of propylene oxide?

Mr WILSON replied:

- (1) Yes.
- (2) Yes, it is possible.
- (3)-(4) Not applicable.
- (5) Health Department records show that the department was advised of this in June 1991.
- (6) No. The Health Department received only a summary of the submission to the Commonwealth Government for clearance of technical grade heptachlor. Summaries of this nature are sent by the agricultural and veterinary chemicals section of the Commonwealth Department of Primary Industries and Energy to the States and Territories to keep them informed of the applications for clearances received.
- (7) No. The summary of the submission provided to the Health Department of WA did not disclose the presence of propylene oxide in heptachlor.

**TANNENBAUM, DR DENNIS - PARLIAMENTARY COMPUTER COMMITTEE**  
*Legal Expenses Funding - Parliament House Employee Assistance*

1324. Mr TRÉNORDEN to the Speaker:

Further to question on notice 931 of 1991 -

- (1) Has a decision yet been made on the request to the parliamentary computer committee by Dr Dennis Tannenbaum that it fund all or part of his legal expenses in defending a private defamation action?
- (2) If so, what is that decision?
- (3) Has any Parliament House staff member spent time, for which he or she has been paid with public money, in assisting Dr Tannenbaum prepare his defence?
- (4) Has Dr Tannenbaum been provided with any documentation from the files of any Parliamentary department that is not available to the general public?
- (5) If so, what documentation, when was it provided and who authorised its release?

The SPEAKER replied:

In respect of the parliamentary departments for which I am responsible or jointly responsible, I advise as follows -

- (1) Yes.
- (2) The request was declined.
- (3)-(4) Not to my knowledge nor to the knowledge of the departmental heads in the Legislative Assembly, Hansard, Library and Joint House departments.
- (5) Not applicable.

# QUESTIONS WITHOUT NOTICE

## DOWDING, MR PETER - MUSCA, MR LEON *Litigation Costs - Government Payment*

356. Mr LEWIS to the Premier:

- (1) Did the Premier authorise the payment of approximately \$146 000 for an out of court settlement for former Premier Dowding in a libel litigation instigated by Mr Leon Musca?
- (2) If yes, and in view of the concern that Mr Musca's litigation against Mr Dowding is not seen as a Government matter, on what grounds were these moneys paid?

Dr LAWRENCE replied:

(1)-(2)

As the member would be aware, we have debated this matter in this House on a number of occasions, and public statements have been made about it. We as a Cabinet were very clearly in the position of having to make a decision. Decisions have to be made in all sorts of jurisdictions about when Ministers are acting as Ministers or Premiers and when they are acting on private matters. The same is true of other occupations when the Crown might be required to meet legal costs. On becoming Premier I discovered that there were no explicit guidelines.

Mr Lewis: Did you authorise it?

Dr LAWRENCE: Just let me answer the question. There were no specific guidelines relating to the payment of legal expenses or damages. The Crown here, as in other jurisdictions, was operating on the basis of precedent. One precedent at least was drawn to my attention where legal costs had been paid in similar circumstances to a member of the Liberal Party.

Mr MacKinnon: Who was that?

Dr LAWRENCE: On at least one occasion. I cannot give the Leader of the Opposition the date. If a member asks a question without notice he cannot expect a date.

Mr MacKinnon: I did not ask for the date; I asked who it was.

Dr LAWRENCE: The decision about the payment of those costs was made in principle before I became Premier and was endorsed by me on the basis of my discussion with officers about what might be prudent and appropriate, what would follow convention, and what would be fair and reasonable in the circumstances. We subsequently tabled guidelines to be used for the payment of legal costs and that is a matter of public record.

## TAXATION - INCREASES

357. Mr CATANIA to the Premier:

- (1) Is she aware of claims by an Opposition member in another place that State taxation in Western Australia has increased by more than 200 per cent since the Labor Government came to office in 1983, and that during the same period inflation has increased by only 60 per cent?
- (2) Is it also correct that land tax has increased by 300 per cent, payroll tax by 100 per cent, and a number of new taxes have been introduced?

