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(HANSARD)

THIRTY-NINTH PARLIAMENT
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LEGISLATIVE COUNCIL

Thursday, 28 November 2013

Legislative Council

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THE PRESIDENT (Hon Barry House) took the chair at 10.00 am, and read prayers.

PAPER TABLED

A paper was tabled and ordered to lie upon the table of the house.

DOMESTIC AND FAMILY VIOLENCE SERVICES

Motion

HON STEPHEN DAWSON (Mining and Pastoral) [10.03 am] — without notice: I move —

In light of the tragic deaths of 21 Western Australians in the last year resulting from domestic and family violence and the increasing numbers of reported incidences of domestic violence, this Council calls on the Barnett government to adequately fund, resource and support the continuum of domestic and family violence services in this state.

I rise to speak on a very important motion. In fact, the motion is not so important, but the issue is; it has had lots of prominence and I have spoken to many members about it in the last week.

The motion is worded in such a way to allow all members of this place to make a contribution. I did not want to make it an attack on the Barnett government, or indeed any government. I wanted it to allow all of us to put on the record our views on this important issue.

It has been a very busy week in the family and domestic violence sphere. Last Friday, some of us attended the silent march organised by the Women's Council for Domestic and Family Violence Services. The Minister for Mental Health spoke very well at that event. Other members of this place attended, and I acknowledge Hon Alanna Clohesy, Hon Amber-Jade Sanderson, Hon Samantha Rowe and Margaret Quirk, the member for Girrawheen in the other place.

Last Friday's event was well organised and attended. In many respects it was a celebration—there were stalls set up by a range of organisations that work in the family domestic violence arena. One thing from that event that affected me was the 21 white coffins that lay on the ground before us. Those 21 white coffins symbolised the deaths as a result of domestic violence in Western Australia in the past 12 months. The figures that the Women's Council for Domestic and Family Violence Services use relate to deaths that have occurred in the 12 months since last year's march. The march is an annual event that begins 16 days of activism against gender violence. The international campaign starts on 25 November, on the International Day for the Elimination of Violence against Women, and culminates on 10 December—Human Rights Day. The campaign hopes to raise awareness about gender-based violence as a human rights issue at the local, national, regional and international level.

Those 21 white coffins symbolised the people who died as the result of an act of domestic violence in the past year. Of those coffins, 61 per cent, or 13, symbolise the women who have died in the past year; 33 per cent, or a third—that is six—symbolise men; and two symbolise children. Those figures were provided by Angela Hartwig, the chief executive officer of the Women's Council for Domestic and Family Violence Services, and were quoted at the event last week. The figures also show that 17 of the perpetrators in these cases were male and four were female. In terms of the types of relationships in these domestic homicide deaths, 15 of the homicides were committed by an intimate partner or an ex-partner, one by a father or son; one by a mother or daughter; one by a brother-in-law, one by a cousin, one by a stepfather; and one by an associate. Those white coffins have really been on my mind over the past week, and were the motivation behind this motion today.

The Ombudsman of Western Australia, Dr Chris Field, also addressed the event. He provided some figures that appear in his annual report. The annual report obviously covers the period 1 July 2012 to 31 June 2013. The Ombudsman's figures reveal that he undertook 20 fatality reviews in the area of domestic violence in the past year and are essentially the same as the Women's Council for Domestic and Family Violence Services, although we cannot compare apples with apples because they cover different time periods. Also, the Ombudsman does not report on the deaths of people who are under 18 years of age. I will not quote comprehensively from the Ombudsman's report, but it is an important read for members of this place. We should all remind ourselves of this issue and of the facts and, indeed, of the circumstances around family and domestic fatalities in Western Australia. Family and domestic violence can happen to anyone; it does not happen only to people in Aboriginal communities or regional towns. It can happen to any one of us. It can happen to people who are educated. A story written two weeks ago on page 32 of *The West Australian* by Colleen Egan titled "Refuge a safe haven for abuse victims" refers to Joyce, who arrived at the Salvation Army's domestic violence refuge 18 months ago. At that time Joyce weighed 49 kilos and had a broken nose, a fractured cheek and two black eyes. She had been

punched in the head, dragged by the hair and kicked in the face with steel capped boots. Joyce is a professional woman whose partner had a high-paying respectable job. Joyce is quoted in this article because she was keen to alert others to the warning signs. In today's *The West Australian*, which members may have had a chance to read, there is an article on page 10 about an abusive man who murdered his lover. This man, who has been convicted, was educated and had a good job and a good life; yet he too committed domestic violence, and his former partner has passed away.

While I am not keen to play politics with this issue, I want to go back to a question I asked in this place last week that related to the Fitzroy Women's Resource Centre. I referred to comments by June Oscar in *The West Australian* of that day and asked the minister whether she would confirm that an amount of money was being cut from annual funding for the Fitzroy Crossing women's refuge. I also asked the minister what process and consultation occurred before the funding model was changed. The minister admitted that the women's refuge would have reduced funding from, I think, March next year. Not only the Fitzroy Crossing women's refuge but also the Halls Creek safe house, the Roebourne refuge, I think, and a refuge at Wyndham—four facilities in the Kimberley and Pilbara—will lose funds from next year.

Following that question and, I guess, in light of what has gone on in the last week, I wanted to know more, so I approached each of those facilities and asked them what this funding cut means for them and what it will mean for the services they provide. I will quote from some correspondence written to me on this issue. I want to make clear that these refuges or women's safe houses and the people who have written to me are aware that I am quoting them in Parliament today, so I am not doing anything improper. The response from the Halls Creek facility reads —

Thank you for the opportunity to provide information to the Shadow Minister to inform the debate in parliament.

The ... Safe House is located in the remote East Kimberley ... and services not only the women and children who live in town but also a huge geographical area between Fitzroy Crossing in the West and Kununurra in the East. Importantly it also services 8–9 very remote Aboriginal Communities in the immediate surrounding area.

I am conscious of the time, so I will quote selectively, but I am happy to give the minister the correspondence later —

It is being widely reported that the occupancy rate here is 18.8 per-cent but what is not being widely reported is that parts of the building here are in such poor condition that use of these areas breach Occupational Health and Safety legislation and limit our occupancy capacity. The safe house is limited to the number of clients it can accommodate at one time because of the unsafe state of the bathroom. We are limited to five clients at one time—this could be one woman and four children—because there is only one functional bathroom. Renovation to the second bathroom has been an ongoing issue since 2010 and were this bathroom functional, the safe house could accommodate up to 17 clients. This issue severely impacts on our capacity to provide service to women and children which is a major concern to the board and staff since clients have to be turned away when the five person capacity is reached.

The Department of Child Protection and Family Services has advised us that they plan to cut our funding by 40 per-cent. This cut will impact severely on the operation of the safe house, the capacity of the safe house to provide a safe haven for women and their children escaping from violent situations and will have far reaching effects because of job cuts.

Yes, the minister made the point in her answer last week that this facility might not be seeing as many people as the department wants. But I think she will see from this letter that there are capacity issues, such as access to a toilet or bathroom. This issue has likely been known to the department for the past three years and, certainly to my knowledge, nobody in the department has taken up this issue and said, "Right, we'll fix your bathroom so that you can take up to 17 people in the facility." I am not attacking the minister; this is not what this debate is about. However, these people have already told the department that there is a problem there. We also know from police statistics that in, I think, the last financial year there were approximately 13 600 domestic assaults in Western Australia. I can go deeper into the figures of the Kimberley; significant figures are not reducing, so I think the decision last week and the minister's announcement last week about cutting funding from this service is short-sighted and I ask the minister to reconsider.

I wrote also to the Fitzroy Women's Resource Centre Aboriginal Corporation and it too has written to me with some figures. It is also aware that I was going to raise this issue in Parliament this morning. This correspondence is dated 27 November and reads —

To whom it may concern,

We are unclear how the occupancy rate that the Minister and Director-General, Terry Murphy, Department for Child Protection and Family Support refer to of 13.6% was arrived at.

That was about occupancy rate, if the minister remembers the question from last week. To continue —

It may be that our bed count information is where the statistics came from. The collection of daily and weekly bed counts by the Department of Child Protection and Family Support have never been meant to be used as a method to collect information about how effective services are, but was introduced and designed for shelters to easily see where there are vacancies, particularly important in metropolitan areas where shelters are consistently full and women are turned away.

