



**PARLIAMENT OF WESTERN AUSTRALIA**

**INAUGURAL SPEECH**



**Ms Margaret Quirk MLA**  
(Member for Girrawheen)

**Address-in-Reply Debate**

**Legislative Assembly, Wednesday 23 May 2001**

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### ADDRESS-IN-REPLY

**MS QUIRK** (Girrawheen) [4.47 pm]: Nice things always come to those who wait, and I am privileged to be speaking for the first time in this House.

#### **Acknowledgment of traditional owners**

First, I acknowledge and pay respect to the Nyoongah people on whose land we stand. I look forward to working with the members in this place during the currency of this Parliament in a bipartisan manner to formulate changes that will ensure that the aspirations of indigenous Western Australians about self-determination, access to their land and economic viability are met. In this context, I am proud to be serving in a Government with the member for Kimberley - the first indigenous woman member of an Australian Parliament. The sincere and genuine commitment that the Australian Labor Party and affiliated unions made to her as a candidate is in stark contrast with other parties who cynically chose to exploit race by running talented indigenous candidates in seats where their prospects were remote.

#### **Congratulations to the Speaker and Deputy Speaker**

I join my colleagues who, over the preceding days, have congratulated the Speaker on his appointment to that position. I am confident that he will serve the office with dignity and distinction. His appointment acknowledges the importance of regional representatives in this place. I am also certain that his rulings will be impartial and will demonstrate eminent good sense. Finally, I am also hopeful that his exalted status will not diminish his legendary sense of humour. In this context I also congratulate Madam Deputy Speaker who, I understand, is the first woman to hold that position in this place. As I cast my eyes across the Chamber, I could be mistaken for thinking that the glass ceiling was intact. However, as I look to my more immediate neighbours and to your achievement, Madam Deputy Speaker, and, in particular, those of the members for Armadale, Maylands, Midland and, in particular, the member for Thornlie, I am gratified to observe that some progress has been made.

### **The electorate of Girrawheen**

It is a great honour for me to serve in this Parliament to represent the people of the Girrawheen electorate. I thank them for the confidence they have shown in me and for their continued support of the Australian Labor Party. The electorate of Girrawheen, comprising the suburbs of Alexander Heights, Girrawheen, Hamersley, Koondoola and parts of Balga, Mirrabooka and Warwick, is diverse. As such, the interests that I must represent in this place are also wide-ranging. However, I commit to work conscientiously towards all objectives that will benefit the community.

Many people in the electorate of Girrawheen could be described as “battlers”. I hesitate to use that words because it has been devalued by our current Prime Minister. Nevertheless, I use the expression to mean genuine working people who, through a range of circumstances, are doing it hard. These circumstances include changing workplace conditions including increased hours and casualisation of work, fewer full-time job opportunities, and marginalising factors such as language, literacy difficulties, illness, low income, homelessness, age, or marital break down.

Battlers appreciate that the choice between the major parties is a real one. It is not like choosing between Pepsi and Coke; rather, they understand that the Gallop Labor Government does not subscribe to individualism and the notion of looking after number one, when such a path would create inequality, divisiveness, greed and anxiety. They know intuitively that politics should reflect our best values; that is, those of compassion, diversity, hope and service. Like members on this side of the House, they consider that the Government is not an impediment; rather, it is a crucial force in building and realising the full potential of individuals, the economy and society. They also adhere to the belief that a strong and active Government, with an effective and efficient public sector, operating in partnership with a thriving private sector, can best manage change to provide security and opportunity for all Western Australians.

### **Tribute to predecessor**

On behalf of the people of Girrawheen I pay tribute to my predecessor, Ted Cunningham JP. For just under 13 years, Ted devoted himself to serving his constituents, first in Balga and then, through a redistribution, in Marangaroo and, latterly, in Girrawheen. His legacy is enormous. Ted will best be remembered as someone with great personal integrity and strong moral conviction. His proudest moments as a member were on issues in which he adopted a principled stand in the face of tremendous controversy and pressure. I am frequently reminded by constituents of how much they admired his courageous approach to the problem of drugs so endemic in our community.

