

Legislative Council

Thursday, 30 March 1995

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

PETITION - STATE SCHOOL TEACHERS UNION, INDUSTRIAL DISPUTE

Hon John Halden (Leader of the Opposition) presented a petition bearing 195 signatures of citizens of Western Australia calling on the Minister for Education to immediately resolve the industrial dispute with the State School Teachers Union.

[See paper No 228.]

MOTION - ROAD FUNDING AND FUEL TAX, CONDEMNATION OF MINISTER FOR TRANSPORT AND PREMIER

Resumed from 29 March.

HON KIM CHANCE (Agricultural) [2.32 pm]: In concluding this motion which I began yesterday I will quickly recap on one or two points. I have no new information to bring forward. Yesterday I clearly established that an allocation of some \$70 000 had been made over the past two years within the financial assistance grant from the Commonwealth to the State of Western Australia for the purpose of road maintenance. It is also clear that by denying that established fact, members of this Government, specifically including the Premier and the Minister for Transport, have misled the public and, indeed, have misled their own members of Parliament. For a Government elected on the promise of openness and accountability this is not just a serious error and not just a serious shortfall; it is a breach of faith with the whole electorate. The Opposition does not take issue with the Government in using the allocation intended for road maintenance purposes for other necessary purposes. It is necessary for us to make that quite clear. Nor does the Opposition accuse the Government of syphoning off funds intended for road maintenance even though that accusation was levelled at the former Labor Government by the incumbents over the funding of Transperth from the Transport Trust Fund. We recognise that untied grants are just that - untied - and that the State Government has a mandate to set its own priorities for untied grants from the Commonwealth. That is not the issue. The issue is that the Government concealed the nature of the financial assistance grant allocation for roads, and once it had been discovered and revealed to the public it then denied the very existence of that allocation. Yesterday I quoted the Premier on behalf of the Government when he said that the allocation never got here, that it did not arrive and that the allocation was never made. That is not true and proved to be not true in writing in a letter to the Premier from the Commonwealth Minister for Finance. I sincerely hope that the Minister for Transport recognises that and does not attempt to run the same discredited line that the allocation was never made. I said yesterday that the Premier desisted from that line and dropped the issue like a hot potato as soon as he received from the Commonwealth Minister for Finance the letter which advised him of the facts.

Hon E.J. Charlton: You know that he wrote back to the Minister for Finance.

Hon KIM CHANCE: No.

Hon E.J. Charlton: He did.

Hon KIM CHANCE: It is significant that we have not heard one word from the Premier on the issue since. I am pleased that he did write back to the Minister for Finance. The Opposition has repeatedly offered its assistance to the Government on the matter of road funding from the Commonwealth, but its offer of bipartisan support - which goes back at least to the time when Hon Ian Taylor was Leader of the Opposition, if not further - has been thrown back in the face of the Opposition. The only conclusion I can draw from that is that the Government has no real interest in improving Western Australia's road funding.

Hon N.F. Moore: Rubbish!

Hon KIM CHANCE: The fundamental purpose of the campaign run by the State Government is to enhance its political image by putting the boot into Canberra.

Hon Mark Nevill: Shades of Mabo.

Hon KIM CHANCE: Indeed; I thank Mr Nevill. Populist politics has its place, I suppose, but it is not and never will be a substitute for good government. In the Fix Australia, Fix the Roads campaign we have seen populist politics at its crudest, most inane and useless.

Hon E.J. Charlton: Could you give me a few extra copies of your speech to distribute through your area?

Hon KIM CHANCE: I would be delighted, if the Minister distributes them free of charge.

The PRESIDENT: Order!

Hon KIM CHANCE: I urge honourable members to support the motion. The facts that I presented in the debate yesterday and today stand on their own. The denial of the facts by the Premier and the Minister for Transport have misled the public and they deserve our condemnation.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [2.40 pm]: I will begin my comments where Hon Kim Chance left off by demonstrating that the so-called facts he put to the Parliament can be taken in the same vein as his concluding comments. He said that the Opposition had offered assistance to the Government. That assistance has been no more than an attempt to denigrate every action the Government has taken to increase the allocation of funding for the road network in Western Australia. Reference was made to Hon Ian Taylor's offer, but I advise members that it was subject to the Government dropping the Fix Australia, Fix the Roads campaign.

Hon Kim Chance: If you stop telling lies about us, we will stop telling the truth about you.

Several members interjected.

Hon E.J. CHARLTON: Members opposite can have their little jokes.

The PRESIDENT: Order! Let us get the rules of this place straight. I insisted yesterday, and did so again today when Hon Kim Chance spoke to his motion, that members will refrain from interjecting. The same rules will apply while the Minister is making his comments.

Hon E.J. CHARLTON: Before the Opposition will support any move to attract additional funding for roads in this State it attaches a "subject to" clause. Every time the Opposition comments about the lack of road funding in this State it cannot bring itself to acknowledge openly that there is a shortage of road funding. The Opposition has attempted to discredit every Government initiative.

Hon Kim Chance's contribution was totally negative in regard to what the Government is doing, and he failed to indicate the Opposition's position on road funding. He did not say that the national highways, over which the State Government has no control of funding allocated to them, are totally a federal responsibility. The member did not say whether he considered the level of funding to be satisfactory or whether it should be substantially increased. If the Opposition were genuine about its concern it would go to Canberra and fight for an increase in road funding or publicly state what action it was taking to attract more road funding to the national highway system in this State. Where was the Opposition when a major national highway was recently flooded? It has not uttered one word about that incident. It really demonstrates the Opposition's commitment to the national highway network in this State.

Before the coalition came to Government it consistently highlighted the inadequacies of the road network and the rate at which it was deteriorating. The Fix Australia, Fix the

Roads campaign is obviously a thorn in the Opposition's side. Rather than outline what should be done to improve the road network system, it adopted a political stance. It said that if I, as the Minister for Transport, was putting that proposal forward it must be political and should be criticised at every turn. Obviously it misjudged the success of the campaign because it has grown in strength across the nation and every State in Australia is coordinating its operations in an endeavour to fix the road network throughout Australia.

Hon Mark Nevill: We made the assumption of telling the truth; that was our mistake.

Hon E.J. CHARLTON: The Opposition's mind is closed to upgrading the infrastructure of this nation.

Hon Mark Nevill: What about fixing up the roads in the goldfields? You have been in office for two years.

Hon E.J. CHARLTON: Hon Mark Nevill should be ashamed of himself.

The PRESIDENT: Order! I keep telling members that in this place they do not have to like what members say or believe what they say, but they do have to listen to what they say.

Hon E.J. CHARLTON: Western Australia's road network is in a deplorable state and is totally underfunded. Any member who thinks he can gain political mileage by criticising me for not doing anything about the road network will not get an argument from me.

Hon Mark Nevill: Just excuses.

Hon E.J. CHARLTON: Over the last few years the amount of money allocated to the road network has decreased. I remind members that Hon Kim Chance did not make one specific comment on how the Opposition would deal with this serious issue.

Hon Kim Chance: It has nothing to do with the motion. You should read it.

Hon E.J. CHARLTON: The member did not refer to the amount of funding allocated to this State by the Federal Government. His attack was based on Western Australia receiving money from the Federal Government and not directing it to the road network. Hon Kim Chance should be educated on how the Grants Commission operates. He refuses to acknowledge that it is an organisation which has a formula to assist it in allocating funds to the States. In the last two years it has included the road needs of the States as part of that assessment. It acknowledged that because of the significant deterioration in the road network across this nation more funding should be directed to it. Having made that determination, the Grants Commission recommended that Western Australia receive \$68m and \$72m over the last two years, based on the road needs. That is the first part of the equation. The Federal Treasury said that in spite of the commission's recommendation only a certain amount of money was available.

Hon Peter Foss: What you need is not what you get.

Hon E.J. CHARLTON: Exactly. Although they took into consideration roads for the first time when they made the allocations, it does not mean roads did not previously exist.

Hon Peter Foss interjected.

Hon E.J. CHARLTON: We received \$26m less than the previous year.

Hon Kim Chance: They were not a component of the calculation; that is the point.

Hon E.J. CHARLTON: The Grants Commission's formula - in official terms, not my words - "is based on a common average policy being adopted in all States. Reflecting their differing community demands, no State Government actually applies the common policy."

This applied also to the Labor Party when it was in government. For example, the Grants Commission's figures indicate that in 1990-91 the Labor Government spent 40 per cent more on corrective services, 20 per cent more on community welfare and 55 per cent less on road maintenance than assessed under the common average policy by the Grants Commission. Members opposite are saying Hon Eric Charlton and the Premier have

received money from Canberra for roads, but did not spend it on roads. In the words of Mr Chance yesterday, we deceived the public.

Hon Kim Chance: Are you aware that in 1991 more money was spent on roads than has been in the past two years?

The PRESIDENT: Order!

Hon Mark Nevill interjected.

The PRESIDENT: Order!

Hon E.J. CHARLTON: What did Hon Mark Nevill say?

The PRESIDENT: Order! I called him to order and that means he should not have said it in the first place; he will certainly not repeat it.

Hon Kim Chance: A total of \$344m was spent in 1991.

Hon E.J. CHARLTON: Members opposite have got themselves into the greatest hole of all time over this issue. They are parading around the nation trying to encourage people to believe that the State had funds allocated to it that were intended for roads, but that they were not spent there. For political reasons they will not accept that the Grants Commission made a judgment on Western Australia's total needs and, according to a formula, recommended to the State that it should spend those funds on the road network. The federal Treasury, directed by Mr Keating at the end of the day, his being the Prime Minister - I am not being critical of him, that is the situation by which it determines how many funds it will allocate to the States - gave Western Australia less money than the previous year to be spent in whatever area the State decided.

Hon Kim Chance: How did we go on total recurrent grants?

Hon E.J. CHARLTON: The bottom line is that it is wrong to say that because, for the first time in history, the Federal Assistance Grants Commission took account of road needs, we should automatically, overnight direct an extra \$60m or \$70m into road funding. It is wrong to condemn this Government for not doing that especially bearing in mind that we received less money than the year before.

Several members interjected.

The PRESIDENT: Order!

Hon E.J. CHARLTON: Members opposite are also saying the Government received more money for roads from the Federal Government in the past two years than previously, but we did not spend it. I say to Mr Chance and his colleagues that that is why the Labor Government ruined the R & I Bank, the State Government Insurance Office -

Hon Mark Nevill: What was ruined about the R & I Bank?

Hon E.J. CHARLTON: Mr Nevill's people directed that bank to lend its money to their mates.

The PRESIDENT: Order!

Hon E.J. CHARLTON: That is another issue.

The PRESIDENT: Order! It is another issue and therefore we should not be talking about it.

Hon E.J. CHARLTON: I am not going to. I would not dream of going into that.

Several members interjected.

The PRESIDENT: Order! I will not tolerate the defiance of my instructions that interjections are out of order. I ask the member to stick to the motion and that other members stop their interjecting.

Hon E.J. CHARLTON: In its motion, the Opposition accuses this Government of not spending the money it received. However, the Opposition will not acknowledge that we did not get that money. It may wish to pursue that point, but ultimately people will make

their own judgment and I applaud and encourage that. I remind members of a few facts about road system funding and from where it is received. The concept of untied funds was arrived at by an agreement with the States and the Commonwealth. Untied funds replaced national arterial road grants. The same formula applies to untied funds and it is the system that now applies. What Mr Chance did not tell us yesterday was that with the change in funding systems, a substantial cut occurred. The amount of untied grants does not equate to the national arterial road grants that were earmarked as part of Roe Highway, the Mitchell and Kwinana Freeways, and Reid and Tonkin Highways. Those programs were put into place in agreement with the Federal Government of the day, but halfway through the program, the Federal Government changed the rules to replace federal arterial grants with untied funds. However, the untied funds were not sufficient to meet the already planned road networks that had been committed.

The \$43m, in round terms, we have been receiving each year is about \$20m less than what was part of the national arterial road grant to Western Australia. The State has had to progress those roads where the Federal Government pulled out, using its own funding which it had committed for other road networks throughout the State. Hon Kim Chance did not acknowledge that either.

Hon Kim Chance: Of course not; it is not true.

Hon E.J. CHARLTON: Rather, Labor members of Parliament are, quite properly, continually writing to me asking when we will extend the freeway south or north, when Reid Highway and Tonkin Highway will be extended and when Roe Highway will meet South Street. The reason those questions must be asked is that the previous State Government agreed -

Hon Kim Chance: It must be a new line.

Hon E.J. CHARLTON: I would not like it if I were sitting there guilty as are members opposite. They do not like it because they agreed with the Federal Government to accept untied funds. They lost the opportunity to complete those roadworks. In addition, every cent of the untied funds has continued to be allocated to the road network, not as in some other States where it has been used for other government expenditure. Secondly, since we have come into government, as was acknowledged by Hon Kim Chance yesterday, we have allocated to road funding the \$43m which, at the stroke of a pen, the previous Government took away from the road network and put into public transport. People could quite properly say that is a very good and noble thing to do to encourage public transport.

Hon Mark Nevill: It will.

Hon E.J. CHARLTON: The syphoning off of that money did not result in the attraction of one passenger. That \$43m was a casualty of the political game and was spent on public transport at the expense of the road network and tragedies on the road, especially the 400 odd black spot intersections in this State. Since this Government took office the biggest increase ever in usage of public transport has occurred.

Hon Mark Nevill: Because of the railway.