The Fitzroy Women's Resource Centre also provided me with some statistics from the Australian Institute of Health and Welfare. This is a statistical summary for the Fitzroy women's shelter. Those figures indicate that the average length of support for women is 5.09 days and the number of support periods with accommodation being 203, which are certainly very different from the figures given in the answer in Parliament last week. The resource centre goes on to give me information about the Specialist Homelessness Services collection system. I will just read very quickly what the resource centre goes on to say —

Training to use the SHS collection system takes place in Perth and is offered every 6 months. Workers need a baseline understanding of how to use a computer in order to complete the training and currently we have just one staff member out of our 6 employees who has undergone the training and understands how to use the system. As a result our data is severely underrepresented. We have asked for training regularly, and for it to be pitched to staff who do not own, nor have regular access to computers. Therefore it is not possible for bed counts and SHS data to form a true reflection of our work with women and children alone. This is a consistent problem for the other three remote Aboriginal shelters being affected by these cuts, together we employ 25 Aboriginal women, many of whom do not have experience ... using computers, nor own one.

DCPFS —

That is the Department for Child Protection and Family Support —

using the bed count is a simplistic and inaccurate way to review our service and is looking at a very small section of a much larger picture. Why are the rates of domestic violence where we have "indigenous women living in rural and remote communities being 45 times more likely to be a victim of a family violence than the non-indigenous population" not being spoken about? In the last year between November 2012 and November 2013 there have been 534 reports of domestic violence to Fitzroy Crossing Police. These rates are incredibly high for a population of 3,500 and we cannot understand why money would be redirected to metropolitan shelters when this is occurring.

I have no doubt that the metropolitan shelters in this state all need extra resources. I have seen figures from a range of places that indicate these shelters are overfull. Some places have a more than 100 per cent occupancy rate. Money is needed in the metropolitan area, but I think it is outrageous and indeed offensive to these communities that we have taken money out of these shelters and refuges based on dodgy data and a dodgy review that the department undertook.

Last week the minister said that the Women's Council for Domestic and Family Violence Services (WA) was involved in the review. I took that to mean that the Women's Council for Domestic and Family Violence Services had signed off on it, but that is not the case. In fact the women's council is just as concerned as these local facilities are in the regions. The minister said another thing last week in her answer to my question, and I quote from *Hansard* —

I would like to also indicate that probably one of the reasons that the occupancy rate for these places has been so low is the substantial work that has been undertaken in these communities around alcohol restriction. This is one of the good news stories of alcohol restrictions in those communities.

I have to say that alcohol restrictions have been a good thing in these communities. However, if members go to Fitzroy Crossing any night of the week, they will see that it is like a war zone—as are Halls Creek, Roebourne and Wyndham. I think it is outrageous that the minister has chopped the money out of these vital services—I really, really do. If the minister reads these letters that I will give her later on, she will see that there is a desperate need in those communities for these services. I ask the minister to reconsider her funding for next year because it is very important to these communities.

HON LIZ BEHJAT (North Metropolitan) [10.23 am]: I rise to support the motion that Hon Stephen Dawson brings to our house today. Over the past few weeks we have seen some fine examples of non-partisan issues that have been brought to this house, the senior chamber, for some serious debate, and domestic violence is certainly one of those issues. We therefore congratulate Hon Stephen Dawson for bringing this motion to our house today for all of us to contribute to.

Domestic violence and the myriad problems it brings to our community cut across partisan lines. There is no quick-fix solution and there must be a consistent, persistent and adequately resourced response to the growing

problem across all portfolios, all state and federal governments, and all non-government, corporate and not-for-profit entities. Responses historically to domestic and family violence have been fragmented and too often focused on short-term, bandaid solutions without being able to address the root cause. This government is determined to see a reduction in the incidence of family and domestic violence and is working towards achieving this through our “Western Australia’s Family and Domestic Violence Prevention Strategy to 2022”. This strategy, introduced under our former Minister for Child Protection, Hon Robyn McSweeney, and now being continued and strengthened under our current minister, Hon Helen Morton, is designed in three-year stages to allow for flexibility in the development and implementation of actions that address new and emerging issues as circumstances change.

One of the things we have to do is react very quickly to matters when they change. We know that matters in family and domestic violence change radically. Just last night we saw a report on an outbreak in Broome of family violence where the authorities have now had to stop the sale of over-strength takeaway alcohol. So it is happening every day around our state and around the country. The desired outcomes of the strategy are threefold. I think we need to take a holistic approach to these matters. As we have said previously, there has been a bit of a bandaid fix and short-term solutions applied to some of these issues. Firstly, we need prevention and early intervention so that individual and community attitudes reflect that violence of any sort, particularly family and domestic violence, is never okay. Secondly, we have to provide safety for victims. Adult and child victims need timely and easily accessible services. They have to know what is available for them and they have to be able to access those services and feel safe once they do. The third prong of that attack is accountability for perpetrators of domestic and family violence. People need to be held accountable and punished for their actions; there is no doubt about that. However, on top of that we must actively support those perpetrators once they have been brought to book for those crimes that they have committed. We must be able to help them to break that cycle and to be able to cease the violent behaviour they show towards their victims.

The first phase of the strategy between 2013 and 2016 that has been taking place is strengthening the foundation and supporting further reform. In this phase it is vitally important that we establish the data collection framework. That is underway and it needs to continue. The problem is that if we do not have the data on these crimes that are committed and on what has been happening to the victims of family and domestic violence, it is very hard to determine where best to spend the dollars that we have available. There is certainly a reluctance to report incidents; we know that is especially true among Aboriginal communities and among people from culturally and linguistically diverse backgrounds. This hampers the ability of agencies to respond properly to these issues. When it comes to reporting domestic and family violence, Australian-born women and women from the major English-speaking countries are more likely, even in surveys undertaken, to talk about problems that they have experienced with domestic violence. However, women from CALD backgrounds are sometimes frightened to speak out. It may also be that they have language difficulties and are unable to adequately express things that are happening to them. That is certainly something that we need to concentrate on to make it much easier for women and men who suffer from domestic violence. Gender violence, I think, is the way that Hon Stephen Dawson described it, and he is right in that regard. However, we have to make sure that all sectors of our community are able to report these incidents when they occur.

The second phase of the strategy will take place in 2016 to 2019 and will recognise the achievements and assess the results in that area. The third phase will take place from 2019 to 2022. One would hope that by that stage, there will be fewer incidents of domestic and family violence throughout the world if we can put those strategies in place. However, there will be continuing reform beyond the life of the strategy. Unfortunately, we will never completely eradicate domestic violence.

This strategy put in place by the state government dovetails very nicely with the national strategy. It is very important that state and national governments work together to ensure that there are no gaps in what we are doing in this area and there is not over-servicing in one area and under-servicing in another area. By dovetailing the national strategy with the state strategy, there is more likelihood of success in this area.

It is all very well to talk about what the strategies are, but they also have to be results-driven. If the Attorney General was not away from the house on urgent parliamentary business today, he probably would have contributed to the debate as things related to domestic violence are happening in his portfolio. This issue goes across portfolios; there is no siloing in this area of domestic violence. Every ministry has a way to contribute to this. The Law Reform Commission is conducting a review into family and domestic violence and at the end of March in 2014 it is due to report on the benefits of having separate domestic violence legislation, the practicalities and legal consequences of separating domestic violence restraining orders from the Restraining Orders Act, and what elements of law should be included in domestic violence legislation. That goes to the third prong of the strategy to stop perpetrators of domestic violence.

I refer to funding for victim support services. The state government has provided an additional \$750 000 every year over the next four years, commencing in this financial year, for the delivery of support services to victims of crime. Obviously, that is crime across the board but, as we know, there is a very high incidence of family and

domestic violence and people need to access these victim support services. Crimes perpetrated upon someone as a victim of family and domestic violence can certainly result in significant losses in personal and socioeconomic circumstances. We need to be very mindful of that and to support people at a time that is most difficult in their lives.

Another strategy that the Attorney General has given me information on is the Perth Aboriginal Family Violence Prevention Legal Service. The state government has provided \$600 000 to establish a Family Violence Prevention Legal Service for Aboriginal victims of family and domestic violence to be operated in the Perth area by Relationships Australia as part of a tender process. Through this initiative, a dedicated service for Aboriginal people in the metropolitan area will provide relevant legal information and advice, case workers and community legal education.

As I have said, there is no excuse for domestic violence. I could not attend the Annual Silent Domestic Violence Memorial March last Friday as I was attending parliamentary business on that day, but the very first anti-domestic violence march in which I participated was in Roebourne in 2006 when I lived in the Pilbara. I took my then 10-year-old son along with me, so from an early stage we talked about the fact that it is never okay to commit domestic violence and that it is something we should all say no to.

HON ALANNA CLOHESY (East Metropolitan) [10.34 am]: I am also very pleased to rise to speak to this motion because domestic violence is one of the most insidious crimes in our state. It affects many thousands of women and children from all walks of life. Hon Stephen Dawson has told us that 21 deaths have resulted from family and domestic violence in Western Australia over the past 12 months. One death is too many, but 21 deaths is shocking. It is intolerable and it behoves us to act.