Dr LAWRENCE replied:

(1)-(2)

One might as well make a comparison with rates of taxation at the turn of the century. No doubt we could turn up a pretty horrendous picture. I have not seen the figures on which that allegation is based, but there has been a growth in population and in economic activity. There has been an increase in taxation

receipts, not an increase in the rate of taxation. If members look at what has happened in the State, there has been a considerable reduction in the proportion of the gross State product taken by the State Government in taxes and charges. This State is doing extremely well on that front. For the last two Budgets there has been no increase at all in the rate of taxation, and no new taxes, with the exception, as I mentioned before, of a slight increase in financial institutions duty.

If members want to make a comparison - and even this is a somewhat misleading one - they should consider this: If over that period inflation has grown by 60 per cent, the obvious figure with which to make the comparison is, in real per capita terms, the growth, which has been 35 per cent. To suggest otherwise is absolute arrant nonsense.

I know members of the Opposition are inclined to seduce some of the more ignorant members of their party with this sort of argument, but for goodness sake they should not expect the Parliament to accept that the Government should be criticised for an increase in economic activity and a growth in the size of the population, because that is the reason for the increase in taxes. The rate of taxation has been held to a low level and it will continue to be held to a low level because that is one of the most important things State Governments should be doing in the 1990s. I intend to keep doing it, despite support by members opposite for the appalling campaign run by the CSA, which objects to a modest reduction in the size of the public sector. They scream about increases in taxation where there have been none. They indicate that we should be getting off the backs of business, and at the same time members opposite support the CSA growing in the public sector rather than shrinking.

#### ROAD TRAINS - MAIN ROADS DEPARTMENT INQUIRY

358. Mr HOUSE, to the Minister for Transport:

In relation to my question 131 in May this year relating to a departmental inquiry into the operation of road trains -

- (1) Can the Minister advise the House whether the department has completed its inquiry into the operation of road trains west of the Albany Highway?
- (2) If the departmental review has not been completed, what are the reasons for this excessive delay?

Mrs BEGGS replied:

(1)-(2)

I thank the member for some notice of the question. I remember answering a question from the same member some time ago - in May, I think, this year. I have been advised by the Main Roads Department that the review is not complete. It will be completed towards the end of this year, when it will be forwarded to the road freight steering committee for determination. As the member will understand, the reason for the delay is the need for consultation with local authorities regarding the issue.

Mr House: Every local authority in the area abutting the highway has given its approval. Consultation is complete.

Mrs BEGGS: Yes, but as with the road user charge that has been applied, it is a matter of discussion between the States and the Commonwealth, and the department is reluctant to make a premature decision or to give premature advice to the land freight steering committee because of the potential damage to the roads. While on the one hand local authorities may say they approve of the movement of road trains in these areas, the question for the Main Roads Department is the funds available for repairs to the roads when damage is done.

Mr House: What is the difference between the roads east of the highway and the roads west of the highway?

Mrs BEGGS: There is probably no difference. However the amount of road usage will be increased, and comparable amounts of funds are not always available to ensure that the roads are kept in a safe condition. I will ask the department to proceed as quickly as possible with the report. I think it has taken too long. It is aware of the inconvenience caused by a decision not being made. I am happy to have the member briefed on the matter, if he so wishes. I will make arrangements with the Main Roads Department for that.

**BLOOD ALCOHOL - 0.05 LEGISLATION REJECTION**  
*Road Safety and Road Toll Effects*

359. Mrs WATKINS to the Minister for Transport :

What are the likely effects on the safety of Western Australian roads and the road toll of the efforts by the Opposition to destroy the Government's intention to improve road safety by rejecting lower drink driving limits?