However, to describe Ted in this manner is to do him a disservice. It fails to mention those qualities for which I believe he would most want to be remembered in this place. Ted is a person of great generosity and charm. He has friends on both sides of the House who like and admire him. That generosity was no more apparent than when he acted as my mentor and encouraged me to stand for this seat. Many people in his position as an outgoing member would approach the prospect of riding shotgun with a rookie candidate as less than appealing - not so Ted Cunningham. He embraced the task with enthusiasm and vigour. He introduced me, among other things, to the joys of the school graduation, to a vast array of religious observances, to new and exciting multicultural experiences and to the cut and thrust of the Girrawheen Pumas footy game. Most importantly, Ted helped me to appreciate our vibrant and diverse community. For that I owe him an enormous debt of gratitude. I must also express my gratitude to Julie Cunningham, the other half of the team. I value greatly her quiet wisdom and friendship.

### **Challenges for Government**

The presence of so many new faces on this side of the House graphically illustrates that we are entering a new era of politics in this State. Under the Gallop Labor Government, we face a range of challenges in how we approach the task of delivering open, compassionate and effective

government serving the common good. The success or otherwise of Governments is also directly related to their ability to articulate a coherent vision.

I come to this place under no illusions. At the beginning of the twenty-first century we face an environment in which the expectations of the role of government are blurred, trust in the political process is diminished and political dialogue is impoverished. On 10 February, the people of Girrawheen in particular, and the voters of Western Australia more generally, clearly indicated that they demand that government take full responsibility for a range of vital services such as health, police and education.

### **Background as “crime fighter”**

Before my election I worked in various capacities as a lawyer, principally in the public sector. Most recently, for just under 10 years, I was employed in law enforcement as regional counsel for the National Crime Authority in Perth. In that capacity I worked closely with both the Australian Federal Police and those from a number of state police forces, including many from the Western Australia Police Service. We also worked with a dedicated team of other professionals, most notably forensic accountants and intelligence analysts. We investigated complex organised criminal activity, including drug importation and distribution, money laundering, tax fraud and other serious criminal activity. The effectiveness and utility of the National Crime Authority is the subject of ongoing debate elsewhere, and I do not intend to canvass that today. However, it is clear to me from that experience that crime is becoming increasingly complex. Its investigation warrants a sophisticated and coordinated approach if we are to successfully combat organised crime at the highest level.

Crime has a devastating effect on our community. In a recent submission to a Senate inquiry the Australian Federal Police Association estimated that the health care and social costs of illicit substance abuse in this country was \$1.6 billion a year. Further, the profit from drug importations into Australia was valued at \$3.5 billion and it was estimated that only 20 per cent of drugs imported were seized. The association points out that although a 20 per cent seizure rate is a significant one, from the community’s perspective, it could be viewed as an 80 per cent failure rate. Clearly, the current law enforcement approach could not be described as fully effective.

Nevertheless, recent suggestions that the difficulty in achieving more effective law enforcement lies in too high educational qualifications being required of our police officers are simply bizarre. The assertion by the One Nation Party during the Queensland election campaign was that by setting educational standards too high, police recruitment authorities were excluding potentially streetwise persons from joining the service. The two concepts are not mutually exclusive. It is possible to have highly trained officers who are also wise in the ways of the criminal milieu. In this context I am happy to say that during my career I have had the privilege of working with some highly professional and dedicated police officers. They acknowledge that the reality of modern policing means a commitment to ongoing training and these officers also readily embrace new methodologies to assist in the fight against crime. They also accept that, as criminal enterprise is becoming increasingly complex, they must keep abreast of these developments or the battle will be well and truly lost.

### **Policing - a key responsibility for Government**

Moreover, because of these realities, it is my considered opinion that government should bear the principal responsibility for policing. Trends over recent years, which have eroded this responsibility, should not be encouraged. The collective will of the people of Western Australia is to have a highly professional, well-trained and intelligently deployed public Police Service. To do otherwise is to erode accountability and, more fundamentally, the standard of service delivery that

is demanded. We must resist the trend which has occurred in the United States, where private security guards now outnumber publicly employed police personnel.

This is by no means a new concept. Adam Smith in his seminal work *An Inquiry into the Nature and Causes of the Wealth of Nations* wrote some 200 years ago that the administration of justice was an area in which government had a key role to play. He asserted that government alone had the means to expend the moneys necessary to protect the whole of society.