We need to do more to prevent this senseless crime. We need to do more to provide rapid emergency responses and support to men and children and women who are currently experiencing domestic violence and wish to escape domestic violence situations. We need to do more to assist women and children through legal processes and to ensure that effective and coordinated services are available when families seek to rebuild their lives. We need to do more to ensure that the perpetrators are held to account for their actions. Sentencing plays a role in this; we need effective strategies to assist perpetrators in recognising and changing their behaviour.

Domestic violence devastates lives and has lasting impacts on the people involved, on those around them and on our community as a whole, yet widespread awareness of domestic violence as a crime is intolerably low. About 1 000 people were at the March and rally last Friday, but more people were learning for the first time about domestic violence and the services needed to support people seeking to escape domestic violence.

We need to do more in the provision of short-term and long-term crisis services. We have come a long way since the first refuges were funded in Western Australia. I think the Nardine Wimmin's Refuge will celebrate its thirtieth birthday next year, and that is a testament to the women who have worked in that service and have developed domestic violence services across Western Australia, particularly through refuges. Refuges were the first model, if you like, of service delivery that named this form of violence “domestic violence” and gave women and children the opportunity to escape those situations.

We have come a long way, but there has been an alarming increase in the number of reported assaults, particularly in the past 12 months. Not to discard the 21 people who have been killed in the past 12 months, but there has been an extraordinary increase in the number of domestic assaults in the past 12 months. In the East Metropolitan Region, which is the region that I represent, over the five years from 2007–08 to 2012–13 the number of reported domestic assaults has increased by 60 per cent. That figure comes from the “Western Australia Police Service: Monthly Verified Crime Statistics”. That is a 60 per cent increase in the past five years of reported domestic assaults. I emphasise “reported”; these are the assaults reported to the police. In 2012–13, 1 186 domestic assaults were reported in the East Metropolitan Region. That equates to three women every night of the year reporting a domestic assault, and that is just in the East Metropolitan Region. In the year to date, there has been a 25 per cent increase in reported domestic assaults in the East Metropolitan Region. Statewide, over the last five years there has been a 38 per cent increase in the number of reported domestic assaults. We know that statistics can give us very different indicators. I refer members to a very good analysis, “Understanding the Statistics about Male Violence Against Women”, by Professor Donna Chung published in May this year. Professor Chung’s analysis highlights the range of statistics on male violence against women that are available and some of the concerns about how that is measured. But by any measure, the incidence of domestic and family violence is increasing. I am staggered by the fact that on every night of the year, three women in the East Metropolitan Region report domestic assault. Some of that increase might be as a result of an increase in population in Western Australia—more people, more violence, more reports—but I think it also indicates that the rate of domestic violence is increasing as people start to experience greater pressures in their lives. Hon Stephen Dawson pointed out that it is estimated that Aboriginal women are 45 times more likely than non-Aboriginal women to be victims of domestic violence. As I was just talking about before with my colleague Hon Samantha Rowe, there are a lot of reasons why women do not report domestic violence or domestic

assaults. One of those reasons is the stigma associated with being the victim of domestic assaults; as well as experiencing the violence themselves, they do not have the access to support to move away from that.

With this alarming increase in domestic assaults in the East Metropolitan Region and across Western Australia generally, we would hope to have seen services and programs match or at least increase to try to respond to some of that increasing demand. Recent cuts under the Department of Local Government and Communities have not helped. For example, angelhands Inc is a service that assists women to have holidays, basically, to get out of the situation they are in. That service has been cut. Although I acknowledge the new refuge build in the budget this year, the Liberal Party promised two new refuges and there is no money in the budget for extra refuges. As Hon Stephen Dawson pointed out, refuges are now full to overflowing, so that does not bode well for the future. The Safe at Home program, which is an incredible program to support women and children who experience domestic violence to stay in their own housing where it is safe to do so, is experiencing an increasing number of requests for support and services and therefore needs more funding. The police's south east metropolitan district family and domestic violence unit will be disbanded next month. Last year, that unit attended 2 235 incidents, which is almost a quarter of the total domestic assaults for the metropolitan region.

I do not have time to go into the legal challenges in relation to domestic violence that face us in Western Australia. Although I acknowledge the Law Reform Commission of Western Australia's current inquiry into domestic violence, I highlight that there is a need to ensure sentencing is looked at very closely, including for those who have experienced domestic violence over a long time. That needs some serious addressing, as well as looking at the introduction of other changes to the Criminal Code.

HON JACQUI BOYDELL (Mining and Pastoral) [10.44 am]: I stand today happy to speak to this motion and I thank Hon Stephen Dawson for bringing this really important issue to the house. I also make the statement that it is good to see men standing together and talking about this issue as not just a women's issue, because domestic violence is across gender and unfortunately involves children as well. Obviously, the highest statistics involve women, but it takes men to stand together with women to stamp out this abhorrence in our society.

I will talk a little today about my own experiences working with victims of domestic violence when I worked at Centrelink for 11 years. I also want to talk about the importance of early intervention. Yes, we have to fund housing and refuges for people who get to the point of having to leave because they are victims of domestic violence, but the only way that we can prevent getting to the endgame is to start at the beginning. The very first time someone unfortunately experiences an event of domestic violence is an area in which the government, friends, family, we as community leaders as members of Parliament and indeed the community that we live in, whether that is our suburb, our street or our town, are all responsible for early intervention. It is at that point in time that we need to state to the victim or indeed the perpetrator that this is not acceptable. It is a responsibility of all of us to give victims and perpetrators the message that domestic violence is not acceptable.

When I was working at Centrelink, unfortunately, I worked with victims of domestic violence every day and at some points numerous times during the day. It was always difficult, but I think one of the most difficult things about it was seeing the repeat victims attend week after week or every month and recognising the fact that this person was so lacking in support and confidence from their community, family and friends that they thought it was okay. They thought: It is okay; it is just something I have to get through and it will be okay next time. I will go back and maybe it will not happen again. One of the insidious issues with domestic violence is that when it happens to someone, it is very isolating and it is embarrassing. I agree with the comments of Hon Alanna Clohesy that victims reel with trying to deal with it themselves. As a friend or a family member of the victim, it is often difficult to get involved because we do not want the violence in our house, we have enough issues that we are dealing with ourselves and, unfortunately, people become quite judgemental of people who continue to be victims of domestic violence. One of the hardest things to get over is that every time a victim walks in the door, we cannot understand why they continue to put themselves in that situation. Indeed, we cannot understand how a perpetrator gets to the point of treating someone who they apparently love or is a member of their family in that manner. It is not easy for people to continually deal with the victims and perpetrators. However, the capacity of people to not judge every time that domestic violence happens is actually the only way that people get out of domestic violence circumstances. I can guarantee members 100 per cent that for the 21 people who died in the last 12 months, it would not have been their first incident of domestic violence. In every single case, I guarantee that that would have been the case. Every time someone comes across a victim of domestic violence, whether through their work, community or electorate office, it is their job as a community member to say, "We understand that it is difficult to get out of that. Here is the way I am going to help you do it." That is the only way we can support people to get out of domestic violence situations. Domestic violence is confronting, challenging and not something that any of us wants to see happen to people.

I want to talk a little more about the staff who work with people in refuges and counselling services to help them get out of these situations. People do get out of them, but it is very difficult. Amazing staff work in this sort of environment every day. They see that level of violence. They may not understand it, but they realise that their job is to provide support and an outcome so that people can get out of that situation. Those people are just

unbelievable. We think our jobs are hard sometimes but they are nothing compared with the jobs of those people who provide those sorts of services. I congratulate all those people who work in refuges across the state and in all sorts of agencies that assist people, because it is a really hard job to do.

Ultimately, recovery from domestic violence circumstances lies in the hands of the victim and the perpetrator. It is our job as a community, at that early intervention stage, to say that domestic violence is not acceptable. Yes, we have to fund the end result and people need places to go—I get that; I think we all do—but what has been missing so far from the debate today is the community's social responsibility to support other members of our wider community, our families and our friends, whether they are a victim or a perpetrator of domestic violence, and to stand in front of them and say, "You cannot be doing this; this is not the way to be living."

I want to also make a quick comment about some of the comments made by Hon Alanna Clohesy. The increase in the domestic violence statistics is definitely alarming and something that we do not want to see. I hope that some of those increases are a result of people having the confidence, because of the support services that government, the community and non-government agencies provide, to come forward and finally say, "I am not living like this anymore. I have got to do something about it. I am going to report it." I sincerely hope that that is the case for some of the increased numbers that we see reported. As members of the community, we all need to continue to bring this topic to the attention of the media and everyone to whom we speak so that we continue to raise the profile of domestic violence and say that it is not acceptable. That is our job. I know every member of this house would certainly be thinking along the same lines. I thank Hon Stephen Dawson for bringing this motion to the house today. I commend the motion.