Mrs BEGGS replied:

Most members would be aware that amendments moved in the upper House by the Minister for Police have been rejected by the Opposition parties in that House. I am concerned that this will mean that Western Australia will be totally out of step with every other State in Australia regarding 0.05 legislation.

Mr Lewis: Does that make us wrong?

Mrs BEGGS: Not in every case; it does not indicate that every time other States do something we must automatically follow, but the weight of evidence on the 0.05 issue certainly points to a reduction in deaths on roads or accident trauma on roads when 0.05 legislation has been introduced. I am convinced of that. It is interesting that in another place last night the Opposition continued to place the onus of blame on people under 21 years of age - that is, they are responsible for accidents linked to drinking and driving. That is a ridiculous assumption for members of the Opposition to make. There is no evidence to suggest that people over the age of 21 are more responsible than people under the age of 21 in regard to drinking and driving.

I support wholeheartedly the public comments by the Minister for Police today when he said that all drivers, whether 19 or 59, must exercise commonsense when they drive. Unfortunately, it has been proved in the past that unless we have speed limits and limitations by law on the blood alcohol concentration of people driving vehicles, people will not take responsibility for themselves or for other road users. In my opinion, the Opposition parties are acting totally irresponsibly on this matter. The carnage on our roads is increasing. It is the responsibility of legislators to do whatever they can to ensure -

Mr Cowan: Queensland and other States with 0.05 have statistical data that is worse than ours. What do we tell them?

Mrs BEGGS: The statistical data might or might not be worse than ours but we still have a high incidence of drink related road accidents. As legislators we should do whatever we can to encourage people to take more responsibility.

Mr Cowan: You were subjected to blackmail, and you took the money!

Mrs BEGGS: That is not true. I have been supportive of 0.05 legislation. I am happy to put on the record that as far as I am concerned the level should be 0.02.

**DOWDING, MR PETER - MUSCA, MR LEON**  
*Litigation Costs - Citation of Terms of Settlement Tabling*

360. Mr LEWIS to the Premier :

As the Premier has stated that Mr Dowding's settlement to Mr Musca was made on the basis that the litigation occurred in the course of Mr Dowding's



duties as Premier - and therefore it was a Government matter - will she table all papers to do with the actual citation of the former Premier's terms of settlement of the litigation?

Dr LAWRENCE replied:

The wording of the question does not make sense. I am not aware of the existence of a document such as "a citation for settlement". Members opposite again are belatedly trying to get political mileage out of the matter. On 23 August 1990 I answered question on notice 1079 asked by the Leader of the National Party; on 17 October 1990 I answered question 6269, headed "Defamation Action - Ministers of the Crown", and question 1513 from the member for Albany; and on 28 August 1990 I answered question 1103 asked by the member for Nedlands. All the material has been provided - the amounts of money paid, the basis on which they were paid, and the principles on which they were based. I refer members opposite to those questions. I am not in a position to answer the question either in the affirmative or in the negative because the question does not make sense to me.

It must be said that members opposite are almost certainly aware of the fact that the newspaper reports on what the Queen's Counsel representing Mr Dowding said in the Royal Commission were subsequently corrected by that gentleman; indeed, as I understand it, in letters to the media those misinterpretations of what was said were corrected. If members read the transcript they will find a reasonable basis for the rejection of the assumptions being made in that material before the Royal Commission. These are the same matters as before. The questions have been answered; they are on the public record. The question of what Mr Dowding may or may not have said and the basis of the settlement are a matter of public record and are the subject of further discussion before the Royal Commission.

#### ROADS - FARRINGTON ROAD-BIBRA LAKE DRIVE *Traffic Lights Installation*

361. Mr THOMAS to the Minister for Transport:

- (1) Is the Minister aware of community disquiet concerning traffic congestion on the corner of Farrington Road and Bibra Lake Drive and the requests from local residents for traffic lights to be installed there?
- (2) Would the Minister be prepared to accompany me to view the traffic one morning and review her earlier decision not to install traffic lights at that intersection?