Hon E.J. CHARLTON: I am excluding the new railway. With all the other parts of the network, the increase in public transport usage has not been greater than it is now.

Hon Mark Nevill: Why is that? You put the fares up. Why has it increased?

Hon E.J. CHARLTON: No.

Hon Mark Nevill: Show me.

Hon E.J. CHARLTON: Hon Mark Nevill should ask his mates why people are now using the public transport system. Public transport is reflecting its user friendly attitude to the people who want to use the network.

Hon Mark Nevill: I challenge you to justify those comments.

Hon E.J. CHARLTON: The Labor Party kept the fares between 30 per cent and 40 per

cent lower than those anywhere else in the nation while not improving the service, believing that people would be attracted to public transport. Like they use a shop or hotel or whatever else down the road, people will use the transport system because it provides them with a service they desire. This is a political stunt by Hon Kim Chance to try to discredit the Government. He is on a loser for nothing.

This week I have just finished discussions with the Western Australian Municipal Association, which covers local government bodies. It wanted to have a new formula implemented about how state funds would be allocated. Total agreement was reached for the first time ever. The local councils have been unhappy about the way in which the funds were handed out. They are responsible for 82 per cent of the roads in this State. In addition, the Fix Australia, Fix the Roads campaign, irrespective of whether members opposite like it, is continuing. Not only will it continue, but it will also increase in momentum. I have invited all members opposite to be a part of it. That has nothing to do with being party political. I am interested in improving the road network around the State. In the two years since we have been in government we have put an extra \$90m into the road network in this State without one increase in charges.

So for the 4¢ a litre petrol tax increase, of course no Government likes to implement changes to taxation that will be a burden on anybody in the community. However, I put this to members opposite, members of the public, local government authorities, the Royal Automobile Club of WA and to every other association: We have two options; we can leave the level of tax where it is and not increase roadworks or we can accept the 4¢ a litre increase and carry out this program over the next 10 years. I asked what those organisations wanted and they said that they wanted the Federal Government to give us back more of our money. I told them I was with them all the way on that. They asked why we had to increase the fuel tax when we were already paying 33¢ to the Federal Government and getting back only 7¢. I have tried for two years to get more money. If Hon Mark Nevill, Hon Kim Chance and Hon John Halden want to go to Canberra, I tell them to go, to get the money and when they get it to tell us. There is nothing political about it.

Hon Mark Nevill: You have been ripping off the taxpayers for the past two years.

Hon E.J. CHARLTON: Mr Nevill should take Graeme Campbell and Julian Grill with him to Canberra and get more money for the national highway network.

Hon Mark Nevill: We would have more success than you.

Hon E.J. CHARLTON: Then I do not know why the member has not been. Why does he sit here, criticising, ridiculing, grizzling, moaning and belittling instead of going to Canberra? His mates are in power in Canberra.

Hon Mark Nevill: You are telling lies about the level of road funding.

Hon E.J. CHARLTON: The Federal Government has the money. It has taken 7¢ extra from all the people represented by Hon Mark Nevill.

Hon Mark Nevill: You got \$70m in untied funds which you did not use.

Hon E.J. CHARLTON: Where was Hon Mark Nevill last year when the Federal Government increased the fuel levy by 7¢ a litre? He never said a word.

Hon Mark Nevill: I am all right; I am okay.

Hon E.J. CHARLTON: We never got one cent for Western Australia from that increase.

Hon Mark Nevill: I have a diesel car; I am one of a number of people who does not have to pay the increase.

Hon E.J. CHARLTON: The member has always been a freeloader, someone who does not want to pay his way.

Hon Mark Nevill: I have done more for the economy of this State than you have ever done, my friend.

Hon E.J. CHARLTON: That is the hypocrisy of the people over there. In 1994 when the

Federal Government increased the fuel excise by 7¢ a litre - almost twice the recent increase - on diesel as well as petrol and it affected every household in the State and in the nation, those opposite never said a word, never offered any criticism and never did anything to get any of the money back. If that was not bad enough -

Hon Mark Nevill: We removed it off diesel.

Hon E.J. CHARLTON: - those opposite never attempted to get any of the 7¢ a litre increase back to the Western Australian road network. On two grounds they were guilty of sitting on their hands and doing nothing.

Hon Mark Nevill: What did you do with the \$70m?

Hon E.J. CHARLTON: When I as Minister for Transport took my proposition to Cabinet and was supported wholeheartedly, in consultation with all the user groups with whom I had first negotiated, those opposite came out screaming, and they have been screaming every since.

Hon Mark Nevill: What about the \$70m for maintenance?

The PRESIDENT: Order! I ask Hon Mark Nevill to stop interjecting.

Hon E.J. CHARLTON: Every cent of that 4¢ increase will go back into work on the roads that have been identified by community groups to be a priority. To ensure that the community over the next 10 years will be happy with where the money will be spent, I have invited a number of people to have discussions with me annually to ensure they believe the program we have put in place will be ongoing. That is the difference. I ask the people in this place and across Western Australia who want to make a judgment to do it this way: Judge the State Opposition for sitting on its hands for the 12 months when the 7¢ a litre increase by the Federal Government on both diesel and petrol was introduced of which not one cent was spent on roads. We do not even know whether any of that money came to Western Australia. It probably went to Sydney to help win a couple of seats in an election.

Hon John Halden: That has hurt you.

Hon E.J. CHARLTON: It does not worry me at all. I am making the point that people will make their own judgment on the fact that Opposition members did not come out last year and criticise the Federal Government. Had they done that, I would have given opposition members credit for standing up for Western Australia and said they were consistent. Not one of them uttered one word in defence of the road users of Western Australia who were bludgeoned by the 7¢ a litre increase which went to Canberra and has not been seen since. Yet when we put on an increase of 4¢, they saw it as a wonderful opportunity to play politics because they do not care about the road network.

Hon Kim Chance: What about the \$72.2m?

Hon E.J. CHARLTON: Hon Kim Chance has staked his claim on the fact that the Grants Commission made a determination that \$72m was part of the State's allocation for roads. He is wrong.

Hon John Halden: Treasury is wrong! Main Roads is wrong!

Hon E.J. CHARLTON: It is not the basis for funding from the federal Grants Commission or the way in which the Commonwealth Government allocates funding.

Hon Peter Foss: They do not understand it; they are not good with money.

Hon E.J. CHARLTON: Those opposite will never understand it. Western Australia has 170 000 kilometres of road network, yet we get about 7 per cent of the money from the Federal Government. Western Australia's road asset is valued at \$14.6b and is depreciating at \$80m per annum; yet those opposite do not say anything when the Federal Government puts on an increase of 7¢ a litre. The Western Australian road program has a 16 year, \$1.2b backlog.

The State's freight task is growing at 10 per cent; that is more than any other State in the nation yet the Federal Government still sits on its hands and will not acknowledge the

need for more road funding. The national highway system was defined in 1974. Four hundred kilometres of Eyre Highway is below the standard set by the Federal Government. When the rain came, the road broke up on the bypass section, which is 16 km out of 400 km that is being upgraded. By the time they finish upgrading that 400 km it will be like painting the Sydney Harbour Bridge because they will have to go back and start again. The Eyre Highway is the only road link across this nation. It is a Federal Government road. The federal Department of Transport has been so weak and sick, aided and abetted by members opposite, that it will not grant any more money to Western Australia.

Hon Mark Nevill: There has been some shonky work done by contractors there.

Hon E.J. CHARLTON: The Federal Government sits idly by when road traffic between the Eastern States and Western Australia comes to a standstill.

Hon Mark Nevill: If it had been built by Main Roads and not private contractors it would have stood up to the test.

Hon E.J. CHARLTON: Hon Mark Nevill said he is prepared to get the money from Canberra. I challenge members opposite to go to Canberra and get an extra \$50m.

Hon John Halden: Last time you went you lost \$2m.

Hon E.J. CHARLTON: I am challenging the Opposition to go to Canberra and ask for funds for the national highway.

Hon Mark Nevill: Is this an admission of failure?

Hon John Halden: The Minister will have to resign.

Hon E.J. CHARLTON: The Opposition can announce its intention to do that. Members opposite can tell the world, as Stephen Smith did when he got some money for work on Greenmount hill. I did not criticise him. I congratulated him.

Hon John Halden: When I am Minister, we will get the money.

Hon E.J. CHARLTON: Unlike Hon John Halden I am not in politics to denigrate people. The Leader of the Opposition is the greatest advertisement of the knocker.

Hon Mark Nevill: Do not knock the knockers.

Hon E.J. CHARLTON: The other day some people told me that they would like the Government to knock on doors and open them, so they could do business. I suggested that they let Jim McGinty do the knocking, and we would do the opening. All Mr McGinty is good at is knocking. He never does anything positive for anybody in this State and the nation.

Hon Kim Chance: Did you think that up or look it up in a book?

Hon John Halden interjected.

Hon E.J. CHARLTON: Hon John Halden and I know where we stand. His attitude to life does not worry me. He can play it his way and I will play it my way and we will see who finishes up where.

Hon John Halden: I am sorry; I am sure it was deep and meaningful.

Hon E.J. CHARLTON: There was nothing deep and meaningful about that at all. Hon John Halden has his style, and I do not worry about that at all. If the member wants to play a game he can go for his life.

Hon John Halden: The only game I am playing is making sure you are honest.

Hon E.J. CHARLTON: The claim made by Hon Kim Chance that Western Australia received \$68m or \$70m dedicated to roads and condemning the Government for not spending it on roads is as false and as empty as the claims that members opposite made when they were on this side of the House that they were not losing Western Australia money.

Hon John Halden: Where did the \$70m go?

Hon E.J. CHARLTON: The \$70m went where all the money from the Federal Government goes: Into all those services that State Governments provide to the community. It did not go anywhere else.

Hon Sam Piantadosi: It went to private contractors.

Hon E.J. CHARLTON: The Opposition believes that because the Federal Government brought roads into the formula that money should have gone into roads.

Hon John Halden: You said in this place that every cent the Federal Government committed to roads would be spent on roads.

Hon E.J. CHARLTON: And I will say it again.

Hon John Halden: You have just said there was \$70m and you have not spent it on roads.

Hon E.J. CHARLTON: I accept that Hon John Halden will never acknowledge this.

Hon John Halden: I would like the truth.

Hon E.J. CHARLTON: What Hon John Halden tries to ram down people's throats is that because the Grants Commission takes roads into the formula when assessing a State's needs, when we get the grants from the Federal Government there is so much in this bag for roads, health and education and community welfare, and that is where it should be spent.

Hon John Halden: You said that every cent would be spent on roads.

Hon E.J. CHARLTON: No, Hon John Halden said it.

The PRESIDENT: Order! I want you to listen to what I say. Members should not interject, and the Minister should direct his comments to the motion and the Chair.

Hon Mark Nevill: You cannot be trusted with untied grants.

Hon E.J. CHARLTON: Nothing comes from the Federal Government for roads. The money from the Federal Government is untied money.

Hon Kim Chance: Why did Mr Beazley say the money was there?

Hon E.J. CHARLTON: The only difference between Mr Beazley and Hon Kim Chance is that Mr Beazley is a bit fatter.

Hon Sam Piantadosi: Nasty!

Hon E.J. Charlton: Nothing comes to the State Government from the Federal Government that is directed to be used on the road network. There is money for national highways, which are federal roads, and money for local government roads, but the State receives untied funds which can be used for anything. We choose to put it all into roads. The federal grant is one packet of money and none of that is directed to the road network. Every comment made by Hon Kim Chance is flawed.

HON N.D. GRIFFITHS (East Metropolitan) [3.16 pm]: I note the words of the motion of Hon Kim Chance about misleading the people of Western Australia. The actions of the Minister for Transport and the Premier by claiming there was a major reduction in federal funding of roads and using the deception to justify a 4¢ per litre increase in the state fuel tax has demonstrated this Government's lack of integrity. This Government set out to mislead and to deceive the people of Western Australia. The deceit has been clearly demonstrated by the words of Hon Kim Chance. He has proved the deceit. The culpability of the Government is clear when one considers the words of the Premier last year. This Government set out in June of last year to lay the ground for its deceit. In the Budget speech on 9 June 1994 the Premier stated -

This Budget continues our policy of not increasing the tax burden on businesses. There are no increases in tax rates . . .

In the same speech the Premier stated that one of the main features of his capital works project in 1994-95 was \$181.6m for the Main Roads Department. The matters that the Minister and the Premier purport to complain about were matters of complaint then,

when in his Budget Speech under the heading "Commonwealth/State Financial Relations" the Premier in a very deceitful paragraph said -

Of particular concern is the fact that our share of total Commonwealth road grants has fallen from 18 per cent in 1968-69 to 8.9 per cent in 1994-95. Western Australia now receives only seven per cent of national highways funding, whereas we account for 25 per cent of national highways.

We heard the Minister for Transport say that the Federal Government looks after national highways.

Hon E.J. Charlton: I said that they do not look after them.

Hon N.D. GRIFFITHS: The Minister stated that the national government is responsible for the funding of national highways, but the work is carried out by the Main Roads Department. If the Minister is criticising the work he is criticising his own department. I will not criticise public servants because they do a good job. The Government's contractors do a bad job. The Premier continues -

Persistently strong representations to the Commonwealth for a better deal have been fruitless, leading to additional pressure on the consolidated fund to allocate more funds for roads.