HON SALLY TALBOT (South West) [10.53 am]: I, too, congratulate Hon Stephen Dawson for bringing this motion before the house today. This motion is about the fact that our community must not be silent in the face of domestic and family violence. That, of course, is what the Silent Domestic Violence Memorial March in Perth last Friday was about. Honourable members may not be aware that, for the first time, a Silent Domestic Violence Memorial March was also held in Broome this year, at the same time as the march in Perth last Friday. That gave the people of the Kimberley the chance to come together and share some of their experiences. It is a contribution to that silent march in Broome last week that I want to share with the house this morning, because I think it is very important that we have firmly in mind concrete examples of the way in which families are affected by this sort of violence. This is a really remarkable speech that was made last Friday in Broome by Mala Croft, who is an extraordinary young woman. Mala stood up in front of a large crowd of people in Broome and spoke about her own experience of domestic violence. Mala is not a victim; Mala is most definitely a survivor. A great deal of strength, hope and courage shines through this speech, which is what I want to share with the house now. This is Mala's story —

I entered into a relationship as a young teenager. At first it was fun and exciting. Then I became a mother at 16, and it felt like a whole new set of values flooded in. I realised that the relationship was negative. I began to dream about the life I wanted for us and the goals that I needed to achieve to make my dreams a positive reality. It was difficult to stay positive, and sometimes I thought it was impossible to ever succeed. Life at home was so chaotic. Throwing myself into work and study became my escape from my personal life. Trying to excel in every area to avoid confronting the reality of the abuse I endured in my home.

He would demand to drive the car, and demand money for drugs and alcohol on almost a daily basis. He had no income or drivers licence, but I would give him the money and the keys to the car so that I didn't have to deal with the drama and abuse I knew would follow immediately if I said no to him.

Being in a dysfunctional relationship is very demanding. Desperately trying to please my ex-partner, I felt like I was walking on egg shells every day. At times I would feel emotionless. I just felt numb.

Our relationship was like a roller coaster ride. It was break up and make up for many years.

I felt so stupid repeating the cycle, leaving and then going back again only to be devastated each time. I stopped talking to my family and friends about what I was going through because I thought people must be getting sick of hearing me repeating myself. I was getting sick of hearing me.

Still I thought that the best thing to do was stay and keep the family together, so that my children had both their parents in the house. I felt that he had a good life with us. But our life with him was traumatising.

One day he smashed my mobile phone on the ground and held a coffee table over my head threatening to throw it on me while I was breast feeding our 4 day old son.

During this time I was feeling very down, someone told me,

"Going on a journey for the first time there's only a small track to travel on, with only enough room for a kangaroo to jump down it, the next time the path becomes a little bit wider so that you can walk

through, the next time foundations are laid so that a car can drive through, and one day the path will be made strong and wide so that a road train can travel on it. The road is now built with strength and determination and you don't have to repeat the journey anymore"

Visualising this really helped me. My mind became stronger each time the relationship ended. I knew that one day I would feel strong enough never to go back.

I had goals that I was working hard to achieve. I was employed and studying a university degree. Professionally I felt close to my dreams but personally I felt far away from what I had imagined my life would be. The abuse became more frequent and intense.

Even after I had been publically humiliated over and over again. Even after I had been hospitalised I continued to make excuses and leniencies for him. I felt sorry for him.

I felt it was all up to me to fix this. I thought it was my job, my duty to make him happy, and that something must be wrong with me because he never seemed happy. I thought if only I can get him counselling, if only I can get him playing sports again, if only I can get him into music, the things he used to do, things will be better.

Finally after trying everything I could I realised.... I can offer all the solutions in the world, but only he can accept to try them. Now I understood that all these years I was looking for solutions outside of my control.

I could not bare to imagine, if I don't make this stop, what are all the things that my children are going to witness that I don't want them to. I thought of how devastated I would feel if my sons grew into adults and treated their partners the way their dad treated me.

When I ended the cycle, my children were aged 6 and 2. I still feel sad and guilty at times for what my eldest son has witnessed.

Slowly I realised keeping the family unit together was not the best thing for any of us. Everyone was hurting.

To achieve my dreams, it was me who needed to make a change in my life. I knew that I could not go on much longer living this way. I felt that I was losing my sanity.

After having an emotional meltdown and being hospitalised. I found some strength hitting rock bottom. I just knew I didn't want to stay there.

I was determined and I realised I am in control of my own choices. I chose to stop accepting abuse in my life. I made the choice that I no longer wanted my children to be witness to this any longer and live with the trauma imposed on them. I chose to apply for a restraining order. And I chose not to withdraw it.

It feels unbelievable how dramatically my life has changed. I know I could not have gotten to where I am now without the support of strong people around me never giving up on me, reminding me of my value never judging but always encouraging me, offering an ear to listen and a shoulder to lean on.

I am now very happily married to an amazing supportive man. We purchase our first home together this month. We have 4 beautiful children between us aged 9, 7 and two 5 years olds. I have built on my career and I have a great job I love, working for the member for Kimberley.

Believe that your life can be different to what it is now. It is not silly to dream. Amazing things happen to ordinary people every day. It is not unrealistic to aim high and set goals for yourself to achieve. Gather your inner strength and believe in yourself to make your dreams reality.

I think that is a truly remarkable story, and Marla's story is repeated at least 120 times every day, when Western Australian women ring for help about family and domestic violence.

We have gone some way to putting programs in place to make things better. I agree with Hon Liz Behjat who said there is no quick-fix solution to this, but Mr President and honourable members we must not use that as an excuse not to do everything we can. My family has a saying I find quite empowering at times, which is that it does not have to be perfect, it just has to work. I think that when we look at the things that are not working, it is perfectly obvious that we are not putting enough resources into the field to help women and children cope with domestic and family violence. We must accept that this is indeed a problem of a gendered nature. When we look at the statistics quoted by Hon Stephen Dawson, we can see quite clearly the gendered nature of family and domestic violence, physical assault, sexual assault and threats. We must act in a way that makes things work for people who find themselves in these intolerable situations. We have the Safe at Home program, but we still have a long way to go. The fact is that many women who get to the point of being prepared to ask for help find that there is no room for them at a refuge, or if there is room they cannot take their older sons or family pets with

them, forcing them into a kind of second fracture of their family structure. We know how to make this work; we have the recommendations of numerous inquiries and we must act.

The PRESIDENT: Members, I am going to depart slightly from normal practice in this case where, as you know, members are allocated on the basis, roughly, of party composition in this chamber. For this sort of motion I think it is important there is a bit of gender balance as well, and I am going to give the call to Hon Dave Grills.

HON DAVE GRILLS (Mining and Pastoral) [11.03 am]: I thank Mr President and acknowledge what he said.

I thank Hon Stephen Dawson, who brought on this motion, and other members who have made a contribution on this very emotive and important matter. Yes, we know 21 people have died in the past year and that there has been an increase in the reporting of incidents, but what really staggers me—I have found it to be so in my experience—is the amount of cases that are not reported, especially in regional Western Australia. Hon Stephen Dawson’s motion states that he supports the continuum of the family and domestic violence service; I do not support that continuum. I do not support doing the same things all the time and expecting a different result. I acknowledge that the Law Reform Commission is working towards a change, and my comments today might give members a bit of an insight into how things like this are not just the realm of one minister or department; there is a flow-on effect into so many other departments. During the time I have I will hopefully prove, by way of a factual example, how that can happen and how detrimental it is to the whole wellbeing of Western Australians.

We have recently read a lot in the newspapers about sharks. The latest shark attack sent the media into a frenzy, and there has been talk about culling sharks and what have you. In Western Australia, where, apparently, people are mostly likely to be taken by a shark, four out of five fatalities took place in the past 10 years; but in relation to family violence, 21 people have died in the past year as a result of something we can go a long way to sorting out. We are allowing it to happen and it passes without any attention in the media. As well as raising awareness of it in this place by talking about it, I think it is about time we start looking towards how we are going to fix it; how are we going to work collectively with “all the king’s horses and all the king’s men” to fix it, instead of just waiting another year in which another 21 people—probably more—may die.

It has been mentioned that incidents of domestic violence have risen by 60 per cent over the past four years, which equates to 44 000 domestic violence calls for help attended by police in the past year. While police are responding to those domestic violence calls, other issues are going on in the community. The issue of domestic violence is important, but it is one of those things we can work to reduce, thereby mitigating the impact on front-line policing.