Having accepted that policing is a government responsibility, we nevertheless need to manage our police resources intelligently. Changing circumstances and conditions might mean that police personnel need to be redeployed and priorities reassessed. Although that is a matter for the Commissioner of Police and his management team, he should do so having regard to community concerns and expectations. It is the role of the Government to articulate those concerns to him.

While on the issue of police resources, I must make the observation that tougher, more targeted legislation will impact on crime rates only if sufficient means are given to use those new powers. I give two examples. The first relates to the Criminal Property Confiscation Act enacted in the latter part of last year. The principle behind the legislation is sound. If one takes away the profit motive from criminals, they will be less willing to commit crime in the first place. However, that Act came into force without the necessary infrastructure and personnel being recruited and put into place. Neither the Director of Public Prosecutions, who administers the Act, nor the assets branch of the WA Police Service has access to sufficient in-house forensic accounting skills or personnel to be able to undertake the level and number of investigations required for forfeiture orders. Ironically, if more personnel were employed, more assets could be seized and the whole operation not only would be revenue neutral but also could generate well-needed income for other areas of police activity. Similarly, the proposed DNA legislation will be a great utility. However, if there are insufficient personnel for the timely collection of samples and to undertake forensic analysis, it will not be the great boon to policing it should be.

### **Commitment of Police**

Working closely with police officers at the National Crime Authority has given me a unique opportunity to appreciate the level of commitment and personal sacrifice made by many police and their families. The death of my colleague Detective Sergeant Geoff Bowen and the serious injury to my counterpart Peter Wallis in the NCA bombing in Adelaide was a terrible tragedy. It reverberated throughout the whole NCA and, more widely, throughout the law enforcement community and their friends, families and loved ones. Prior to that time, such an event was only a remote contingency. The occurrence also heralded a loss of innocence in Australian law enforcement. Detective Sergeant Bowen paid the ultimate sacrifice and he will be remembered as a highly professional and committed officer who did his job and did it well. Peter Wallis will bear both the physical and psychological scars of this terrible crime for the rest of his life. His bravery is enormous. On a daily basis police officers across this country place themselves under similar risk. They work long hours of overtime - often unpaid - and suffer the consequent disruption to their family and social lives, and expose themselves to unacceptably high levels of stress. Criminals do not work nine to five Monday to Friday, so neither can police. These observations are not overly profound; however, it was only when I worked closely with these officers that I fully appreciated the level of that commitment and personal sacrifice.

Much of what police do is not widely known or is inaccurately represented in modern television police dramas. For example, undercover infiltration is portrayed as glamorous, short term and ethically straightforward. In reality, it is quite different. It might mean remaining undercover for many months or even years, with the necessity to cut ties with friends and family, and might require developing a close friendship with the target of the investigation. Studies undertaken in the United

States have found that considerable long-term effects result from this type of work. Many operatives experience profound changes in their value systems, they over-identify with criminals and they can question the very laws they were sworn to uphold and enforce. Similarly, undercover work exerts pressure on interpersonal relations because of the odd hours, the days, weeks and months away from home, the unpredictability of work schedules, the concern over safety, the late-night temptations and partying that the role may bring, and the personality and lifestyle changes that the officer may undergo. Essentially undercover work requires officers to adopt a criminal persona, distancing themselves from police peers, family members and friends, as well as from conventional places where activities with these individuals normally occur. The return to routine police work is awkward and many former operatives experience difficulty in adjusting to the everyday routine of traditional police work. Moreover, some of the very attributes that are thought to be beneficial to undercover operatives - namely, deceit, manipulation and risk-taking - are not conducive to more pedestrian police work. Studies have also recorded that former undercover agents frequently suffer from emotional problems such as anxiety, loneliness and suspiciousness and from a disruption in marital relations.