Mrs BEGGS replied:

(1)-(2)

Yes. The member for Cockburn wrote to me seeking lights at that intersection. On the advice of the Main Roads Department I advised the member that the situation would be improved when the freeway was extended to Yangebup Road. I have spoken to the member about this since and I am prepared to inspect the site with him, and I will be happy to ask the Main Roads Department to review its earlier decision if in fact the situation is as bad as the member has pointed out - and I have no reason to doubt him.

#### RURAL ADJUSTMENT SCHEME - PART B FUNDS *State Allocation*

362. Mr OMODEI to the Treasurer:

- (1) What is the Western Australian proportion of the Commonwealth allocation of funds for Part B of the Rural Adjustment Scheme and when was the package announced by the then Primary Industries Minister, John Kerin?
- (2) Will the Premier advise this House whether the State Government intends to match the Commonwealth allocation for Part B of the Rural Adjustment Scheme? If yes, from where will State funds come and have funds been budgeted, and under which Ministry?

- (3) With reference to the rural crisis will the Premier initiate changes to the State Rural Adjustment Scheme to allow more farmers access to RAFCOR funds and, if not, why not?

Dr LAWRENCE replied:

(1)-(3)

I have spent a lot of time in discussion with members of the National Party particularly who have shown a consistent interest in the question of RAFCOR, its funds, organisation and staffing. As Treasurer I have spent probably a disproportionate amount of time on matters involving the rural finance question. Unless something has escaped me, the final allocation from the Federal Government has not been announced. It certainly has not been communicated to me. The Part A funds have been, but the whole package has not been concluded and I had advice to that effect two days ago. Elements have not yet been determined, particularly the source of Part B funds and the principles on which they shall be based. I have given a commitment in this House before that we will provide funds for that purpose. The advice given to me is that the key issue is not so much carry on finance - despite what some members of the National Party believe - but typically what happens is that the banks seek to escape their responsibility in funding viable farming operations by flicking the liability onto the Government and the taxpayers of Western Australia. This is not a matter we can simply toss off and say that the funds are there. We want to discuss with the banks in this State what they are doing to support the rural industry and what their lending policies are in relation to viable farming operations, and not have them flick the responsibility to the taxpayers of Western Australia who certainly want to support the rural sector, but should not do so at the expense of other needs. I will be happy to provide an answer to the member for Warren on notice. The member cannot be serious in asking me to answer a three part question in this form on the proportion of funds available.

#### HOMESWEST - ABORIGINAL HOUSING *Construction and Maintenance Initiatives*

363. Dr EDWARDS to the Minister for Housing:

What provision is Homeswest making to encourage Aboriginal enterprise initiatives in the building and housing industry?

Mr McGINTY replied:

Everyone in this House would share our concern over the excessively high unemployment rate among Aboriginal people. The most reliable estimate of the unemployment rate is in excess of 40 per cent. Also of concern is the fact that housing for Aborigines is overwhelmingly provided by non-Aboriginal people leading generally to a consequent lack of ownership by Aboriginal people of their houses, as is evidenced by the high maintenance costs which are incurred by Homeswest for Aboriginal housing. Accordingly I am pleased to advise that Homeswest has taken a landmark decision to institute a policy akin to the regional preference policy for tenders in the construction and maintenance of Aboriginal housing. A preference of up to 10 per cent will apply to companies or organisations which have 75 per cent ownership or management by Aboriginal people or where a majority of the employees of that company are Aboriginal people. This will apply to Aboriginal construction and maintenance work funded under Aboriginal grant moneys. In 1991-92 we expect the extent of this money to be in excess of \$18 million in Western Australia and I am very pleased that this policy will address the problems of poor skills formation among Aboriginal people, chronic unemployment and hopefully will give Aboriginal people a greater sense of ownership of their homes.

Government members: Hear, hear!