It has been stated in the media that a new 24/7 coordinated emergency response strategy in the metropolitan area will be introduced after a review into WA’s family and domestic violence services. That is all very well for the metropolitan area, but those services just do not exist in regional WA. It is quite often left to a police officer, nurse, schoolteacher or somebody else within the community to deal with. That is unacceptable, given that we expect so much from teachers, police and emergency services personnel. With domestic violence often comes the need to call out an ambulance from the volunteer ambulance service, and somebody from a low socioeconomic area will quite often not have the capacity to pay the ambulance bill. So there is a flow-on effect.

The story I talked about with regard to how it actually knocks on into other departments relates to an ex-colleague from Kalgoorlie Police Station. Has just resigned from police service after seven years; he is experienced and has a couple of degrees. He knows what he is talking about. He used to work in the family protection unit; I used to work in the crime prevention unit. Members say, “What does one have to do with the other?” It is a crime, and my job was to help in working towards preventing it. This person worked in the area and came up with a domestic violence program that he actually came to me and spoke about after I became a member. He said, “What do you think about this?” I said, “That’s brilliant; who’s helping you with it?” He said, “Nobody at the moment.” He took that program—he was experienced in first-hand, front-line policing—to people within government agencies who are supposed to work alongside police in this, and they were not interested. As a result, he commented on it in social media and was, in turn, removed from his position at the family protection unit and put back into front-line policing. That is a true story. It also happened to me when I was in the crime prevention unit; I was not taken away from crime prevention, but the number of times I was carpeted for things I had said just beggars belief. That is a true story; it is as true as I am standing here—that happened. That is how that impact affects people within other services. I know seven people within the last year I have worked with who have left the Western Australia Police service. They all have nearly 200 years of experience amongst them, but have left for the same reason; namely, all too often, front-line police are the ones who deal with it. They say to people, “Hey, why can’t we do this? Why can’t we do something different?” People say, “You’re only a copper, what do you know about it.” They get ignored. As a result, this person has taken his great ideas and moved on. If members believe that we should not listen to people’s ideas to identify how things can be done better, I do not understand. Because people burn out; I got fed up with bashing my head against the wall and so did this person. We need to have less silos and more people working together saying, “Here, is a problem; it’s affecting our front-line police officers. We’ve just had some police resign. How can we

keep them there? Let's work towards helping them make their life and job easier." That is not just for police; that is for other people as well. Because the impact of having an ambulance being called to a domestic violence incident, when it is a volunteer ambulance service, is huge on a community.

I wanted to stand up today and acknowledge everything that has been said. However, I also wanted to put that slant on it; I wanted to let members know from my first-hand experience that this is what is happening. This is what we, as members of Parliament, need to address. This is what this reform needs to address. We do not need a continuum; we do not need more of the same old, same old! With regard to regional policing, namely, Fitzroy Crossing and Halls Creek, I do not necessarily agree it is a battleground. The officer in charge of the Fitzroy police station is a good friend of mine. He went to the same police academy as me. I know how hard he works. I know how hard all emergency services and volunteer ambulance people work. As the government we need to look at this matter, and ask, "How do we help these people do the job that they do?" Thank you.

HON AMBER-JADE SANDERSON (East Metropolitan) [11.11 am]: I will keep my comments brief to allow other members to make comment on this important motion. I wanted to touch on a couple of things. I will not go over material that has already been canvassed in the chamber. I want to just respond in kind to the previous speaker's comments that, if front-line police and ambulances are not responding to these issues, what are they doing? It is an absolutely critical and important part of everything they do. I agree that we should be working to do things differently, but not necessarily for the motivation to free up police or ambulance resources. It should be for the motivation of the positive impacts it will have in our communities by reducing this pernicious and terrible social ill.

I do very much agree with some of the earlier comments of Dave Grills, in which the media goes into a frothing frenzy about a shark attack, yet a woman is beaten to death in front of her children and it does not even make a fifth of that kind of coverage. I find that offensive, and very, very hard to swallow. I think it is because we have a very quiet and underlying acceptance of violence against women; that it is not the worst crime. Yes, it is a crime but it is not the worst crime, and there are worse crimes. We see entertainment on our televisions of graphic and violent crimes against women and children dressed up as entertainment. If we turn on a detective show or *Law and Order*, the amount of murders, rapes and child homicides in those programs as "entertainment" is abhorrent to me. I cannot count the number of novels that I have picked up and put down again because it is based around a graphic and violent murder of a woman. We do not see nearly as many of those things as we do against men. All of those social acceptances lead to a general underlying notion of, "Well, it's a crime, but it's not that bad."

I want to touch quickly on some of the workplace agreement reforms that have been happening in some sectors. Two unions in Western Australia—the Australian Services Union and the Maritime Union of Australia—have very successfully negotiated domestic violence clauses into their agreements. Victims of domestic violence can access paid leave to seek medical treatment, for relocation purposes, to deal with issues surrounding their children, and to seek support from family and other government services without fear of a loss of income or job or their rosters and shifts being changed. I applaud those unions in particular, and I applaud those employers who have negotiated those agreements as well. I would like to see more of those clauses inserted into workplace agreements because at the end of day, if a woman has a job and is attempting to leave a violent situation, she has to keep that job because she has a family to support. More often than not, they leave with the clothes on their backs. Therefore, it is important that they are able to continue employment and have that security and knowledge that they can continue to provide for their children and themselves. I commend Hon Stephen Dawson for moving the motion and all the speakers on this important motion today.

HON ALYSSA HAYDEN (East Metropolitan — Parliamentary Secretary) [11.15 am]: I would like to thank Hon Stephen Dawson for bringing this very worthy motion to the house. The more we talk about this topic, the better. Most victims find it very difficult to come forward to even tell their closest friend, let alone to take the first steps required to return back into the normal world by leaving the domestic violence nightmare that they have at home. As I said, the more we talk about it, the better. We need people to start feeling safe to speak about it. A number of speakers have actually addressed it already. A lot of people do not admit they are a victim because they think they will be judged. That is a terrible thing to do. I have spoken on this subject a number of times over the past couple of years. I have a girlfriend who, although it was not violent abuse, was living in an emotionally abusive relationship which I think is just as equally bad. The last time I spoke about her I said that I had nearly given up on her. However, at the last march I listened to a speaker who said, "We owe it to our people to never give up on them; we owe it to our family, our friends and the community to never give up." After 20 years of banging my head against a brick wall, I nearly did give up. I am actually glad to say that after the last annual Silent Domestic Violence Memorial March, I did not. She has now finally left her husband. I now have the other task of making her survive in the real world outside of the awful lifestyle she has had for the past 20 years of her marriage.

Unfortunately, I missed this year's annual Silent Domestic Violence Memorial March. I have been to the past three with the previous minister, Hon Robyn McSweeney. One of the speakers there was a very dynamic, striking, confident young woman. It actually shocked me that she was such a strong intelligent lady, which is a

shame to be saying that out loud because society thinks that to be a victim, a person needs to be vulnerable. It is not the case. Victims are amongst us every day. It can be a friend, a family member or even one of us sitting here. There is no actual stereotypical victim. A person could be one of the most intelligent persons in the room and still be a victim to someone he or she loves and cares for. I would like to use this motion today to actually thank all the people involved in this field because they are courageous, compassionate, dedicated people who take part in the annual Silent Domestic Violence Memorial March. That is not just the people behind the scenes in that organisation, but the women and families who come forward holding their heads high to say, “I was a victim, and I am now becoming a victor.” I would like to congratulate and thank them.

I would also like to acknowledge some associations working in this area in the East Metropolitan Region. I have had the privilege to meet people who work with Koolkuna, the Eastern Region Domestic Violence Services Network Inc, and the Midland Women’s Health Care Place Inc. They do amazing work in the East Metropolitan Region and are dedicated and compassionate people who help people on the ground every day. I cannot speak highly enough of them.

This government, through the Minister for Mental Health, has taken the initiative to strengthen support in the area of domestic violence. Unfortunately, I do not have time to mention them all today, but an initiative of the government that jumps out at me is the need to provide different types of accommodation. For people to take that first step they need to feel safe and protected and it is crucial that accommodation units of different sizes are provided. People who are affected by domestic violence include single women and women with one, two, three or even up to six children. They need accommodation that meets their needs. If they do not feel safe and secure to take that first step, they unfortunately will not leave their homes.

Another initiative of the government that makes victims feel safe is the Family and Domestic Violence Response Team, which works with local police to ensure that when the police respond to a report victims are treated safely and protected.

On that note, I will allow time for the minister to speak briefly. I understand that she wanted to respond to the motion. I conclude by thanking Hon Stephen Dawson and all the women and men who assist victims of domestic violence daily. They are greatly appreciated and I cannot think of stronger people in our community.