These comments were made by the Premier on 9 June 1994. I do not know why the Government waited until January, given its state of knowledge in 1994. Its intent to deceive is demonstrated further by reference to Budget paper No 6, at page 313, where comment is made in the significant issues and trends section of the program of road preservation, part of the Main Roads section of the Budget papers. The matters that the Minister complains of now are set out here. I quote -

The limited life of sealed roads in Western Australia, typically around forty years, means that many of the roads constructed during the economic and resource development boom of the 1950s to the early 1970s are now reaching the end of their economic lives.

That goes to the kernel of Western Australia's needs for roads. To continue -

This has resulted in an increased need for asset replacement and higher maintenance efforts. This increasing trend is likely to continue for the next two decades.

I do not take issue with that, but these matters were known to the Government in June of 1994 yet the Premier has the temerity to claim some credit for his Budget and that there are no new taxes in it. The quote continues -

Road freight traffic has been increasing at a significant rate and is expected to double over the next decade. The impact of this increase in truck traffic is increased maintenance costs and the need for earlier replacement of road pavements and bridges.

That was the state of the Government's knowledge in 1994, and I take no issue with the points made in the program statements. The state of the Government's knowledge and its pattern of behaviour are demonstrated more clearly by reference to the *Hansard* report of the Estimates Committee proceedings at page 726 where, after some comment by a coalition member about the planting of everlastings on roadsides, my colleague Hon Alannah MacTiernan asked -

What is your planning time scale? How far ahead do you look in determining the demand for roads?

She was answered by the Commissioner of Main Roads, Dr Michael, who said among other things -

A good example of our horizon is the strategy which is currently being developed throughout every region in the State, called Roads 2020. We are looking at demand for specific improvements on roads or for new roads over that time

frame. Our horizon is of the order of 30 years, which is normally considered to be the long term planning horizon for a road network of this sort. That does not mean that once we have got the plan, that is the end of it. It simply give us a basis from which we will review that plan every few years.

So, last year the Government knew or should have known the road needs of Western Australia.

Hon E.J. Charlton: You are a joke.

Hon N.D. GRIFFITHS: Maybe the Minister did not know; maybe he did not listen to his advisers. This is at the time when the Fix Australia, Fix the Roads campaign is running, where the need for further expenditure on roads is being broached. I understand that is the tenor of the campaign.

Hon E.J. Charlton: Yes.

Hon N.D. GRIFFITHS: Why then did the Government wait until January to announce the tax increase? The question is answered by the fact that in January the Parliament was not sitting. This Government, in the manner of conservative Governments everywhere, seeks to avoid parliamentary scrutiny.

Hon Derrick Tomlinson: Oh!

Hon N.D. GRIFFITHS: The member is waking up at last! In making the announcement in January, when the Government had all the data it would use to justify its decision, it sought to take advantage of the lack of parliamentary scrutiny. As a result we are debating this issue in the last week in March rather than at or close to the time when the announcements were made. Surely road funding and the 4¢ a litre increase for petrol are matters of great importance to Western Australians and are the sorts of issues that should be debated in the Parliament at or close to the time the decisions are made. If the Minister's Government was not deceitful it would have announced its decision when it announced its Budget. The Government chose not to do that because it wanted to dress up its Budget as a document -

Hon E.J. Charlton: Talk about the Federal Government's 7¢ increase and the new tax it will put on.

Hon Mark Nevill: What is your next levy?

Hon John Halden: The Mabo levy.

Hon E.J. Charlton: The member is running scared.

Hon N.D. GRIFFITHS: I hesitate to interject on the interjections, but that comment by the Minister is typical of the deceit that Hon Kim Chance has exposed as a result of bringing this motion before the House. The Minister's comment is typical of the red herrings and mythology that members opposite use. They continually use mythology when they are found out for not telling the truth and for having no integrity. I do not know whether the mythology of Mr Foss is giving legal advice on Mabo, but it is very strange. We see many instances of Liberal Party mythology. One is that somehow it is responsible for the fact that we have a great variety and large quantities of mineral resources in Western Australia. I think Hon Mark Nevill has more to do with that than anyone opposite. They are not responsible for it; someone else is responsible for it. They believe they are the creators. It is typical of the red herrings of the Minister and the advocates of secession, those who are traitors to Australia, those who betray wheat farmers. It is typical of their mythology that the bungling of the finances of the North West Shelf project was sheer bad luck and not mismanagement on the part of the conservatives. The project was a good one and it was the conservatives' bungling that cost the State \$4.5m. One of the interesting things about this Minister is that he purports to know something about his portfolio. Every time he rises my heart goes out to him because I want him to tell us something which we can rely on as being truthful.

Hon P.R. Lightfoot: He has demolished your argument brick by brick.

Hon N.D. GRIFFITHS: The demolisher seeks to interject. One of the great things about

this Minister is that he does try very hard, and good luck to him when he does. I regret to say that he does not seem to take much notice of his bureaucratic advisers. He has some very able people in the Main Roads Department.

[Debate adjourned, pursuant to Standing Order No 195.]

ADDRESS-IN-REPLY

Motion

Resumed from 29 March.

HON MARK NEVILL (Mining and Pastoral) [3.31 pm]: In this speech in the Address-in-Reply debate, I will outline to the House some abuses of the process of justice that have occurred in this State and will indicate to the House the lack of integrity of some key people in this State. In the process, I will tell members about an affair which was kept quiet for a number of years. It is said that sunlight is a great disinfectant. I intend to bring this little affair out of the dark and into the sunlight.

For about a year now, I have been investigating illegal activities in the Fisheries Department. I have been investigating the harassment and persecution of some members of the Fisheries Department because they would not be involved in illegal activities. Consequently, they found themselves on the outside and a number of them do not now work for the Fisheries Department. The further my inquiries went, the more I realised to my great surprise what was going on in the Public Service and particularly in the Fisheries Department. These activities involved the illegal use of listening devices and tracking devices and gross abuses of power. Most of it seemed to come from the special investigations branch of the Fisheries Department.

Hon Kim Chance: Does it keep covert files as well?

Hon MARK NEVILL: I am sure it does. Although I know the answers to many of the questions, I have failed to get any of those answers to the questions I have asked over the last couple of years. I have received very evasive answers and I have not been able to get access to some information for which I have applied.

However, to get back to the point: These activities occurred largely in the special investigations branch of the Fisheries Department. That branch had very close links with the Police Department and especially with the internal affairs branch and another group - I am not sure whether it is part of the internal affairs branch but certainly it works very closely with the internal affairs branch - the surveillance branch. We all know that the head of the internal affairs branch was Detective Sergeant Les Ayton. I might get his title wrong because this man has had a meteoric rise from a detective sergeant in 1984 to a deputy commissioner in 1992 and it is difficult for me to keep track of the ranks through which he has risen.

The use of illegal listening devices and illegal tracking devices was rife for a number of years. These people were a law unto themselves. The link between the Police Department and the Fisheries Department was of great concern because, as members know, under the Fisheries Act at that time, police officers had the same powers as fisheries officers to enter premises without warrants for the purposes of the Fisheries Act. As long as they had a fisheries officer with them there was no problem. I have evidence of these illegal activities taking place, but I do not have the time to go into that today.

Hon Derrick Tomlinson: Have you verified the evidence?

Hon MARK NEVILL: Yes, from a number of sources. However, I do not have the time to go into that and I certainly need to do more research before I start making any direct charges in this case.

I am very concerned about the public servants, members of the public and members of the Police Force who have suffered from this abuse of power. I am here to go into bat for those people who have suffered from this abuse of power - the people who one might loosely call the underdogs.

Hon Reg Davies: The powerless.

Hon MARK NEVILL: Yes, the powerless.

In August 1993, a front page article in *The West Australian* made allegations of phone tapping and the illegal use of electronic listening devices. It alleged that listening devices were being used, tracking devices were being wired to cars and that fisheries officers had broken into an aeroplane. I thought that was interesting because the story said also that there was to be a police investigation. I knew it was true because fisheries officers had told me it was true. However, they said that if they blew the whistle, they would be arrested for breaking and entering - a criminal offence. They knew of the links between this clique that seemed to be in control of that area.

Hon Derrick Tomlinson: You are saying that they broke and entered to instal listening devices?

Hon MARK NEVILL: Yes. Supposedly, there was an investigation by the Police Department into these allegations in the front page story. The article appeared in August 1993. I was patient and waited until June the next year to ask a question about the charges. I knew that the inquiry would be wound up then and that often, questions being asked during an inquiry often influence the outcome. I asked in the following June what charges had arisen from the inquiry. I was told that there had been a thorough investigation and that a fisheries officer had been overzealous. The information had been put together and submitted to the Director of Public Prosecutions, who examined the material and concluded that there was not enough information to prosecute. I am sure the DPP received a file with inadequate information to prosecute despite the fact that the allegations are true.

Hon Derrick Tomlinson: To prosecute whom?

Hon MARK NEVILL: To prosecute any fisheries officer or whoever was involved or responsible.

Hon Derrick Tomlinson: Who had breached the listening devices Act.

Hon MARK NEVILL: Yes. Shortly after that, in an answer that Hon Jim Scott received in this House about break-ins of members' offices, I spoke on the adjournment debate in a fairly testy manner and criticised the Police Force and its inquiry. A day or two after, detective sergeant, or whatever his title was at that time, Les Ayton rang the Leader of the Opposition's office.

Hon P.R. Lightfoot: Deputy commissioner.

Hon MARK NEVILL: Whoever he was, he rang the Leader of the Opposition's office. Ian Taylor happened to be at the national conference in Hobart at the time. He spoke to a staff member and wanted to know what the hell Mark Nevill was up to because he personally supervised that inquiry.

Hon Derrick Tomlinson: That sounds familiar.

Hon MARK NEVILL: I am not surprised they did not -

Hon E.J. Charlton: When was this?

Hon MARK NEVILL: I asked the question in June 1994 and received the answer some months later. An interesting point is that the other person supervising the inquiry at the Fisheries Department was the person who I suspected knew what was going on. That person has retired from the Fisheries Department in recent days. I thought there was little chance of that investigation going anywhere. I was concerned about the relationship between people in the Fisheries Department and people in the Police Force, and the relationship with the DPP, although at that time I was not overly concerned about the DPP. In the process of this investigation into illegal activities in the Fisheries Department I have gathered a mountain of information, so much that with our other duties it is difficult to keep on top of it and follow all the information through.

Hon Reg Davies: Have you considered passing some of that to the police committee?

Hon MARK NEVILL: I will pass everything to the police committee if it will assist the committee in its duties. I understood from my inquiries to one of the committee members that the committee was halfway through its first term of reference and would not get to the surveillance question for some time. I did not know whether I could wait that long so I decided to pursue my own investigations.

Hon Derrick Tomlinson: We are prepared to receive it right now.

Hon MARK NEVILL: I knew how some fisheries officers had been treated. One has had a nervous breakdown because he disagreed so strongly with some of the activities of the special investigations branch. I have been told that my activities have kept him alive. Another two officers are close to breakdowns. They are under tremendous stress because of these illegal activities.

Hon E.J. Charlton: How long do you think this has been going on?

Hon MARK NEVILL: A long time. I asked questions about it all last year.

Hon E.J. Charlton: I remember the questions but when did it start?

Hon MARK NEVILL: It goes back to 1982. That is probably the earliest occasion of a break-in at Midland. I imagine that a great deal of activity goes on within the Minister for Transport's department of which he will never be aware, even though he is responsible for it.

Hon E.J. Charlton: That is right.

Hon MARK NEVILL: I shall sheet that responsibility home to the Minister!

Hon E.J. Charlton: When I find out, some people go running.

Hon MARK NEVILL: I wish the Minister's colleague, the Minister for Fisheries, would be as aggressive as he is.

Hon E.J. Charlton: I am interested in the matter because in the case of another issue, as soon as the Minister was made aware of it he acted. Have you discussed this with the Minister?

Hon MARK NEVILL: The recent developments have caused me to re-examine some of the material I have collected. There are a number of issues - of which this is just one - which indicate the corruption of the processes of administration and justice in this State. It relates to two brothers in the Police Force - Trevor and Kingsley Porter.

Sitting suspended from 3.44 to 4.00 pm

[Questions without notice taken.]

Hon MARK NEVILL: I have drawn the attention of members to an offence which was committed on 21 October 1992 on the north side of the Murchison River at Kalbarri which involved two senior police officers, Trevor and Kingsley Porter. I will go through the breach report which I will table at the end of my speech.

Hon P.R. Lightfoot: Where did the report come from?

Hon MARK NEVILL: It is a Fisheries Department breach report and it is signed by the fisheries officers concerned.

Hon P.R. Lightfoot: Is it a public report?

Hon MARK NEVILL: No, it certainly is not; it is a confidential report and is headed, "Breach Report: Trevor Newton Porter and Kingsley John Porter". The offences are for possession of lobsters taken out of season, possession of undersize rock lobster and possession of spawning rock lobster. The report reads -

On the morning of Wednesday the 21/10/92 I was on patrol in company of FO M ODea at Murchison House Station Kalbarri, on the north side of the Murchison River, some seven Kilometres downstream from the Station homestead. At 1200 hours I observed a Range Rover FWD vehicle travelling south along the same track as I was on, coming towards me. The vehicle had four occupants, two men and two women.

I stopped my vehicle, FO ODea and I got out, flagged this vehicle to a stop and walked up to it. I introduced my self to the driver and advised him that I was a Fisheries Officer and produced my authority for him to read and said;

"Good morning, we are officers from the Fisheries department, do you have any fish or rock lobsters on board?"