It is important that the community is fully cognisant of what is involved in policing. If our community expects and demands a successful fight against drugs and organised crime, such methodologies need to be deployed. As such, the community must also appreciate that these activities come at a substantial human cost. In other words, although the broader community holds police in high esteem, it probably does so without possessing a full appreciation of what they may be required to do. Police have to detect and apprehend offenders, but they must do so within the parameters of the law, administrative guidelines and, by no means least, budgetary constraints. I do not consider that the constraints that these place on officers are necessarily fully appreciated. If anything, many in the community believe that the end justifies the means and it warrants police taking whatever action is required to secure a conviction, irrespective of probity or legality. However, that option is not open to our police and if they proceed down that path, it is at their own peril. So-called noble-cause corruption cannot be condoned. If convictions are secured by breaking the rules, police are no better than the criminals they are investigating. That said, my observations over many years suggest that hard-core corruption is not endemic in Western Australia and that most officers are honest and conscientious individuals working well under difficult conditions. This observation may be regarded as a trifle rash or naive. I do not make it lightly. I do not, for example, contend that serious corruption does not exist. I have personal knowledge of a number of allegations and have also been subject to a number of unpleasant interviews with internal affairs in which such allegations were canvassed. Similarly, it could have been said a decade ago that, in many respects, large sections of the Western Australia Police Service were procedurally lax and undisciplined. My recent observations, however, suggest that this has improved markedly with the adoption of a range of procedures geared towards greater accountability. Nevertheless, the extent to which any of us can be confident about the level of corruption relies upon the efficacy of the current regimes to monitor and detect such conduct. I do not believe that the current checks and balances in place are appropriate or adequate.

### **Who will guard the guards?**

There is a well-known Latin phrase “*Quis custodiet ipsos custodes?*” which loosely translated means “Who will guard the guards?” Questions about the efficacy of the current regime, of the Anti-Corruption Commission, the Ombudsman and police internal affairs, remain. It is my contention that a pall hangs over law enforcement in this State. There is a lack of confidence that significant matters are being professionally pursued; instead focus appears to be on issues of purely historical curiosity. Ostensibly, there also appears to be an obsession with settling scores. Objectively inappropriate standards are being applied and more generally there is a perceived lack of rigour and

accountability in how those investigations are being pursued. As someone who has also practised for a number of years in the administrative law field, I am a firm believer in the principles of natural justice. Natural justice comprises two components: first, the right to a fair hearing, which incorporates notions of lack of bias; and secondly, the right to be heard - in other words, to respond to those allegations. Put simply, justice must not only be done but be seen to be done.

There is a technical and legalistic argument that as the ACC cannot of itself make a determination or finding of guilt, it is not required to comply with the principles of natural justice. I consider this argument to lack merit and to embody sophistry. I am reminded of the phrase, "Leading by example". If the ACC conducts itself in a slapdash and cavalier manner, it can hardly impose higher standards on others. Also, it is clearly arguable that police officers are being judged by today's standards in relation to minor infractions which happened more than a decade previously when standards and expectations were quite different, and that this trespasses on fundamental notions of fairness and commonsense. Surely a line should be drawn in the sand. Hereafter, if an officer breaches well-defined and universally accepted principles, he is fair game.

Public discourse in recent years suggests, however, that many in our community have serious reservations about whether the ACC is as fully effective as it might be. For that reason alone, there is great merit in the commitment of the Gallop Labor Government to a royal commission which looks at the systems in place for dealing with allegations of corruption. If we do not have a system which is unimpeachable, two consequences follow: firstly, the confidence of the community that allegations will be thoroughly canvassed and dealt with is diminished; secondly, it will be open to criminals and malicious individuals to make false allegations about honest police officers, thereby disrupting operational progress. Unless the body charged with investigation of such matters is beyond criticism, any dismissal of these false allegations will not serve as an unqualified endorsement of the probity and integrity of the officers, the subject of the complaint.

Finally, I appreciate that the concept of the separation of powers means that bodies such as the ACC cannot be exposed to indirect political interference through the budgetary process. Nevertheless, I have for some time had concerns about whether we are getting value for money and whether more targeted expenditure might not produce better overall incomes. For example, if part of the moneys allocated to the ACC were set aside so that better ethics training within the Police Service could be conducted, might this not be of greater utility? After all, prevention is better than cure.