HON PHIL EDMAN (South Metropolitan) [11.21 am]: I did not think I would get an opportunity to address this motion. I thank Hon Stephen Dawson for raising this important topic. There are a lot of domestic violence problems in the South Metropolitan Region, especially in Kwinana and Rockingham. The Barnett government has put in place a police family protection unit in Peel to deal directly with domestic violence. Recently I mentioned in this house that I went out on patrol one night with police in the Peel district. One of the reasons I did that was to witness first-hand what was happening in my community with domestic violence. Fortunately, that night there were no domestic violence incidences. However, I was told that when someone rings the police and reports a domestic violence incident, a police officer from a special unit will attend that location and if it is deemed an incident has occurred, that person is taken away. A very good follow-up service has also occurred under this government. The next working day, the police will make sure that that person, whether a man or woman, has come back to their home and they are—I am not sure this is the right word—quarantined; they are not allowed to go back to their place of residence until it is deemed safe or until they go to court. That program seems to be working.

Domestic violence is something that has an influence in the early years when young kids see their parents carry out these awful acts on each other. To stop domestic violence in its tracks, it needs to stop with the kids. Often when children who witness domestic violence grow up and marry it is the only thing they know because it is what they have learned from their parents. That is a problem.

The PRESIDENT: Time has elapsed on that excellent debate, with many members wanting to make thoughtful contributions. The minister did not even get an opportunity to make a contribution, so that indicates the level of interest across the chamber in the issue. Perhaps, during debates such as this one, which are not openly adversarial, members should keep in mind the time limit means that they can speak up to and are not obliged to fill the whole 10 minutes, especially when they know lots of members across the chamber want to contribute. That might assist all members to make a contribution.

Motion lapsed, pursuant to standing orders.

WASTE TO ENERGY

Motion

HON PHIL EDMAN (South Metropolitan) [10.24 am] — without notice: I move —

That this Council calls on the state government to implement waste to energy as an alternative to landfill.

I would firstly like to bring to the attention of the house the different technologies I have seen and have knowledge about in the area of waste to energy. The first technology I will mention is something I saw on the two occasions that I have visited Japan. The last time I visited Japan I was fortunate to travel with the Premier and, apart from giving away four koalas, we looked at waste-to-energy plants. The Martin grate system, of which there are hundreds of waste energy plants all over the world, burns municipal household rubbish to heat a boiler which makes steam. That steam then turns a turbine to make electricity. It is a pretty simple method. What is impressive about that waste-to-energy plant is the amount of technology involved in the emissions. The best way to describe it to the house is to describe the emissions. The trucks that drop off that municipal household rubbish probably emit more dioxins than the plant. It was very impressive.

The Martin grate waste-to-energy plants, especially the one that is being considered for use in Western Australia has the capacity to power up to 80 000 homes, with very few emissions. The most important thing about the Martin grate system is that it results in absolutely no landfill. It does not produce 10 per cent or 20 per cent landfill—there is no landfill at all from a Martin grate waste-to-energy technology plant.

Mr President, I have brought some rubbish into the house today and, with your permission, I would like to hand it around so that members can do a bit of scratch-and-sniff test.

The PRESIDENT: Obviously, it is difficult for Hansard to record this and the member cannot seek leave to incorporate it, but it will be fine if the member describes the objects to demonstrate what he is talking about, and then he can hand them around to members.

Hon PHIL EDMAN: What I have in my hand is aggregate left from the process of burning out municipal household rubbish, which I will hand around so everyone can have a scratch and sniff. Then the aggregate is used to make bricks. I have a brick in my hand, and these bricks can be used for household construction and paths. It is not landfill, but it can be put on top of the land. This is what comes out of the Martin grate waste-to-energy plants. They are very sophisticated and are way ahead of what is being done in Australia. The brick can also be handed around for members to look at.

Gasification is another type of waste-to-energy plant I looked at in Sapporo, north of Tokyo. I learned there that gasification plants were built in Japan because a policy was introduced in the 1980s that once a car had done so many kilometres, it was disposed of. So Westinghouse's plasma gasification units were used to chop up cars. That process was not successful in Japan because a lot of those cars would go to Australia and other parts of the world. Gasification plants are now primarily used for municipal household rubbish. They operate at high temperatures, but I do not know whether the emissions technology is the same or has zero landfill results like Martin grate.

There are other technologies, including DiCOM. I will not talk too much about that, because I know Hon Liz Behjat would like to talk about that technology. From what I know about the DiCOM—I do not believe it has been commissioned yet in the North Metropolitan Region—I believe probably in excess of 10 000 tonnes of waste will still have to go to landfill. As some members know, the Bedminster system is an aerobic digester in the South Metropolitan Regional Council, which we know as the SMRC. I guess when this technology was installed, the SMRC must have thought it was the bee's knees or the best thing since sliced bread because it would make compost and do away with the need to put rubbish into landfill and that is good for the environment, so off the SMRC went and spent millions of dollars on this technology. I have learnt about this technology only since becoming a member of Parliament, even though I have been aware of the SMRC because it is next to where my father lives in Jarvis Place, Leeming. Numerous complaints about odours have been made by residents, including over the last term of government. I have looked at the compost from the Bedminster aerobic digester. People are reluctant to use it. I do not think I would put that compost in my garden because it contains a lot of glass particles. The SMRC may need to look at refining it further. Probably about 40 000 tonnes of waste from the SMRC still goes into landfill.

The good news is that the Environmental Protection Authority came out in April 2013 with a report and recommendations of the Environmental Protection Authority and the Waste Authority titled "Environmental and health performance of waste to energy technologies". I have read it. I do not know whether any other member in this house has read it.

Hon Mark Lewis interjected.

Hon PHIL EDMAN: Well done, Hon Mark Lewis; it is good to see that he is reading material.

The report makes 21 recommendations that a waste-to-energy plant should adhere to. I am not an expert but from reading the report, it is obvious to me that the Martin grate technology ticks all the boxes in line with the state government's 21 recommendations. That is good because it is already evident that under this government it looks like—hopefully, this waste-to-energy system is not too far away—we will not make the mistakes we made some years ago when the SMRC installed the aerobic digester in the South Metropolitan Region. There have been many problems with that facility such as bad compost and strong odours. At least this time we can get it right.

Once a waste-to-energy plant is built, it will be the first one to be built in Australia, and as a Western Australian I will be very proud of that. When we build this technology, we want to get it right; we do not want some dud technology that does not tick the boxes of the 21 EPA recommendations. It should meet all the stringent environmental requirements and tick all the boxes—that is very important—and it must be affordable.

Our government has a policy of no landfill by 2020. When I first became a member of this place I remember Hon Donna Faragher introducing the Waste Avoidance and Recovery Levy Bill. At the time Hon Sally Talbot spoke for more than seven and a half hours on the bill. Thank God we have a parliamentary bar! It was an interesting debate and the bill was passed. That legislation was all about putting aside some money and making sure local governments and people looked outside the box and stopped putting waste into landfill.

Point of Order

Hon SALLY TALBOT: I fear that Hon Phil Edman is now embarrassing himself because we now know his complete misunderstanding of the bill—it had nothing to do with putting more money into waste mitigation and had everything to do with using the levy for consolidated revenue—was due to the fact that he was in the parliamentary bar and not in the chamber listening to the debate.

The PRESIDENT: Order! That is a point of view and not a point of order.

Debate Resumed

Hon PHIL EDMAN: I look forward to Hon Sally Talbot's contribution to the debate. The last time I checked, the gate price per tonne to operate the Bedminster aerobic digester technology in Canning Vale was about \$215 a tonne. The gate price to operate the Martin grate will be \$110 a tonne, which is nearly half the price ratepayers are paying at the moment through these regional councils. I am glad local government reform is happening because I feel that local government has been reluctant to get involved in waste to energy. I think local government would like to keep this old Bedminster technology, which I believe still owes some \$50 million, when we have an opportunity to use technology that promotes no landfill, can provide electricity for more than 80 000 homes, can provide bricks for building and, most importantly, would cost ratepayers less than half the price they are paying today. That means if our government were to implement waste technology such as the Martin grate, it could save money on the rates of Western Australian families. Hopefully, once that technology was implemented, local governments will pass on that saving at the gate fee. I will leave it at that. I think there is a fantastic opportunity for Western Australia to host a waste-to-energy plant here in WA. This is not something new; it has been operating in other parts of the world for a long time. In Western Australia we are far behind the eight ball. I do not know why, but it is time we caught up and stopped putting rubbish into landfill and damaging the environment, and got on with adopting these sorts of technologies to make Western Australia a better place to live in.