The driver replied "Yes we have some abalone".

He got out of his vehicle, went to the rear door, opened it and pulled out a rucksack type bag from the rear section and said "We have got three crays as well."

I inspected the contents of the bag and found it to contain a number of top shells (similar to abalone) and three western rock lobster. FO ODea checked the rock lobsters and found that one was legal size, one was well undersize, the third was legal size but was a spawner in full bright orange spawn.

The following questions were asked of the driver, Trevor Porter -

Q "Do you have a recreational fishing license to take rock lobsters?"

A "No I dont."

They could not be charged with not having a licence for fishing out of season -

Q "Did you realise it is out of season to take rock lobsters at the moment?"

A "No."

Q "Do you know the legal size of rock lobsters?"

A "No."

Q "Have you measured these rock lobsters?"

A "No I havent a gauge"

He knew that he needed a gauge to measure the lobster, but he did not know that they were out of season and undersize. The officer then went on to question Kingsley Porter as follows -

Q "Did you realise that any of these lobsters was undersize or a spawner?"

A "No."

Q "Do you have a license to take rock lobsters?"

A "No"

The report continues -

It became obvious at this point that Porter was not going to continue with the conversation to any degree.

The summary of the report reads -

Both Porters are annual visitors to the area and camp in the same spot on the Murchison River each year (next to a large fish smoker built on the bank). Trevor Porter claims he caught the lobsters by hand, I find this very hard to believe knowing the area and the weather conditions at the time. I believe that the lobsters were taken either with a pot or most likely with a drop net from rock holes in the reef top.

In my opinion both men were well aware of the season, legal size and the fact that one of the lobsters was a spawner.

Considering their occupations and their positions, to me, it indicates a scant regard for other Law Enforcement agencies rules and regulations.

I recommend that TREVOR NEWTON PORTER ... and KINGSLEY JOHN PORTER ... be prosecuted for, being in possession of fish, namely three western rock lobster which have been taken in contravention of the requirements of a

notice of the Minister for Fisheries under sections 9 and 11 of the Act published in the government gazette (no13) of the third day of February 1989; -

That covers possession of undersize rock lobster and possession of spawning rock lobster.

Contrary to section 12(1)(d) of the Fisheries Act 1905.

That section 12(1)(d) covers the charge of possession of lobster taken out of season.

Hon Reg Davies. Was the official response that they did not have sufficient evidence to support charges?

Hon MARK NEVILL: We will get to that.

A note on the bottom of this file says that inquiries have been made by police in Geraldton regarding the outcome of this apprehension. Throughout this file are constant notes about police telephoning to find out how the case is progressing. I was told by fisheries officers that they were pestered by the police throughout this inquiry. One of those fisheries officers knew that this offence would be more than likely covered up knowing the close relationship between the Police Department and the Fisheries Department at higher levels, so he made a decision to inform the Kalbarri Fisheries Association. A little note on the bottom of that file note reads, "Inquiries have been made regarding the outcome of this apprehension", and in different handwriting, "and from the Kalbarri Fishermen's Association". We can almost certainly agree that the charge went ahead because that note was an indication that it had been made public.

Hon Derrick Tomlinson: Do you know the ranks of Kingsley and Trevor Porter?

Hon MARK NEVILL: I think Kingsley Porter is an assistant commissioner and I think Trevor Porter is a detective sergeant. I might stand to be corrected on that.

Hon Reg Davies: They were obviously promoted because they showed initiative.

Hon MARK NEVILL: I have a letter here from the operations manager, west coast, Phil Mosel which relates to the two officers and the three charges. It reads -

As discussed, there were two police officers. There is considerable interest in what we do from both sides of the fence -

I do not know what that means.

I am of the opinion that we must proceed and this is supported by Geraldton staff.

Judging by the report there is sufficient evidence to proceed only against Trevor Porter. John Kingsley Porter has denied any involvement as such. The recommendation is to proceed against Trevor Porter for taking lobster out of season.

There is no reason given for two of the charges to be dropped.

I have discussed this with a number of clerks of court who say that was highly irregular. Why was Kingsley Porter not charged? He was in the vehicle with his brother at the time. Was he not aware that undersize crayfish were aboard and they were taking crayfish out of season? It is highly unlikely, as they were annual campers at that place at Kalbarri.

Inquiries were made by the Press, but the Fisheries Department would not confirm the identity of the two officers. There is also a file note from a senior fisheries officer in Perth who spoke with Trevor Porter. The conference went as follows -

1. He wishes to provide a written explanation to the court -

I cannot work out what is the next word

- and speak to Derrick Wyles, the Crown Law Department officer, or the Clerk of Courts in Geraldton.

2. Wishes to know whether the prosecution would be mentioning that he was a policeman at the trial.

3. Agreed that due to the media interest he would be agreeable to the department saying
 - (a) a policeman is to be charged with a minor fisheries offence; and
 - (b) the matter is listed for Geraldton court in May 1992.

A statement was made to the Press saying it was a minor offence and would be heard in Geraldton in May when they knew full well it would be spirited off to Perth.

Hon Derrick Tomlinson: At that stage, who was responsible for the pursuit of prosecution - the Police Department, Crown Law or Fisheries?

Hon MARK NEVILL: From my understanding, Fisheries was responsible.

Between 24 and 29 January this case was transferred to Perth and the date of this file note of the conversation with Trevor Porter is 24 January 1993. Within five days - I am not sure whether it was on that last day or even before this file note - this case was transferred to Perth. Usually a case is transferred to another court only when an arrest is made and the offender is required to appear and intends to plead guilty, but resides a long distance from the court. If a summons is issued, the plea can be in writing and there is no need to attend the court and no reason to transfer the case. Why then was this case transferred from Geraldton to Perth? There was no need for that. The case could have taken its normal course in Geraldton. It was transferred to Perth because there was interest in the case in Geraldton and the people in Geraldton thought the matter would be coming up in May.

I consulted two of my colleagues, both clerks of courts of recent years, the member for Ashburton, Fred Riebeling, and the member for Northern Rivers, Kevin Leahy, and asked them to read through the file. Some of their comments were interesting. They both said that the case was dealt with exceptionally quickly for a summons. The offence was in October and it was dealt with in March. Normally offences by summons under the Fisheries Act take at least 12 months. Their comments were, "It was obscenely quick", and "It was a world record considering the Christmas period occurred in between when people are having holidays."

I reiterate the main points in this case: Firstly, the failure to charge Kingsley Porter despite the recommendation in the Breach report; secondly, the failure of these officers to be charged with three offences - both my colleagues said that if they have the evidence they charge them, and they were caught cold on all three charges; and thirdly, two of those charges were dropped. These officers were not new to the area; they were regular campers. They would have known that it was out of season and they would have been aware of the legal size of rock lobster. Not a member in this Chamber would not know what a spawning rock lobster looks like. It looks like a Christmas tree with the orange spawn on the stomach.

I would like to know why the court in Geraldton or in Perth was not allowed to decide which charges should be dismissed. That was done within the Fisheries Department, and it was done because of these close links between the Fisheries Department and the Police Department. I doubt that we would have seen a charge laid had that fisheries officer not had the initiative to write the fact that the Kalbarri Fishermen's Association was asking questions about this matter, knowing how the Fisheries Department operated during that period.

The transfer of the Porter case to Perth was highly unusual after a summons and a plea of guilty. That was done to hide the fact from the media. They failed to confirm the names of these officers to the Press, so their names were not used in the press reports, and they failed to allow the matter to take its normal course. These are senior police officers who knew better. The time which was taken to deal with the case was obscenely quick, and Fisheries Department officers tell me that during this period - I do not know that harassment is the right word - the police were constantly ringing up and asking questions. Trevor Porter was convicted of the single offence. The normal practice in the Police Force is that a person who is convicted of an offence outside undergoes internal discipline.

Hon Reg Davies: Which is wrong because it is double jeopardy.

Hon MARK NEVILL: It may be, but the practice in the Police Force is that there is internal discipline of the officer, and it counts against an officer's record if he has some external offence against his name.

Hon P.H. Lockyer: The officer involved in the Sinatra's affair was dealt with in that way.

Hon MARK NEVILL: Yes, but these two officers were not disciplined internally, although one of them was promoted.

A memo on the file dated 29 January 1993 states that the case has been transferred from Geraldton to Perth for the month of March, Mr Porter will plead guilty, and a new complaint is to be drawn up and served on him personally by Crown Law. Normally, summonses are posted. Why on earth was Trevor Porter served with this summons personally? This case throws grave doubt on the integrity of these officers and on the integrity of the relationship between these two departments. I have mentioned the link between these two departments in the activities that they got up to. I remind members that it was Trevor Porter who was sent to investigate the claim against the Director of Public Prosecutions. Trevor Porter was and still is working under the DPP in the special investigations task force.

Hon P.H. Lockyer: He was also the person who arrested Ray O'Connor.

Hon MARK NEVILL: I am not aware of that. Normally, such matters are investigated by the Internal Affairs Branch, but on this occasion the officer came from the group for which the DPP is responsible. That is strange. I have not had it confirmed, but I understand that the DPP wrote a reference for Trevor Porter in a recent appeals promotion. That is the sort of integrity with which we are dealing in this cabal that has made the lives of many police officers an absolute nightmare. Some of these officers have been set up and entrapped, and I will give details of that to the House as I get the opportunity in debates where we can speak on matters that are unrelated to Bills before the House. I know of one officer who was entrapped and who lost hundreds of thousands of dollars and had his business go bankrupt because of spurious charges that were laid against him. The integrity of these people is suspect.

Hon Reg Davies: I did not follow your point about the DPP.

Hon MARK NEVILL: I said Trevor Porter was given the job of investigating the complaint against the DPP when he visited the Inglewood Police Station. I said that is highly irregular because such matters are normally investigated by the Internal Affairs Branch and not by someone who is responsible to the DPP and is in the special investigations task force. It is a very close circle.

I did not want to come into the Parliament with my facts not corroborated so I made an appeal to the Ministry of Justice for the "Statement of Facts" relating to this prosecution in order to see what was put to the court because I thought it would be interesting. The statement of facts is read out in the court and is a public document. The Ministry of Justice refused to provide me with that public document. That is amazing. The response which I received from the Freedom of Information Coordinator in the Ministry of Justice states that the material is exempt -

The document consists of a two page memorandum consisting of the Statement of Facts, as prepared by the Crown Solicitor in relation to charge 23006/93. The document reveals the identities of the complainant and the defendant, the nature of the offence, the facts upon which the charge was based, the range of the penalty for such an offence and includes considerable personal information about the defendant, the defendant's circumstances and statements made, location of the incident and other personal information.

Surely the personal information was relevant to the case; if it was not, why was it there? One of the reasons for refusing my request is "the lack of any public benefit to be gained as a result of the disclosure in terms of promoting a greater understanding of the agency's

administrative or decision making process". I think there is quite a bit of benefit in disclosing these goings on. It continues, under the heading "Balance of Public Interest" -

... I have noted the fact that while the material has already been released to the public, it was released for a very limited purpose and then only to a very limited section of the public (who may have happened to be in the Court).

That is the most specious argument I have ever heard.

Hon Reg Davies: Was this written to you as a member of Parliament?

Hon MARK NEVILL: Yes. It continues -

It is a fact that, in WA Courts, access to copies of Court records (which disclose personal information about persons), is restricted to "Interested parties only".

Hon Derrick Tomlinson: Were you not interested?

Hon MARK NEVILL: No! It continues -

This is despite the fact that Court proceedings are generally open to the public. The reason for the restricted access relates to the purpose of allowing the public to attend Court, that purpose being to promote public understanding of the processes of the Court and to ensure that the public may see that justice has been done. The purpose of open courts is not to simply supply the public with a forum to access personal information about other persons.

I have also conducted a review of the articles (through the Battye Library) appearing in *The West Australian* on 4 December 1992 and 28 January 1993 respectively and am of the opinion that the information disclosed therein -

This is the information disclosed in the newspaper -

- and made public is very general, non identifying -

They would not inform me who it was -

- and does not disclose the circumstances of the alleged offence.

He was convicted!

Hon Reg Davies: Who is the author?

Hon MARK NEVILL: I do not want to disclose the name of that person. I understand he is doing the work of three people and consequently he is probably under a great deal of pressure. The article continues -

Consequently, I have formed the view that in this instance, there is ample evidence to support the view that the material is not already within the public domain and therefore should continue to be regarded as personal confidential information.

Keeping this information from the public was not covered by a court order. The argument is incredibly specious. The suggestion is that just because the information has not been published in the Press - it was read in the court - it cannot now be made available. From that sort of specious thinking it follows that the editor of *The West Australian* decides the scope of the FOI Act. If he decides not to publish all of the information, that somehow limits what is available under the Freedom of Information Act. It is absolute nonsense and the editor of *The West Australian* newspaper would not deign to think he has that power.

Hon Derrick Tomlinson: Don't be misled by that.

Hon MARK NEVILL: This idea of it being disclosed in a public court, one of open record, is quite strange. It is like saying that if I shout something in Hay Street and someone around the corner does not hear me and asks me to say it again because he did not hear me, I am not able to tell him. I am amazed. I have asked for an internal review of the decision. I cannot get the statement of facts, not the statement of opinion, that was read out in court on this case so that I can corroborate the information I have on my file

and other information that I have collected. I told the relevant FOI officer that I wanted to ensure that my information was correct.