LOCAL GOVERNMENT BILL - IMPLEMENTATION

364. Mr COWAN to the Minister for Local Government:

Can the Minister indicate when the proposed new local government legislation will be introduced into this House?

Mr D.L. SMITH replied:

Cabinet approval has been given for the drafting of the legislation. Various submissions are now being produced and provided to the Western Australian Municipal Association. I would not expect that the total legislation will be available for introduction this year, but I am still working on that basis. If it is not introduced this year, it will be introduced in the next session of Parliament.

RAILWAYS - "AUSTRALIND"

*Additional Stops*

365. Mr P.J. SMITH to the Minister for Transport:

Can the Minister advise the House whether Westrail plans to add any additional stops to the *Australind* service?

Mrs BEGGS replied:

Since the introduction of the new *Australind* passenger train service a number of requests have been received from residents in the south west for it to stop at Brunswick, Yarloop and Waroona. I am pleased to advise the House and the member for Bunbury that as from 2 December 1991 the *Australind* will be stopping at Brunswick, Yarloop and Waroona on Monday to Saturday, and Westrail will be issuing new timetables in the near future. These new stopping places will be welcomed by local residents, particularly pensioners and other low income people who may not have access to cars. It will mean the travelling time between Bunbury and Perth will be extended slightly, but I trust that will not be too much of an inconvenience to those passengers who join the train at Bunbury. I am sure they will understand that their fellow south west residents require that service. It is a good move by Westrail and I thank those members of Parliament who have given me advice on the matter. It will enhance the service to the south west and is a forerunner for a very fast train to Bunbury.

CURTIS BAY - MARINA PROPOSAL

*Expressions of Interest*

366. Mr BLAIKIE to the Minister for South-West:

- (1) Does the Government plan to seek expressions of interest from developers into a feasibility study for a marina at Curtis Bay?
- (2) If yes to (1), does the Government also propose to offer the first right of refusal for any Crown land subsequently released, and how will the land value be assessed?
- (3) At this stage how widely does the Government intend to advertise the project - Statewide, nationally or internationally - and has any preliminary closing date been under consideration, and would the Minister give details?

Mr D.L. SMITH replied:

(1)-(3)

The member for Vasse may be aware that the issue of marinas and harbours is handled by the Minister for Transport and the Department of Marine and Harbours. The member should redirect his question at a later time to the Minister for Transport.

Mr Blaikie: Do you have any knowledge of it?

Mr D.L. SMITH: On the question of whether any Government owned land might be utilised as part of the development, or any parts of Meelup Reserve, or golf

courses or old rubbish dumps that surround the Curtis Bay site, that will be resolved by Cabinet at some time in the future. Certainly if any land is to be sold it would be done in the most public and accountable way that these things can be done.

ABORIGINES - FOSTER CHILDREN, NEWMAN  
*Familiarisation Program*

367. Mr COURT to the Minister for Community Services:

- (1) Is the Minister aware that the two young Aboriginal children being re-fostered at Newman are extremely distressed this week because they are being forced to participate in a visitation program?
- (2) Will the Minister give an assurance to this House that the rights of the natural parents of these children at Newman are being properly considered by the Government and, in particular, by the Department for Community Services and that they will cease their racist policies on child placement?

Mr RIPPER replied:

(1)-(2)

The Department for Community Services and the State Government do not have racist policies on child placement. The department and the Government endorse the Aboriginal child placement principles which have been similarly endorsed by every Government in the country, and by Governments of all political persuasions. Of course, the principle governing child placement is that the best interests of the child must be the determining factor. Given that governing principle, which is the overriding principle in all cases of a child placement, of course the interests and rights of the child will be and are being considered.

The question of a program of familiarisation which is now taking place was considered by case conferences and by the case review board. The independent case review board recommended that the department pursue a plan and adopt a diligent approach to the hand-over of care from the caregivers at Newman to the caregivers at the Jigalong community. The current program is in accord with the decision of the independent review board.

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