HON STEPHEN DAWSON (Mining and Pastoral) [11.37 am]: I stand on behalf of the opposition to make some brief remarks on Hon Phil Edman's motion that this Council calls on the state government to implement waste to energy as an alternative to landfill. Obviously, there is lots to say about waste-to-energy plants. Indeed, the idea of them has been quite controversial over the years. Groups such as the Conservation Council of Western Australia and other environmental groups around the state and the country generally, have been quite vocal in their concern about these waste-to-energy plants, particularly the impact they might have on air quality and possibly on public health. Waste-to-energy plants have recently been promoted as the solution to our waste crisis. I am not exactly sure that is the case. I am not convinced that reducing the volume of waste going to landfill to send to waste-to-energy plants will assist in the transition to a more sustainable society. However, there is no doubt that we have to evaluate these plants. In doing so we need to carry out a full cost-benefit analysis in economic, social and environmental terms. I am well aware that Hon Phil Edman has a strong interest in this area. Indeed, I believe there is a proposal for a facility in Kwinana based on a plant in Phoenix

Hon Phil Edman: Two plants.

Hon STEPHEN DAWSON: I will briefly touch on the plant in Phoenix. When we are considering these plants it is important that we ask a range of questions and I want to put those questions on the record. All of these plants should be subject to the following questions.

We have to be sure and we have to know: is the plant's operation consistent with the principles of the waste hierarchy; that is, reduce, re-use, recycle? We need to know: Do these waste-to-energy plants ensure that they employ the excellent principle of extended producer responsibility—an issue I am sure Hon Donna Faragher would know plenty about, given her time as Minister for Environment and the inaction of the ministerial council on this issue over a number of years.

Another question we need to ask is: do these waste-to-energy plants lock in a demand for a waste stream? We also need to ask: what input streams can the plant accept and, indeed, is this the most sustainable use of this input stream? Some input streams are not acceptable from an environmental point of view, which obviously includes any material from native forests. Again, this Parliament and this chamber have had plenty of debates on native

forests over the years, but we have to ensure that these waste-to-energy plants do not use any material from native forests. We have to ask: what outputs does the plant produce, both beneficial and harmful, and indeed are harmful outputs within safe limits?

As I said, there is a concern in the community about air quality and there is a legitimate concern about public health issues related to these plants. That is not to say that we should not discount these plants totally; we just need to make sure that we answer these questions. It is important for anyone, particularly for us as members of Parliament, when we are looking at these things to make sure we address community concerns. We also need to ask how many tonnes of greenhouse gas emissions any of these plants will produce, not just in operation but also during construction. This includes greenhouse gas emissions from the transport and energy used in construction, the waste produced in construction and the embodied energy in the materials used. That is only about the greenhouse gas emissions from construction. We must then ask: how many tonnes of greenhouse gas emissions will be produced in operation? Obviously this includes the transport of waste and the transport of end products, including fly-ash.

We also have to ask: what are the operational greenhouse gas emissions per gigawatt hour of electricity? That is very important. We also have to ask: what are the overall greenhouse gas emissions? How many tonnes of greenhouse gas emissions will it displace, for example, from landfill? We have to look at the environmental benefits of such a plant, and indeed the environmental impacts of this plant. We also have to consider the social benefits the plant will provide and the negative social impacts involved. That is not to say that there will not be any—of course there will—but we just need to make sure that these issues are addressed when we consider these plants.

It is particularly important for us to at least ask: does the plant have the support and the approval of the local community? Hon Phil Edman mentioned his dad and where his dad lives and indeed the community concern that has revolved around the Southern Metropolitan Regional Council facility. It has been a concern not just in the past few years, but also over the past 10 years at least, and it is a very valid concern. When we consider these waste-to-energy plants, we need to think about the support and the approval of the local community. We also have to ensure that the proposed site is appropriate. We need to think about whether there is a better facility or a better site for the facility. We need to address and be aware of the economic cost of the energy produced by the plants. I am running out of time so I will get these questions out in a list.

We need to know what the capital cost of the plant will be, what the operational workforce of the plant will be and what economic benefits the plant will bring. Will the plant require a subsidy for construction or operation; and, if so, how much of a subsidy? We need to know these things before we say, “Yes, we will consider them.”

It is also important for us to consider the alternatives to the operation of these plants. We need to know whether this is the best available approach from the environmental, social and economic perspectives. We need to be sure, we need to consider and we need to be aware that the technology being used is proven, and we need to look at similar plants operating elsewhere and how they have performed. The work that Hon Phil Edman did in his travels in looking at these plants elsewhere is very important. If we know how these plants operate elsewhere, we can have a little certainty when we are considering them for Western Australia. Most of all we need to make sure that the project is not the lesser of all evils. This cannot be about saying, “Look, these plants are marginally better for us, for the state and for the environment than this waste going to landfill.” It cannot just be about these plants being the lesser of two evils. It has to be about what is best for the environment and what is best for the state.

With those few comments, I will draw my remarks to a close. I welcome the motion. I think it is important for Parliament to consider these things, but I also hope that we will all consider those questions that I have placed on the record before we move to allowing more of these plants in Western Australia.

HON MARK LEWIS (Mining and Pastoral) [11.46 am]: I am surprised to get the call! I want to broaden the discussion on this motion to take it from what has been to date a metropolitan discussion to a context that is relevant to me and I hope to this debate. I want to talk about waste-to-energy plants in the mining industry. There are huge opportunities, obviously, for waste to energy in the mining industry in recycling tyres and other general mining consumables. In my contribution today I want to broaden the discussion a little to talk about other opportunities. Given that I represent the Mining and Pastoral Region, which includes iron ore mines and other mines in the Pilbara, I will speak about the issue of dewatering. The Pilbara is probably one of the largest dewaterers in Western Australia, if not in Australia. I will explain for members the background on dewatering. When there is an ore body, usually from underground mining or open-cut mining, the mining companies have to dewater around that ore body, and I will refer shortly to some of the numbers involved in that. Historically, when mines dewater, which is done under licence, the water is pushed down some creeks. These creeks have traditionally been ephemeral creeks; that is, they generally run only in summer when we get the big tropical rainfall. That turns those natural ephemeral creeks into constant water streams. In some creeks people could almost go down the rapids in a kayak. It not only changes the whole pattern but also allows for weeds and feral animals to build up, and there is obviously some disposition of minerals and other elements from the water. In

some places it also unnaturally recharges the area and mixes the different types of water. I will not go into that in terms of stygofauna and those types of things but there are some issues there.

The water up there is generally of a very, very good quality and below 500 parts per million, which is very good for agriculture. As I said, this is an area that traditionally does not have agriculture; it has traditionally been a mining area. Therefore, there are some issues around diversification of industry.

The concept that I am working towards presenting here today is that the wastewater goes on crops through the various mechanisms that Hon Phil Edman has talked about, such as pyrolysis or biogas or some syn-gas arrangement, and is then converted into energy. I will give members some context to the volumes involved. The amount of potential dewatering that will happen through the Ophthalmia Range is in the order of 200 gegalitres a year. A gegalitre of water would fill 400 Olympic pools. Sydney Harbour, which is 19 kilometres long and 55 square kilometres, is 500 gegalitres. Therefore, every year the equivalent of two-fifths of Sydney Harbour will go through the Ophthalmia Range. I do not think Hon Phil Edman went into it, so for members' benefit I will explain that in this instance pyrolysis is the burning of plants within an atmosphere with reduced oxygen. It is a high-temperature process. As I said, the other process is biogas, which is, basically, a cellulosic breakdown and digestive process. I think Hon Phil Edman mentioned that. Around the world today the intellectual property in enzyme breakdown is becoming quite significant and bringing this sort of technology right to the fore. The more cellulosic breakdown we have, the more gas we get from the digestion and the more energy we get. These things are now becoming very cost-competitive with normal energy production. When a crop-based or a plant-based material is used in the high-temperature burning process, we end up with a whole heap of what is called biochar, which can go back into the agricultural operation. The biogas process leaves a slurry that can also go back into the agricultural operation and build the organic soil carbon in the system.

Having discovered this, the government very recently put together a project to assist this. I believe the Minister for Agriculture and Food will make an announcement shortly, so I will not steal his thunder, but we will work with —

Hon Kate Doust: I think you just have.

Hon Ken Travers: We're just friends in here. No-one else will know.

Hon MARK LEWIS: No-one is listening.

Hon Simon O'Brien: No-one takes any notice.

Hon MARK LEWIS: No-one takes any notice. Woodie Woodie mine, which dewateres significant amounts of water—probably in the order of 40 to 60 gegalitres—burns about 40 million to 60 million litres of diesel a year to run the bore fields. The idea of this is to use that water in agriculture to grow high-density crops and then to convert it to energy through either a biogas or a pyrolysis process. We will have a trial around this.

Hon Ken Travers: Wouldn't you be better off farming animals to create protein like they do in other parts of the state? Why would you burn it?

Hon MARK LEWIS: Absolutely; Hon Ken Travers is deadset right. This trial will have a mix of outcomes, one of which will be that, but I am focusing on waste-to-energy technology in this debate.