Hon Reg Davies: In the public interest.

Hon MARK NEVILL: Yes. He believes that no public benefit can be gained as a result of disclosure by promoting a greater understanding of the agency's administrative or decision making processes by his inquiring into the matter.

This case is a sad reflection of the integrity of those two officers and also of the administration of justice within departments, how it can be manipulated and how the law is not applied in its full force to people in privileged positions. In this case we have one law for senior police officers and another for the people in our community who do not have any power.

Hon Reg Davies: You had better put a couple of locks on your office this weekend.

Hon MARK NEVILL: We all know what has happened with members' offices in the past. I made my views clear on that during a previous adjournment debate. It is not surprising to me that the morale in the Police Force is at absolute rock bottom because of the fear among police officers that people are listening to their conversations. The same has occurred within the Fisheries Department.

I will bring to the notice of the House cases about the victimisation and entrapment of some police officers by the internal affairs branch. A lot of this behaviour reflects the way in which the deputy commissioner operates. We could not wish for a better example than that in a report prepared for the South Australian Government by a female Queen's Counsel, E. Frances Nelson, who inquired into matters relating to the establishment and operation of an Adelaide casino.

Hon Reg Davies: It is a very quoted document.

Hon MARK NEVILL: She is absolutely scathing of the deputy commissioner. It shows a behaviour pattern. This has been reinforced by many police officers who have spoken to me. Once this man decides that a person is corrupt, no evidence to the contrary will change his view. There is a litany to that in this report. One small paragraph reinforces that view. Deputy Commissioner Ayton circulated information to other police agencies around Australia that he knew to be incorrect. The report states -

I have perused the documents described by Mr. Ayton as a "schedule of falsehoods and falsities" which document was tendered to the Royal Commission. It seems to me an attempt to marshal the evidence to fit the theory rather than a fact finding exercise leading to certain inferences. It reminds me (as does much of Mr. Ayton's investigative conduct in this matter) of the Red Queen in "Alice in Wonderland" who observed "Verdict first, the evidence later. As an example, he seizes upon aspects to do with the laundry -

This is the laundry at the casino -

- which was said to be a factor in the cost overruns when he refers to the statement of Mr Rodney David as providing evidence of inconsistencies or untruths. It is obvious that Mr Ayton simply misunderstood the position of that factor in the first place.

There are numerous examples of this person believing someone to be corrupt and pursuing that person to the ends of the earth, ignoring evidence to the contrary. When fronted about something, he said that all the evidence has not come in.

I refer to another case in this report. Some documents were supplied illegally to the Deputy Leader of the Liberal Party in South Australia, Stephen Baker, prior to the last South Australian election. He received copies of National Crime Authority reports and reports by then Detective Sergeant Ayton - or whatever his title was - on the Western Australian casino. It is a criminal offence to release an NCA report. It is only privileged when it is tabled, not when it was given to Mr Baker. It is a criminal offence to have leaked the Western Australian document. We do not have any evidence about who did

that. Frances Nelson was conducting an inquiry into the Genting group. The report states -

In his evidence to the Royal Commission he (Mr Ayton) told Mr Dans that if the Government wished to proceed with the Genting application, it should do so on the understanding that the Chinese way of business in Malaysia is different to "anglo methods of business" in Australia.

That is lovely racist stuff. It continues -

It is a mystery to me how he could purport to be authoritative on the subject. On the 2nd November 1984 he returned to W.A. and drafted a report to the Commissioner of Police attached to which report was a copy of the Gaming Licence of the Genting company which he had obtained in Malaysia.

I was naturally anxious to read Mr. Ayton's report as it was plainly relevant to my enquiries.

They were her inquiries in the Genting group -

Notwithstanding my several requests, Mr. Ayton declined to make available to me a copy of his 1984 report. Initially when I, through the Executive Officer of the Casino Supervisory Authority approached the Director of Public Prosecutions in Western Australia, his office indicated that the report would be made available subject to Mr. Ayton's consent. I was subsequently informed that Mr. Ayton declined to give his consent. When I first spoke to Mr. Ayton, he said that he was reluctant to release the document (although he had a copy in his own possession) but subsequently qualified that refusal by saying that the report was in the hands of the Director of Public Prosecutions and that whether or not it was released to me was "up to the DPP". I caused this information to be conveyed back to the Director of Public Prosecutions, both verbally and in writing. The report was not released either by the DPP or by Mr. Ayton to me. Fortunately that is not the end of the matter. I have been able to obtain through another source a copy of Mr Ayton's report. Having read that report I can quite see why Ayton would be reluctant to release it. It relates to Genting, Tileska, Mr. Dempster, Mr. Hughes, Federal Hotels Ltd and Sabemo. It is a thinly veiled attempt to delay the implementation of a Casino. It is riddled with hearsay, gossip, unsupported innuendo, selective comments, culturally impoverished personal observations of other countries and wide ranging conclusions based on the above matters.

I have no doubt, that Mr. Ayton unfortunately is a man with a very strong degree of racial prejudice. That is an impression which I formed of him in the context of evidence given by him to me.

The report deals with Mr Ayton's evidence from page 294 to 307, if members would like to read it. It is not particularly gratifying material to read. The Police Force in Western Australia has real problems.

Hon Reg Davies: I have been telling you that for three years.

Hon MARK NEVILL: There are problems within the Fisheries Department. Most of the people who I believe are responsible have now left the department, but they really need to be brought to book for the actions and the damage that they have caused to other people's health and reputation over the years. I will continue to pursue this matter and as I get the opportunity I will bring to the attention of this House some of the illegal and improper activities within the Fisheries and Police Departments in this State. I will be providing the information that I have to the select committee inquiring into the police service in Western Australia in order for this matter to be thoroughly scrutinised and people brought to book.

Hon Reg Davies: Hon Mark Nevill will notice that the whole committee has been listening to his speech with interest.

Hon MARK NEVILL: Someone said that there is nothing like a bit of sunlight on these sort of matters to illuminate what goes on. I support the motion moved by Hon Phillip Lockyer.

HON M.D. NIXON (Agricultural) [5.17 pm]: I support the motion moved by Hon Phil Lockyer. I thank the Governor for his speech. I congratulate him on the way he conducts his tasks and extend my best wishes to him and Mrs Jeffery.

I will discuss what I believe are two major problems in Western Australia; one is road accidents and the other is land care. They are becoming more and more interconnected, which in the first instance may seem unlikely, but I believe is true, and they should be dealt with together. Western Australia is a tremendously large State dependent on road transport. We have heard a lot of evidence in recent days about the increasing need for larger vehicles. Road transport is handling an ever increasing amount of freight. In the foreseeable future the standard and width of roads need to be increased. Roads are used for two purposes, namely, the shifting of goods and people. They are both valuable commodities, particularly people. I drive on many of the roads in Western Australia. Every day I become more and more aware of those little white crosses that appear on trees.

Hon Graham Edwards: They are effective.

Hon M.D. NIXON: What amazes me about those crosses is that they are usually nailed to beautiful trees that are perhaps a little bit closer to the road than they should be. Perhaps if they were not such beautiful trees they would have been removed. Perhaps if they had been removed there would not be any white crosses because there would not have been an accident. In a recent crash on the Yanchep Road the gas that powered the vehicle exploded and the person was killed. Somebody, presumably the relatives - because the tree was also destroyed - planted two new trees. I thought that was not a suitable monument for this unfortunate individual.

The history of Western Australia's roads is that in the early days they were surveyed for horse and cart, and it was difficult to envisage how widespread Western Australia's population would become. The roads tended to be on the square and straight. Most roads were only 1 chain wide. Fortunately, some were a little bit wider. The old Geraldton Road, on which I used to live, was a 2 chain road. It finished up as a byway, but when it was originally surveyed the intention was that to would be the main highway between Perth and Geraldton. That road had room for trees on each side and a little bit of comfort. Since those days the number, the size and the speed of motor vehicles have increased, and 1 chain is a difficult easement on which to build a road. Ten metres would be a reasonable width for two lanes of traffic, but when one takes into account room on the side of the road in case somebody leaves the road we probably need something like another 10 metres. Virtually the whole of that reserve is filled with road. The trouble is that on top of this, extra pressures are building up. This is the land care connection.

Although road reserves were originally set aside as roads, they are now seen to have multipurposes, perhaps for good reason. After the Second World War some of the roads were wider than 2 chains and 5 chains became popular in the newer agriculture areas. People realised that the south west portion of Western Australia was being cleared to a large extent and there was a need to leave more trees. Also the view was put that the sight of trees and wildflowers would be of tremendous benefit to tourism in the long run. On some roads one finds a couple of chains of trees on each side. If one drives those roads, particularly at night-time, one is faced with the constant hazard of kangaroos crossing the road. It appears that if there is bush on one side of the road the kangaroos will probably stay there, but if the bush is on both sides they have a habit of crossing the road. At the same time we have a problem of rising salinity and we have groups of people who say we must plant more trees to reverse salinity and that roads are a good place to start. We are getting more pressure from the need to have bigger, wider and better roads, capable of moving larger vehicles and moving people faster - and I think that is an area where we have fallen behind. In Europe people travel at far greater speeds on their roads than we do on ours even though we have far greater distances to travel. We should be aiming for roads that are engineered to allow safe, fast travel. I remind members that the MG motor car has been resurrected this month and the slogan of its makers was "safety fast". The three things to remember about transport is that it must be safe, fast and economical.

The other argument used for planting trees along roads is that our fauna, particularly rare and endangered species, need corridors to travel from place to place. The animals can then move from those bits of natural bush that are left in the country to the next bit. Although it may be true in certain areas that road verges do provide the only habitat for many fauna, it is not a very good place for them to have to survive - it is a very hazardous place in which to live. Those people who believe roadside corridors are the best thing have got it wrong.

Although it is true that parts of Western Australia have been overcleared we need to put it into perspective, because something like 15 per cent of Western Australia is held freehold. Hon George Cash may suggest that it is even less than that. In any case, about two-thirds of that freehold area has been cleared and it is probably true to say that 8 per cent of Western Australia has been cleared. It must be the least cleared part of the world, and if we consider the whole State, it is certainly not overcleared. If we drew a triangle from Bindoon in the north, to Augusta in the south and then out to Albany we would have a triangle of heavy forest country, most of which is not cleared. Part of that is by accident, because the soil is not suitable for agriculture. Other areas were deliberately left or deliberately regrown, and I refer to areas around Mundaring Weir where a salinity problem was beginning to develop, so the forest which had been cleared to assist the run-off was allowed to regrow. Recently I visited a railway carriage in the Cunderdin museum where I saw a picture of Mundaring Weir when it was first built. The whole of the forest was cleared - it looked almost like the wheatbelt; it was still possible to see the stumps. The regrowth that has occurred is amazing. At this stage one would never know it had been cleared. I am told that the salinity level in that catchment area has reduced to what it was initially, which shows that the regrowth has done its task.

My point is that Western Australia should not feel guilty about the number of trees cleared throughout the State. We should look at those areas which have been overcleared and deal with them in specific ways that suit their requirements. This means that the land care district committees, which are the local groups which have undertaken a land care service, have a responsibility to ensure that their tasks are conducted in a way which is not counterproductive to road safety but is certainly in the best interests of land care. If that is the case it is important that the trees which are planted are placed in areas where in the first instance they will do the most good to reduce salinity. We are very fortunate that today many trees are of economic value as well. I refer, of course, to trees such as the Tasmanian blue gum and others which can be used as plantation trees for pulp and also to the hope that the mallee can be used for eucalyptus oil; and we have trees which are suitable for the production of blossom, wildflowers and the rest which could today produce a crop at least as economical as the traditional wheat, sheep and cattle grown in much of the agricultural areas. At least now, because of the economics of tree planting, we have an opportunity to plant trees in the areas that are overcleared without it being in many cases a tremendous economic disadvantage.

Governments have a part to play in this. The Federal Government could give tax incentives for people to plant trees, whether for pulp or land care purposes. On that point, I have always believed that rather than give tax deductions, if Governments wish to encourage the planting of trees they should do it through tax credits or tax rebates. This would mean that a person with a relatively low income might still spend money on land care. A person on a low income will often be unable to spend money on land care - it is the first thing that gets cut from the farm budget. If the Government gives a tax credit the person paying little or no tax would receive a contribution from the Government. On the other hand, a person paying a lot of tax who could certainly afford land care, should be offered a tax credit. In that way the two people would be given an equal contribution from the Government; it is certainly fair to both parties. If we want to improve land care, a tax credit will do the job far more effectively than a tax deduction. The State Government should produce the technical expertise to help land care groups plant trees in suitable areas. Recently I and other members of a standing committee of this House visited Bridgetown and spoke with a land care technician employed by one of the LCDCs. He was planting trees along a creek affected by salt and I suggested that

perhaps they would be better planted in the recharge area at the top of the hill, where one acre planted there would probably be four times as effective as five acres planted in the valley. He agreed but said that the farmers did not want to do that because they did not want to give up their good land. The argument is that because this land has already been turned to salt it does not matter if they plant the trees, but it is a pity to waste good soil by planting trees on it.

Hon A.J.G. MacTiernan: Also they were not interested in benefiting farmers further downstream. They were looking after themselves.