### **Appreciation and gratitude**

It now only remains for me to acknowledge a number of people. Firstly, the members of the Girrawheen campaign team, Jenny Gately, Hon Ed Dermer MLC, Bobby Tanoski, Chris Fisher, Marino Salinas, Tony Mullen, Darren Klarich, Mohammed Tahir Tahar, Tony Komarovski and June Payne. Also, the tireless work, sense of humour and loyalty of Carmel Macri was much appreciated. Batong Pham and his family come in for special mention. Their unrelenting endeavour was outstanding and was vital in achieving the outcome, which we secured for Labor. I am confident that in the not too distant future Batong will use those substantial skills in the other place. I also thank Simon Ward who was a great sounding board and strategist. The countless numbers of others who worked tirelessly in the unremitting Girrawheen summer heat are also thanked for their hard work and dedication to the cause. In addition, Kylie Turner, my electorate secretary, is thanked for her enthusiasm, maturity, good humour and diligence. I am grateful for her cheerful efforts more than I can articulate. It would be remiss of me if I did not mention Clare Dalton, who, as Whip's assistant, is prepared to have a crack at anything! I thank my colleagues the members for Collie and Bunbury for their assistance in my role as Whip.

Also, I express my indebtedness to my valued former colleagues at the National Crime Authority. Over the years they have kept me grounded and sane in the midst of tragedy, change and managerial

caprice. In particular, my thanks go to Greg Melick QC, Marshall Irwin, Rob Philp, Rose Caré, Roxanne Hannay, Fred Stuart, Vanessa Twigg, Con Differding, Ann Carson, David Shannon and Denise Gordon.

Next, I thank my comrades in this place who have been so helpful, positive and loyal. The member for Ballajura, the member for Geraldton, the member for Swan Hills and the member for Nollamara have been very supportive, and I thank them. The member for Yokine was also generous with his time during the election campaign despite his own pressing campaign obligations. Last but not least, the patronage of the first law officer of this State, the member for Fremantle, was extremely gratifying. I also acknowledge the wise counsel and support of Helen Creed, Secretary of the Miscellaneous Workers Union, and Jock Fergusson, Secretary of the Australian Manufacturing Workers Union. All in this place would know that from time to time one forms unexpected alliances. In my case, the unqualified loyalty and collaboration I have received from these unanticipated partnerships, I now value and esteem greatly.

Other colleagues who have been true friends are Hon Kate Doust MLC and her husband, acting ALP State Secretary Bill Johnston, Hon Nick Griffiths MLC, John Little, Mary Durack, Guy and Heather Leyland, Joe Azzaro and Joan Keeling, and, last but not least, Emiliano Barzotto, although he can be a little short on occasions! The considerable and generous assistance of my federal colleagues and their staff members especially Jann McFarlane MP, Senator Jim McKiernan, Stephen Smith MP and Graham Edwards MP was also invaluable.

Craig Shannon and Laurie Hutchison of the Australian Federal Police Association gave me terrific support, acknowledging that having persons in this place who have specialised in law enforcement experience can only enhance the law and order discourse.

The member for Midland, her husband Greg and their girls, Elizabeth, Candice and Eleanor, have been unrelenting in their encouragement and friendship. I have often observed that the member for Midland is wise beyond her years. She liberally imparted that wisdom on demand!

Finally, I thank my family for their loyalty and for enduring my many eccentricities. To Sherrie, Chris, Nell, Charles, Tom, Jack and Anna Quirk, thank you for your help, advice and encouragement and for unquestioning allegiance. To my mother, Helen, and my father, Professor Jim Quirk, thank you for instilling in me a strong sense of faith and social justice; the merits of public service; and an unflagging work ethic; and for ensuring that I valued the opportunities which they so generously gave me. Not least of these was a high regard for the enrichment which education can provide.

The final legacy which my parents gave me was my first name, Margaret, after St Thomas More's daughter Margaret Roper. St Thomas More was recently made the patron saint of politicians. More is an excellent choice, because he was a man of principle, choosing execution rather than compromising his values and integrity. Happily in this place our decisions do not have such fatal consequences. Nevertheless, I consider that integrity and the moral dimension do have a place in our political system, and as a member of the Gallop Labor Government I will work hard to improve community perceptions of our political system and to foster constructive debate about shared community vision.

[Applause.]

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