Hon M.D. NIXON: That is right. If the person who owns the top of the hill does not own the creek he does not have the same vested interest in planting the trees. This is where the land care groups must take the lead and ensure that the hydrology is conducted which shows where the trees will be most effective. It is then up to the State Government to provide the expertise, perhaps the economic expertise if nothing else, by explaining what sort of trees should be planted in the area which will allow the farmers to make a buck. The farmers can therefore afford to do it. If trees are to be planted along roads a lot of things must be taken into account. First, we must think ahead. Roads will get bigger, so it is of no use planting trees now which in five or 10 years will be too close to the roads and be difficult to remove. They should be planted well back, taking into account future needs.

Even more important is the need to plant the right plant species. I recall the Main Roads Department planting a lot of everlastings along the side of the road in the Mullewa area. That is an excellent idea because they are most attractive and a great boon for tourism; there is nothing like a field of everlastings. They should be followed further back by small shrubs which, if a car does leave the road, provide some chance of slowing it up, perhaps before it hits a salmon gum that is two feet across the base. The place for trees is well back from the road. In most cases they should be planted on just one side of the road. On one side of the road between Mullewa and Dalwallinu there is a railway reserve which is perhaps 5 chains wide and on the other side there is another 5 chain strip which has been resumed and planted with trees. It is very worth while, although I think trees would have been better planted somewhere on the recharge area. In 20 years people will drive from Mullewa to Dalwallinu and not see a farm paddock. I do not think this will help the tourism industry because tourists like a mosaic. Driving through tall forests is pleasant, but then there is nothing more boring than driving from Armadale to Williams through a long stretch of jarrah forest; people become very bored with it after a while. I suggest, therefore, that a mosaic is required. There are places where it is appropriate to have solid forests and places where it is appropriate to have treed areas and farms. The farms should have the optimum number of trees and some areas of cleared land. Overall, the tourists would appreciate a mosaic more than anything. Therefore, with proper planning, there is no reason why we cannot get it all together and have farms which are sustainable in the long term with land care and safe roads which are not only suitable for tourists, but also attract tourists.

All in all I believe that what is required at this stage is a community approach because it is a community problem. If one group charges in and does its own thing without thought for what its conduct will do to other groups, the community will be far worse off. This is something that all Western Australians should consider at this time because we have gone from a period where we cleared the land of far too many trees to a period where perhaps we are planting trees without really thinking about where we are planting them. That is something that we as a community must consider in the future.

Debate adjourned, on motion by Hon N.D. Griffiths.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON GEORGE CASH (North Metropolitan - Leader of the House) [5.32 pm]: I move -

That the House do now adjourn.

*Adjournment Debate - Industrial Training, Office of, Outsourcing of Functions;
Crown Law Advice*

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [5.32 pm]: I want to take some of the time of the House before it rises to consider an answer that I received to a question I asked today of the Minister for Education. The House may recall that recently I have asked a number of questions of the Minister about the Office of Industrial Training. The answer I received today was most surprising, although, in some respects, expected. The Minister told me that the Office of Industrial Training which is part of the Department of Training received Crown Law advice on 20 March about the outsourcing of certain functions in the Office of Industrial Training. The Minister said that the advice indicates that there are no legislative impediments to what the department proposes for industry to assume greater responsibility for apprenticeship and training administration.

I tabled in the House a document entitled "Draft" from the Crown Solicitor's Office dated 1 March which advises that considerable problems are associated with this matter. It states in part -

One category of officer of the Division is field officers whose functions include visiting sites and factories, speaking to apprentices and trainees, checking on progress and compliance with the Act, ensuring the validation of skills of apprentices and trainees, addressing various problems such as problems with attendance at courses, TAFE problems, industrial relations problems etc.

It then refers to the outsourcing to be conducted in two stages and poses two scenarios. The first is that there will be no need for field officers and the second is that there is a need for field officers. It states -

If field officers are not necessary in that sense, there does not appear to have been any statutory authority for their engagement in the past. Further, if they are not necessary, there does not appear to be any authority by which their functions can be put to tender in the second stage of outsourcing.

On the other hand, if field officers are necessary, their functions and duties still cannot be carried out. That is because of section 17(1) and 17A. Under the former provision the officers necessary are to be "appointed" and under the latter provision any delegation may only be to an "officer" appointed under section 17(1).

An officer must be a public servant. Sections 37 and 38 of that same Act apply to traineeships and the delegation powers are exactly the same.

The advice received by the department on 1 March in my view suggests that the Office of Industrial Training was going down a path of delegating certain functions to a private sector contractor or individual - it was heading headlong into privatisation. The difficulty was that it could not delegate those powers. Furthermore, it was advised that it could not do that. That was the first advice. The Act is very clear to me and to the people to whom I have spoken. Having received that information on 1 March, members may recall I asked a question about whether a payment had been made or authorised on 16 March. Therefore, in the knowledge that something was unlawful at best, the department then paid out money for an unlawful act. Some people could contend that that was illegal. If it is an illegal act and a government body is paying money as an illegal act, there is a word for that which I think starts with "f" and it is a serious matter.

The Minister said in this place in answer to questions I have asked in the past four days that he provided the policy direction for the office to go down that path and he was prepared to commit funding to it. Ultimately, the Minister, under the Westminster system, is responsible. By virtue of the information I have received and the answers I have received from the Minister, excluding today's answer, there seems to be a problem. There is also a problem that, on 1 March, the Crown Solicitor's Office advised one thing, yet we were given in this place on 20 March totally contrary advice.

Hon Kim Chance: Perhaps the Minister did not like the first advice.

Hon JOHN HALDEN: I am sure he did not like it - maybe he did not see it.

Hon N.F. Moore: This is the first time I have seen it.

Hon JOHN HALDEN: I am sorry, I did not mean to say that about the Minister. I will be very careful about what I say. The chief executive officer who asked for the opinion probably did not like it. There was probably then a number of telephone calls so that he could obtain an opinion that satisfied the department. That is not good enough. I ask all members to read the Act; it is clear.

Earlier, in question time, an answer to a question asked by Hon Jim Scott indicated that the Government was going headlong down a path to privatisation, to outsourcing.

Hon Kim Chance: And to hell with the law.

Hon JOHN HALDEN: Yes, to hell with the law. It is not good enough for government Ministers to dispense with the law of the land, or for the Minister to tell me that it has been approved under some commonwealth-state understanding. It is not good enough to say that it was approved by the Chamber of Commerce and Industry and approved by the Australian Council of Trade Unions. I could not care less. The Minister, as a Minister of the Crown, has a responsibility first and foremost to uphold the law and the Statutes of this State. More importantly he has a responsibility to uphold the law in the area for which he has responsibility as a Minister.

Hon N.F. Moore: As did Ministers before me!

Hon JOHN HALDEN: Here we go again, duck shoving. It is somebody else's fault, not his!

I will concede that the Minister may not have known about this. However, there is no doubt that the chief executive officer knew about it. The letter is addressed to him. I would be having a chat with him very quickly after today if I were the Minister because the Minister will have some more problems with this matter on about Tuesday of next week.

Hon N.F. Moore: You always make these threats.

Hon JOHN HALDEN: I will carry them out. It is intolerable in a system of parliamentary democracy for an office administered by responsible people under a Minister to break the law of the land as the Crown Solicitor has suggested in his letter of 1 March. If the Minister wants to table the letter of 20 March from the Crown Law Department, he can do so and we will look to see how it is changed. Has it changed?

The Minister cannot hide behind this veil of secrecy for ever. The Minister cannot expect people to believe, when we can produce one document which clearly puts one case, that there is then another contrary view by, presumably, the same officer. I suggest that is almost impossible if there is to be integrity in an officer's view. The issue that should not be forgotten is whether the Minister has the right to commit government funds to something which he knows or has been advised is illegal. In this case, it appears that government funds have been committed to it. Has there been a fraudulent act in regard to this matter? It may be that there was a breakdown in communication between the Minister and the chief executive officer; if so, the Minister should fix that quickly. However, I remind the Minister that he is ultimately accountable.

HON N.F. MOORE (Mining and Pastoral - Minister for Education) [5.41 pm]: I am happy to accept total responsibility for what happens in my portfolios, as is required under the Westminster tradition of ministerial responsibility, but I remind the Leader of the Opposition, who pontificates on this issue, that for 10 years we saw the exact opposite in Western Australia. We had a royal commission which is littered with reference to the fact that Ministers of the former Government took no responsibility for the decisions of government. I am happy to take responsibility for what I do.

The first I heard about the legal advice that had been sought was today, because the Leader of the Opposition asked a question, with some notice, and I was provided with a copy of legal advice provided by the Crown Solicitor which said that the course of action

which the Department of Training was taking was legislatively legitimate. I also said in answer to the question asked by the Leader of the Opposition that it is not normal for Governments of any persuasion to table legal advice; and I stand by that. I do not intend to table the 20 March legal advice any more than I intend to table any other legal advice.

The Leader of the Opposition has trotted out a document which I guess fell off the back of a truck. I hope it fell off the back of a truck and was not stolen like some other documents to which I have referred in this place and which are still being peddled to the media by the Leader of the Opposition. I guess any leaked document is a stolen document.

Hon E.J. Charlton: Yes it is; it incurs a three year penalty.

Hon N.F. MOORE: The taking and photocopying of documents from my office in Parliament House, which were used by the Leader of the Opposition to be given to journalists to make a point, is reprehensible, and I would like to see that person prosecuted accordingly if anyone can find out who did it and can prove it.

Hon Kim Chance: If you do not know who did it, how do you know they were stolen?

Hon P.R. Lightfoot interjected.

Hon Sam Piantadosi: Mr Deputy President, Lord Sandstone is interjecting out of his seat.

The DEPUTY PRESIDENT: Order! He is aware of that.

Hon N.F. MOORE: Now that I have a copy of this so-called leaked document, which I had not until this moment seen, I will take up the matter with the chief executive of the Department of Training and find out whether there are discrepancies between this and the other document, not having read this document but knowing what is in the other document.

The processes which the Department of Training is seeking to undertake in respect of the Office of Industrial Training are in line with what every other Government in Australia wants to do, what the Federal Government believes we should do, what the Australian Council of Trade Unions believes we should do, what the Western Australian Chamber of Commerce and Industry thinks is appropriate, and what the Australian Federation believes we should do. Everyone agrees that to continue down the path we have been taking is inefficient, costly and should be changed. I hope that once we have resolved the question of whether it is possible to go down that path, the Leader of the Opposition will agree that we are doing a good thing and are delivering the required supervision of traineeships and apprenticeships in a more cost effective and efficient way. The resources and energies are being targeted towards those people who are breaching the proper processes of apprenticeships and traineeships, and I hope the Leader of the Opposition and the Trades and Labor Council will come into line with the rest of Australia in regard to this issue.

In the meantime, I will examine the document to which the Leader of the Opposition referred today in the context of the document which I saw today, which states clearly that what the department is seeking to do is legitimate, proper and legislatively acceptable, and find out why there may be a discrepancy. If there is a difference of opinion, I would be interested to talk with the one legal counsel who changed his mind. As Hon George Cash said, people are entitled to change their minds, and perhaps he has changed his mind for a legitimate reason.

Hon John Halden: That would be pretty difficult under the Act.

Hon N.F. MOORE: That is the opinion of the Leader of the Opposition. The Leader of the Opposition has tabled an opinion which he claims is the only opinion that is worth hearing about. I have read an opinion which states that it is proper, so the Leader of the Opposition has to accept that. I would not stand here and say I had that opinion if I did not have it because the Leader of the Opposition could then take further action in regard to that matter. I will check it out.

It is a pity that the Leader of the Opposition has to use the word "unlawful" in regard to

the actions of the CEO and other words of that nature. The Leader of the Opposition spent yesterday attacking one CEO and he has spent today attacking another CEO, both of whom were appointed before my time but have my confidence. The Leader of the Opposition cannot help himself in this place in attacking people who cannot respond. The Leader of the Opposition was happy to pour a bucket over Mr Black yesterday in the most outrageous fashion, when Mr Black cannot defend himself. The Labor Party is all about character assassination. I invite members to watch what members opposite are doing, under the leadership of McGinty and Halden - two head kickers extraordinaire - who have been running this campaign of character assassination from day one, with the assistance of Hon Alannah MacTiernan, and who pick on people, mostly those who cannot defend themselves and cannot stand up in this House, as I can, to respond, without caring what effect that may have on their lives.

Hon Kim Chance: What are your CEOs doing to thousands of Public Service jobs - carrying out your orders!

Hon N.F. MOORE: That is exactly right. If a CEO is carrying out the Government's orders, then members opposite should blame the Government, not the CEO. Hon Kim Chance should know better than that; he is a different type from his leader. If a CEO is carrying out the Government's orders, members opposite should attack the Minister, not the CEO, but members opposite cannot help themselves. The Leader of the Opposition could not help himself yesterday and he cannot help himself today. It is typical of the way this Opposition behaves. What a terrible thing it is that we are descending into the politics of character assassination. That is what we have in Western Australia these days, and the Leader of the Opposition here and Mr McGinty will be the losers because the people of Western Australia do not go for politics of that type. The Leader of the Opposition will learn that he cannot walk into this House and say whatever he likes whenever it suits him regardless of whether it is true. The Leader of the Opposition should know better than anyone else about parliamentary privilege.

Hon John Halden interjected.

Hon N.F. MOORE: Is the Leader of the Opposition making another threat? The Leader of the Opposition spends all of his time in this place threatening people. He is a standover merchant and he uses parliamentary privilege to denigrate those whom he chooses, and his record stands as testament to what I am saying.

Question put and passed.

House adjourned at 5.48 pm

QUESTIONS ON NOTICE

HOMESWEST - PROGRAMS MEETING NEEDS OF ABORIGINES

424. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

- (1) Which departments and agencies within the Minister for Housing's portfolio areas have programs aimed at delivering services or other Government activity to meet the needs and interests of Aboriginal people in Western Australia?
- (2) What funds have been allocated within the 1994-95 financial year for specific use by each of these departments or agencies within the Minister's portfolio area to deliver programs that target the needs of Aboriginal people?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

- (1) Homeswest.
- (2)

CSHA funds tied to Aboriginal housing	\$15 862 000
Stage allocation from untied CSHA funds	\$1 500 000
Total	\$17 362 000

In addition, \$565 000 of ATSIC funds was allocated to the Homeswest Fund 6 Remote Program by the Kalumburu community. The above figures do not include mainstream programs which also assist Aboriginal people.

MULTICULTURAL INTERESTS, OFFICE OF - PRIVATISATION OF FUNCTIONS

616. Hon N.D. GRIFFITHS to the Minister for the Environment representing the Minister for Multicultural and Ethnic Affairs:

With respect to the Minister for Multicultural and Ethnic Affairs' department and each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since 16 December 1994?
- (2) As a result of that, how many full time equivalents have left the public sector?

Hon PETER FOSS replied:

The Minister for Multicultural and Ethnic Affairs has provided the following reply -

- (1) No functions of the Office of Multicultural Interests have been wholly or partly privatised since 16 December 1994.
- (2) Not applicable.

HOMESWEST - PRIVATISATION OF FUNCTIONS

618. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Housing:

With respect to the Minister for Housing's department and each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since 16 December 1994?
- (2) As a result of that, how many full time equivalents have left the public sector?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

- (1) Homeswest's inter-metropolitan courier service as from early April 1995.
- (2) One FTE position to be abolished.

HOMEWEST - HEALTH CARE BENEFITS

627. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Housing:

What departments or agencies under the Minister for Housing's responsibility provide health care benefits and in each case what are those benefits?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

Homeswest does not provide benefits specifically to health care card holders.

MULTICULTURAL INTERESTS, OFFICE OF - HEALTH CARE BENEFITS

632. Hon N.D. GRIFFITHS to the Minister for the Environment representing the Minister for Multicultural and Ethnic Affairs:

What departments or agencies under the Minister for Multicultural and Ethnic Affairs' responsibility provide health care benefits and in each case what are those benefits?

Hon PETER FOSS replied:

The Minister for Multicultural and Ethnic Affairs has provided the following reply -

The Office of Multicultural Interests does not provide any health care benefits.

QUESTIONS WITHOUT NOTICE

WATER AUTHORITY OF WESTERN AUSTRALIA - DRINKING WATER

Aluminium Level

56. Hon SAM PIANTADOSI to the Minister for Water Resources:

- (1) *The West Australian* of 29 March 1995 reports Health Department officials saying that the level of aluminium when it reaches domestic taps is 0.1 milligrams a litre. How does the Minister reconcile that maximum level with his response in this place yesterday that the current guideline is 0.2 milligrams a litre?
- (2) How does he reconcile his statement that the guideline is 0.2 mpl and that "all Perth's groundwater treatment plants are operated so as to comply with this guideline value" when the list of readings he tabled at the same time shows that on 14 March 1995, a reading of 0.303 mpl was taken at Mullaloo and readings during the past two years of 0.278 mpl at Quinns Rocks; 0.201 mpl at Wanneroo and 0.238 mpl at Quinns Rocks Tk II?
- (3) Does he consider that the average of the 60 readings tabled by the Minister of 0.123 milligrams a litre is appropriate?
- (4) Will the Minister table today readings taken during the past two years from the metropolitan domestic water supplied south of the river?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The current guidelines in use by the Water Authority are the 1987

guidelines for drinking water quality in Australia and this gives a level of 0.2 milligrams a litre.

The Australian drinking water guidelines are under review and expected to be published at the end of 1995. The June 1994 draft says "Water Authorities are strongly encouraged to keep acid soluble aluminium concentrations as low as possible, preferably below 0.1 milligrams per litre". This is still a draft and has not yet been recommended for adoption.

- (2) Perth's groundwater treatment plants are operated to comply with the 0.2 milligram a litre standard. Occasional plant malfunctions and the stirring up of accumulated sediments in the water mains, which include aluminium, would be responsible for the higher readings.
- (3) Yes.
- (4) Yes, I now seek leave to table this document. [See paper No 229.]

WATER AUTHORITY OF WESTERN AUSTRALIA - SEWERAGE
Landsdale, Deep Sewerage Work by Contractors

57. Hon SAM PIANTADOSI to the Minister for Water Resources:

Can the Minister confirm that private contractors carrying out new deep sewerage work at Landsdale -

- (1) broke a small water mains service;
- (2) proceeded to turn off the water main without any authority from the Water Authority;
- (3) did not inform local residents that they were turning off the water to 200 homes;
- (4) did not contact Royal Perth Hospital or the Water Authority to ensure that there were no renal dialysis patients living in the area; and
- (5) is the Minister aware that dialysis machine patients need to operate their machines three times a week for four hours at a time and that any unexpected disruption to this process is life threatening?

Hon PETER FOSS replied:

- (1)-(3) Yes.
- (4) Yes, however, there are no renal dialysis patients living in the area.
- (5) Not applicable.

It is new deep sewerage work in Landsdale, and it is usual for such new work to be carried out by contractors. We are also using contractors for infill sewerage. I have established a panel for that to ensure satisfaction regarding the public concern that quality assurance is put in place by the Water Authority. The size of the infill program is massive. It is rather like two dams being built each year, and because of the nature of the work it impinges significantly on everyday living. It was a concern of mine that not only the Water Authority put in place appropriate measures for this large project but also that the public could be assured that is the case. As a result of discussions with Mr George Strickland I have set up a panel comprising him and two engineers whose role it will be to review these matters on behalf of the public to ensure that the quality assurance measures are in place.

Among other things the panel will ensure that complaints are adequately dealt with by the Water Authority. Obviously the complaints must be dealt with by the Water Authority; I think some 20 people are dealing with inquiries that come in, it being such a large project. The panel will ensure that satisfaction is guaranteed, and where necessary ensure that the contractual requirements are updated and enforced; and that where necessary people who do not comply with the requirements are prevented from applying in future. This needs to be done

because the project will go on for 10 years. I am sure that as it proceeds people will settle into it more easily. I am concerned that in the early days we have as good a quality assurance process as possible.

WATER AUTHORITY OF WESTERN AUSTRALIA - SEWERAGE
Private Contractors, Authority to Turn Off Water Service Main

58. Hon SAM PIANTADOSI to the Minister for Water Resources:
 Do private contractors have the authority to turn off the water service main?

Hon PETER FOSS replied:

As I understand it, no not without the authority of the Water Authority.

HOMESWEST - COLLIE, UPGRADE-MAINTENANCE OF STOCKS FUNDS

59. Hon J.A. COWDELL to the Minister representing the Minister for Housing:
- (1) What funds, if any, have been allocated by Homeswest for the maintenance and/or upgrade of stocks in Collie over the next two years?
 - (2) Are there any plans for major upgrade works in the Wilson Park area of Collie?
 - (3) If yes, what is the cost of the works?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) In 1995-96 it is proposed that \$164 500 will be spent on upgrade-maintenance, subject to budget and program approval.
- (2) No.
- (3) Not applicable.

WATER AUTHORITY OF WESTERN AUSTRALIA - SEWERAGE
Private Contractors, Code of Practice

60. Hon SAM PIANTADOSI to the Minister for Water Resources:
- (1) Has the Minister or the Water Authority issued a code of conduct to private contractors undertaking new or infill sewerage programs?
 - (2) If yes, does this code of conduct include reporting any damage to the Water Authority, Western Power or Telecom?
 - (3) Does it include reporting damage to public and private property?
 - (4) Who is responsible for monitoring the work of the private contractors?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1)-(4)

No. However, the conduct of private contractors on works contracts in the areas questioned is generally specified in the contract documents. Furthermore tenderers are required to act in accordance with the code of practice of the WA Building and Construction Industry during tendering and in any contract arising out of the tender.

I state again that I have established a panel which will not only ensure that things are being carried out properly -

Hon Sam Piantadosi: It is a bit late.

Hon PETER FOSS: It has 10 years to go, and represents \$800m. I do not think it is too late at this stage.

Hon Sam Piantadosi interjected.

Hon PETER FOSS: But there is 10 years to go, and it is \$800m. The important

thing is that generally speaking the work is being carried out adequately. It is also important that the public receives assurance.

Hon Sam Piantadosi: I will have something to say next week.

Hon PETER FOSS: I welcome any positive suggestions the member makes because I have no wish that the standards should be anything other than the best. I will be very happy to hear any suggestions the member may make to improve how matters should be undertaken. I assure the member I will take those suggestions seriously. I will pass them on to the panel. It has the capacity to ensure that the Water Authority has procedures in place properly to ensure this magnificent 10 year project is achieved. It is a magnificent project. We should all be proud of it. I want to make certain that it is all positive news for the people of Western Australia. That includes giving people an ability to ensure that the process is correct. That is an important part of anything that is done. This is an important project.

**INDUSTRIAL TRAINING, OFFICE OF - DEVOLUTION OF
APPRENTICESHIP AND TRAINEE ADMINISTRATION**
Advice from Crown Solicitor's Office

61. Hon JOHN HALDEN to the Minister for Education:

Some notice has been given of this question. In implementing the devolution of the supervision, monitoring and evaluation of apprentices and trainees through the Office of Industrial Training -

- (1) Did the Minister or his department seek legal advice relating to the conformity of that scheme to the law as it stands?
- (2) If so, when was that advice given, to whom was it given, and when was the Minister made aware of it?
- (3) Will the Minister table that advice?
- (4) If not, will he say what was the nature of that advice?

Hon N.F. MOORE replied:

- (1) The Department of Training sought advice from the Crown Solicitor's office.
- (2) The advice was provided on 20 March 1995 to the Chief Executive of the Department of Training, and I was provided with a copy today.
- (3) It has not been the practice of the present Government or past Governments to table advice from the Crown Solicitor's office.
- (4) The advice indicates that there is no legislative impediment to the department's proposals for industry to assume a greater responsibility for apprenticeship and trainee administration.

TRAINING, DEPARTMENT OF - CONTRACTING OUT SERVICES
Advice from Crown Solicitor's Office

62. Hon JOHN HALDEN to the Minister for Education:

In response to the Minister's answer to my previous question in which he said there was no legal impediment to the Department of Training contracting out various services -

Hon N.F. Moore: No legislative impediment.

Hon JOHN HALDEN: - I seek leave of the House to table a draft response from the Assistant Crown Solicitor dated 1 March 1995 which details clearly that there are a number of impediments to this program.

How can the Minister reconcile the two statements made by the Crown Solicitor - one on 1 March - which clearly state that problems exist with the advice the Minister received today that there were no problems?

The PRESIDENT: Order! I will put the question seeking leave to table the papers, but I remind Hon John Halden that we are in question time now; we are not in tabling of papers.

Hon John Halden: I am just trying to help the Minister.

The PRESIDENT: Hon John Halden does not need to.

[Leave granted.] [See paper No 230.]

Hon N.F. MOORE replied:

As I said in my answer to the previous question, the advice was provided to the Department of Training on 20 March. I received a copy of that today. I have never seen the document which has just been tabled. I am interested to know how the Leader of the Opposition obtained it. I wonder whether it was in the same way as he gets other papers which he has presented from time to time. I will look at the paper he has just tabled and obtain advice from the Crown Solicitor's office on why there are two conflicting sets of advice. The advice provided on 20 March, which I read, clearly indicates that there are no legislative impediments to what the department proposes. Hon John Halden for some reason is out of step with his federal colleagues, with every other State, with the Chamber of Commerce and Industry of Western Australia, and with the Australian Council of Trade Unions, and with everybody who has a view on this matter, other than himself.

Hon John Halden: But I am not acting illegally.

Hon N.F. MOORE: If there are two sets of Crown Law advice which are contradictory, I will seek an explanation for why that is the case. I repeat: I received advice, which I read today, which indicates that there are no legislative impediments to what is being done.

BALLAJURA COMMUNITY COLLEGE - FEES

63. Hon JOHN HALDEN to the Minister for Education:

With reference to Ballajura Community College, the Minister has not yet revoked the charging of the \$215 amenity fees for year 7 students in spite of the fact that it exceeds the maximum of \$206 allowed under statutory regulation -

- (1) Is the Minister aware that of the 573 students attending the school more than 200 students' parents claimed exemption from the fee because they hold health benefit cards?
- (2) Will the Minister concede that the decision to charge such an outrageous fee in a school where 40 per cent of the students can claim exemption was made without any thought of the parents' ability to pay such an outrageous fee?

Hon N.F. MOORE replied:

(1)-(2) The fee of \$215 for secondary school students -

Hon John Halden: These are year 7 students. Let us be clear.

Hon N.F. MOORE: Let me give Hon John Halden some background so that for once in his life he might understand something.

Hon John Halden: You stop telling people to break the law.

Hon N.F. MOORE: That fee was set as a result of a committee headed by Hon Pam Beggs 10 years ago. She recommended to the then Minister - probably Bob Pearce - that there should be a set fee of \$215 maximum for secondary schools. That fee has been in place ever since. I have not changed it, nor has any other Minister for Education. That fee has been charged for secondary school students across Western Australia.

As I told the House ad nauseam yesterday, the Ballajura Community College is a

middle school. It is the first of its type in Western Australia where year 7 students go into a secondary school. It is designated as a secondary school. The staff at the school, having to make decisions about these matters, decided that because it was a secondary school they would seek advice from the corporate executive of the Education Department, which sought Crown Law advice, about whether they could charge a secondary fee. The advice was that they could; therefore, they implemented that fee.

Hon John Halden: You misled the House the other day.

Hon N.F. MOORE: I beg your pardon?

Hon John Halden: You told us that it was the community who set that fee.

Hon N.F. MOORE: When I talk about the community I mean that the school community itself made the decision to go down that path, and sought advice on that. If Hon John Halden believes that the school community is only the teachers and the principal, he can argue that if he wishes. The bottom line is that Crown Law advice was given to the school that it could charge that fee because it is, in effect, a secondary school. The point Mr Halden makes is germane to the argument, because secondary students can apply for a range of exemptions for a variety of reasons. That cannot be done in primary school. The students in year 7 at Ballajura, unlike year 7 students anywhere else, can apply for exemptions. Many have, and many will get them.

Yesterday Hon John Halden raised the question of a breach of the regulations. I have not had a chance since yesterday to find out whether that is correct. If the fee is in breach of the regulations I will suggest that it be changed. The advice I have received since is that Crown Law suggests it is quite proper. I will look at the issue again and seek another opinion. If, as Hon John Halden says, the students should not be paying the fee because it breaches the rule, they will not pay it. If it is legitimate and the decision is made at the school level to charge the fee, that is what will happen and students who seek an exemption will be granted one just like every other secondary school student who deserves an exemption.

ANDERSON, ROB - TRANSFER FROM HEALTHCARE LINEN

64. Hon J.A. SCOTT to the Minister representing the Minister for Health:

- (1) When was Rob Anderson, the manager of customer services of Healthcare Linen - formerly known as Hospital Laundry and Linen Services - transferred from that department to the Health Department's East Perth offices?
 - (a) Was this transfer made to avoid a possible conflict of interest due to Mr Anderson's being connected with a tender for the Healthcare Linen services?
 - (b) Was the transfer at the request of the Acting Commissioner of Health, Mr Paul Solomon?
 - (c) Why did the Minister for Health write to the Commissioner of Health, Peter Brennan, directing him to reinstate Mr Anderson at Healthcare Linen soon after he became Minister for Health?
 - (i) On what date did the Minister for Health make that direction?
 - (ii) Will the Minister table that letter; if not, why not?
 - (d) Does the Minister have any concerns regarding a possible conflict of interest in Mr Anderson's placement in Healthcare Linen during the tendering process for its services?
- (2) Does the Minister for Health have a relationship with Rob Anderson outside the Health Department?

(3) Is Rob Anderson a member of the Liberal Party?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) Mr Anderson never commenced at the Health Department's East Perth offices.

(a) Yes, it was the acting commissioner's view that there was a potential conflict of interest in Mr Anderson's continuation at Healthcare Linen.

(b) Yes.

(c) Having regard for propriety of the process, public sector ethics, and fairness in respect of the manner in which Mr Anderson was being treated by the Health Department, on 20 February 1995 the Minister sought to review the decision made by the Health Department. This action was taken after the matter was drawn to his attention by the Minister assisting the Minister for Public Sector Management.

(d) The integrity of the tender process for the sale of Healthcare Linen is of paramount concern to the Minister. However, he does not consider that Mr Anderson's continuation in his current position would in any way compromise that integrity provided all relevant information is made available to the tenderers and Mr Anderson plays no part in the evaluation process. Further, to overcome any perception of impropriety, the Minister instructed the Commissioner of Health to ensure that all tenderers were advised that there was an in-house bid.

(2) Mr Anderson is not personally known to the Minister.

(3) The Minister is not aware of Mr Anderson's political affiliations.

I seek leave to table the paper.

[Leave granted.] [See paper No 231.]

ROAD TRAFFIC AMENDMENT BILL - DRINK DRIVING OFFENCES, HARSHER PENALTIES; BLOOD ALCOHOL CONTENT EFFECTS

65. Hon GRAHAM EDWARDS to the Leader of the House:

On 7 May 1992 during the debate on the Road Traffic Amendment Bill, which sought to introduce harsher penalties for drink drivers - a move which I remind members was defeated in this House - the Leader of the House at page 1948 of *Hansard* stated -

... I have established clearly in my mind that no significant reduction in road fatalities or trauma occurs when the blood alcohol content is reduced from 0.08 to 0.05 per cent.

In view of today's announcement by the Minister for Police that tougher new penalties for drink driving offences will be introduced in Western Australia, some three years after they were proposed by me in this Chamber, will the Leader of the House indicate whether he has changed his mind after a further three years of carnage on our roads and whether the coalition in the Legislative Council will be supporting the legislation when it eventuates?

Hon GEORGE CASH replied:

The member has referred to a debate in this House on 7 May 1992. I do not recall the exact debate.

Hon Graham Edwards: I quoted you word for word.

Hon GEORGE CASH: I will obtain a copy of the *Hansard* later to check it. I do not suggest the member did not quote what I said at the time. I will relate a little story to the House of what occurred to me about 1986 when I was a member in the other place and had responsibility for police matters. At the time the then Burke Labor Government introduced a Bill to require random breath testing in Western Australia. That Bill was vigorously opposed at the time by the coalition, and it was my job as spokesman for the coalition to state our position in the Parliament, which I did. Before doing that I carried out a fair amount of research of debates in *Hansard* and found that some years previously Premier Brian Burke, when a member of the Opposition, had made a certain statement. As best I recall at this stage - I was not a member of the House when he made the statement - I made notes to the effect that when in opposition Brian Burke was vigorously opposed to random breath testing. He thought it an infringement of people's civil liberties and could present a health hazard, etc. Armed with that and with other statistics I went into the Legislative Assembly. I stood at the appropriate time and said, "Mr Premier, on a certain day some years previously you made the following statements." They were to the effect that RBTs would not work, and they were an infringement of liberties and a health hazard. I said to him, "What do you say to that?" He said to me, "I have changed my mind. What do you say to that?" I was about three and a half minutes into my speech, and it tended to slow me down a little. I relate that story because I may have made this statement in 1992. As I have said, I will go back and look at them.

Hon Reg Davies: Now you are better informed.

Hon GEORGE CASH: I am not sure that I am better informed. However, I certainly reserve my right to change my mind. That does not answer Hon Graham Edwards' question. I will look at the debates and if I believe I need to clarify this further I will take it up with the member. My understanding is that the proposition being put forward by the Minister for Police does not relate to whether there is a difference in the ability of someone to drive with a blood alcohol content of 0.08 and 0.05 but to harsher penalties. It is not necessarily a question of blood alcohol content.

Hon Graham Edwards: They go hand in hand.

Hon GEORGE CASH: I am suggesting that the story in this morning's newspaper related to harsher penalties rather than the effect of blood alcohol content.

EASTON, BRIAN MAHON - PREMIER'S OFFICE INQUIRY

66. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Premier:
- (1) Will the Leader of the House confirm that during 1993 and 1994 employees of the Premier's office were conducting a general investigation of Brian Mahon Easton, including allegations of general misconduct?
 - (2) Will the Leader of the House confirm that on 18 January 1994 a staff member of the Premier's office attended a meeting at the offices of the solicitors of West Australian Newspapers Ltd in order to assist those solicitors in defending a libel action by Mr Easton against the newspaper?
 - (3) Will the Leader of the House confirm that one of *The West Australian's* solicitors accepted an invitation to attend the Premier's office to inspect and copy documents which were said to impugn the reputation of Mr Easton?
 - (4) Will the Leader of the House name the other government Minister who had staff engaged in this investigation of Mr Easton and in providing material to *The West Australian's* solicitors?
 - (5) Can the Leader of the House estimate the time and cost to taxpayers spent in pursuing this investigation?

- (6) Can the Leader of the House explain why the Premier's office has engaged in the pursuit of Mr Easton and could he advise whether other private citizens are under a similar investigation?
- (7) Was the information gathered in the exercise passed on to -
 - (a) the Privilege Committee inquiring into the petition of Mr Easton, to Hon Peter Foss or to any other member of that committee;
 - (b) the police;
 - (c) the Director of Public Prosecutions?
- (8) If no to question (7), why not?

Hon GEORGE CASH replied:

- (1)-(8) I notice that in part (5) of the question the member has substituted the Leader of the House for the Premier, which was in the original question. However, I have no complaint about that and understand why it was done. In the time available I have been unable to provide an answer to the question. If the member puts it on notice I will respond when the information is available.

Hon John Halden: We will ask you on Tuesday. You are not hiding down that road.

The PRESIDENT: Order!

FISHERIES DEPARTMENT - OFFICERS
Improper Practices Allegations, Police Inquiry

- 67. Hon MARK NEVILL to the Minister for Transport representing the Minister for Fisheries:

In respect of the police investigation into allegations in *The West Australian* in August 1993 of improper practices carried out by Fisheries Department officers -

- (1) Which police officer was in charge of the investigation?
- (2) To whom did this police officer report?
- (3) Which officer of the Fisheries Department was charged with the responsibility of assisting the police with their investigation of the claims?
- (4) To whom did this officer report?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(2) The member should direct these questions to my colleague the Minister for Police.
- (3) The Director of Operations, Mr E. Little.
- (4) The Executive Director of Fisheries, Mr P. Rogers.

ROADS - NORTHERN CITY BYPASS
Causeway Traffic Flow

- 68. Hon A.J.G. MacTIERNAN to the Minister for Transport:

In respect of the planning for the northern city bypass -

- (1) How many vehicle movements per day are there over the Causeway?
- (2) What percentage of this traffic is estimated to be city bound and what percentage is estimated to be destined for locations north of the city?
- (3) What are the estimates for growth of Causeway traffic and is it expected that the ratios of city bound and bypass traffic will remain the same?

Hon E.J. CHARLTON replied:

I thank the member for notice of the question.

(1)-(3) In 1993-94 the annual average weekday traffic flow over the Causeway bridges was 102 256 vehicles a day. By 2021 this is expected to increase by 27 per cent to over 130 000 vehicles a day. Without the construction of the Burswood bridge other critical river bridges will also experience a significant growth rate: Narrows Bridge traffic flow will increase by 25 per cent, Garratt Road Bridge by 42 per cent and Redcliffe Bridge by 176 per cent.

The origin and destination data on the Causeway traffic can be estimated but this will take some time and if the member requires this information I suggest she place a question on notice.

ROADS - NORTHERN CITY BYPASS
Traffic Flows Research

69. Hon A.J.G. MacTIERNAN to the Minister for Transport:

Is the Minister suggesting that the research has not been done in determining how much is bypass traffic and how much is city bound?

Hon E.J. CHARLTON replied:

If the member wants specific information on traffic flows, I suggest she put the specifics on notice rather than ask a general question.

STATESHIPS - TENDERS FOR MANAGEMENT

70. Hon JOHN HALDEN to the Minister for Transport:

- (1) How many tenders for the management for all, or part of, Stateships' services have been called from the private sector since the Government took office?
- (2) How many tenders have been concluded and contracts awarded?
- (3) Is Stateships currently considering tenders from private sector companies to act as general agents for it?
- (4) If yes to (3) -
 - (a) Was the tender process conducted properly?
 - (b) Were tenders opened by a proper tender committee and the contents properly registered?
 - (c) If yes to (b), who were the officers on the tender committee?
 - (d) Were tenders distributed in any way from the Stateships office on the day they were received?
 - (e) If yes to (d), to whom and on whose authority?
 - (f) Can the Minister give an assurance that the confidentiality provisions of the tenders have not been broken by government employees?
 - (g) Will the Minister give an assurance that the general agency will not be given to an organisation which -
 - (i) competes directly or indirectly with Stateships, or
 - (ii) has a conflict of interest with Stateships or to any individuals or organisations which have previously acted, directly or indirectly, as consultants in respect to Stateships?
 - (h) Will the Minister table the terms and conditions on which any general agent is appointed in order?

Hon E.J. CHARLTON replied:

I thank the member for notice of the question.

- (1) Two.
 - (2) None.
 - (3) Yes.
 - (4)
 - (a) Yes.
 - (b) Tenders were opened by authorised personnel and registered.
 - (c) There is no tender committee. Management will make a recommendation to the Western Australian Coastal Shipping Commission, State Supply Commission and the Minister for Transport on the appointment of a general agent.
 - (d) Yes.
 - (e) Tenders were distributed on the day they were received to the acting general manager, who was interstate in Darwin, and the consultants engaged on a confidential basis to provide an independent analysis of the tenders received, on the authority of the acting general manager.
 - (f) Yes, unless government employees have acted improperly by breaching confidentiality provisions.
 - (g)
 - (i) Yes. Tender selection criteria specifically state that tenderers will "not be currently acting for another principal in the trade between Western Australia and South East Asia or be under any other potential conflict of interest".
 - (ii) None of the tenderers under consideration has previously acted directly as consultant to Stateships. Any indirect connection will be unknown unless specifically revealed by tenderers.
 - (h) The terms and conditions of appointment will be covered by a general agency agreement yet to be negotiated between Stateships and the successful tenderer. It may well be that the agreement is commercially confidential.
-