Hon Ken Travers: I was struggling earlier in your speech. I now follow —

The DEPUTY PRESIDENT (Hon Amber-Jade Sanderson): Member, please let the member conclude his remarks.

Hon MARK LEWIS: That will be another outcome of this project when the minister announces it. This will also cause significant reductions in carbon emission as we will no longer need to burn 40 million to 60 million litres of diesel to run the bore field.

In the limited time I have left, I will quickly go through some of the legislative regime that we might need to change in this house. Part V of the Environmental Protection Act, division 1, "Pollution and environmental harm offences", contains provisions for dumping waste. In my view, it would be very easy to consider using the EPA framework and existing regulatory framework when and if we consider water as a waste in this context. That brings in a whole heap of regulatory framework factors with respect to a levy and cooperative use between the mining companies. We could put together a water co-op of some nature to coordinate the disposal of this water on agricultural and other related projects. That may be something that we need to discuss in the very near future if we want to create this secondary industry, which, at the end of the day, has some very strong environmental outcomes in waste-to-energy conversion.

HON ROBIN CHAPPLE (Mining and Pastoral) [11.57 am]: I rise to speak today on our position on waste-to-energy technologies. These include, obviously, combustion, gasification pyrolysis and plasma arc; there are many different styles. I thank Hon Phil Edman for his report on his trip to Japan in November 2010 in which he articulated some of Japan's problems. Japan has a very unique problem inasmuch as it does not have any space.

Hon Phil Edman's report deals with that. When he visited the company Moltoni Energy and its waste facilities, he was introduced to the Martin grate system. The report, "Report of Interstate and Overseas Travel Undertaken by Members of Parliament funded by the Imprest System", states —

With Japan's relatively small land mass and large population, their need to effectively manage waste, both industrial and municipal, has led to their becoming a world leader in waste management technologies.

Rightly so; Japan does not have any space. Waste-to-energy technology should be our last option. As people have mentioned, we have a waste hierarchy. Its classification is the good old pyramid. Our first option is reduction; the second option is re-use, and then recycling and recovery. Only when we go to the European waste framework directive of 2008 do we bring in, in any way, shape or form, energy recovery, because that is always considered the last thing we should do; reduction is the way to go.

I recently attended a conference on waste where a young American woman spoke on what she was doing with waste. She leads a world campaign on zero waste. Her whole household produces only one glass jar of waste a year because they manage to not get any packaging. In fact, we can do that here in Western Australia. The good old mining industry is really good because we can get these linen bags for 20c in all sorts of sizes. A phone app called "Bulk: Shopping Locator" tells us a number of stores in Western Australia where we can buy bulk material, such as bulk Weetabix —

Hon Phil Edman: Are you going to share the bag around, because I showed my brick?

Hon ROBIN CHAPPLE: Yes, certainly. Would somebody like to take my bag? The mining industry produces those bags for 20c and they come in all sorts of different sizes. They can be bought in job lots of 100. A lot of people use them when they buy in bulk —

Hon Ken Travers: If we come to your office later, you can give us a special price?

Hon ROBIN CHAPPLE: Absolutely!

The first issue is to get rid of the waste that we generate. We can do that in many, many ways. It is only in the European Union waste framework directive that it starts to talk about waste to energy. We really need to start dealing with the minimisation of waste. Then, when we cannot further minimise waste, we need to make sure that that waste is put to good use—that is, for compost. I noticed that comments were made about glass fractions in the Regional Resource Recovery Centre's compost. I understand that problem has been completely removed in many of the new plants that are now coming onstream, especially with the waste and water flotation systems.

Hon Ken Travers: That is certainly what they're trying to achieve with the DiCOM plant in the western suburbs.

Hon ROBIN CHAPPLE: That is right, so we can get there. But going back to the good old, bad old days of burning waste is not the way to go.

Another thing that we talk about, which was mentioned by Hon Stephen Dawson, is carbon dioxide emissions. Obviously, if we put material into landfill, there is a methane outcome. If we extract that from landfill, we can manage it but it is still a major problem. Therefore, wherever possible, we should not put material into landfill. We need to note that about one metric tonne or 1.1 short tons of waste going into the waste-to-energy stream generates approximately the same amount of CO₂. At the end of the day, if our whole plan of waste reduction is about minimising our impact on the planet through methane and all those sorts of things, waste to energy is not a resolution to that problem; we need to get waste out of the process. One thing we can do is go to our phones and download an app called Bulk. It enables people to find places in Western Australia where they can buy all their commodities in bulk with no packaging, bags or anything else. People take a bag and fill it with rice or whatever and therefore reduce their waste component. I put my rubbish bin out probably once a month and it is usually only about a quarter full.

My bag is back and it has a brick in it—thank you!

Hon Phil Edman: It's just to show the bag can withstand a brick!

Hon ROBIN CHAPPLE: It would be far better in my view if instead of having a brick in there, we had some material that we could use that did not create a brick in the first place.

Several members interjected.

Hon ROBIN CHAPPLE: Seriously, the key issue is that we must reduce our waste. We do not have the problems of some other countries such as Japan, which are forced to go down the path of processing. I have looked at the Martin grate process and it is relatively good, but it starts from the wrong premise. We should not be using waste for energy. I will cite a small case. A Swedish company decided that there was a lot of waste in India and put in a giant waste-to-energy plant just outside Bombay. It got hold of the waste and put it in the plant but the waste would not ignite or break down. The waste had been so well picked over —

Hon Phil Edman interjected.

Hon ROBIN CHAPPLE: Yes, but the problem was that no combustible waste was left; the combustible waste was so valuable to the community that it had been taken out of the waste already. There were no plastic bags or bottles. The subsistence community had been through the waste pile to the point that what was left was not combustible. Therefore, it was not the process that failed; it was the fact that the community, through its own social demand, was already recycling so much waste from the waste piles. I am not saying that we should all rush out to waste piles and grab hold of as many plastic bags as we can, but we have to understand that there was a community that, by necessity, was recycling. I say that we should start recycling. We should start reducing in the first instance, re-using where possible, then recycling and only when that has concluded should we move into a waste-to-energy stream.

Another point about the waste-to-energy stream is that it demands waste. Therefore, if we have waste-to-energy plants with long-term contracts and there is a new forward-thinking government in the future, a Labor government with a Green coalition, that looks at sustainability, we will be in the position that we cannot start reducing our waste because of those contracts let to the corporations. Waste to energy is the last thing that we should consider.

HON LIZ BEHJAT (North Metropolitan) [12.05 pm]: I am pleased to rise to support my good friend and colleague Hon Phil Edman in bringing this important matter to the house today. We have had two very interesting topics in non-government and private members' business today that were very different. We live in interesting times when I find myself rising in this place to support the comments of Hon Robin Chapple! It is something that I am not quite sure I often do. However, today, I agree with a lot of what Hon Robin Chapple said; namely, that the reduction of waste needs to be the prime concern in looking at the matter of recycling and re-using waste.

As Hon Phil Edman foreshadowed in his contribution, I want to talk about a facility in the North Metropolitan Region. I know that Hon Ken Travers is also quite familiar with the DiCOM waste processing facility located in Shenton Park in the fabulous North Metropolitan Region.

Hon Ken Travers: All the local councillors missed the Liberal Party members because of their lack of attendance at their dinner this year.

Hon LIZ BEHJAT: Unfortunately, when members are in government, there are so many demands on their time that it is very difficult to attend all sorts of things. I am a very good supporter of them and they know that. I do not need to spend time at dinner with them for me to support them in those ways, thank you, Hon Ken Travers.

I have visited the DiCOM waste processing facility on a number of occasions. It is in its testing phase at the moment. Hon Phil Edman talked in his contribution about the south metro processing facility that produces compost. The DiCOM process goes through a process of water extraction, which ensures that the compost produced does not have the glass particles that the member referred to. When the DiCOM facility is up and functioning completely, which is expected to be in the middle of next year, it will produce a compost that will be sold to agricultural markets. A commercial company, Richgro Garden Products—a WA-based company, which is fabulous as well—will market the compost produced. I have seen the compost and it is something that I would put on my garden; I have no fear about that.

The DiCOM process is a system put together by AnaerCo. The waste comes to the processing plant and goes through a series of processes, including an anaerobic process, to end up with compost. Seventy-five per cent of the waste processed at the plant will be diverted from landfill, with the rest to be recycled or to go to landfill. Maybe into the future we can look at the leftovers that are not used to produce energy or that do not end up in compost perhaps going off to the facility that makes the bricks. It would be a very good outcome if we could end up with zero landfill. The energy produced by DiCOM is used to run the plant, and any excess power goes into the system. We know that once energy is produced, that is it; it is used and we do not get it back. Probably a better outcome would be to recycle the waste into a product that can be used.

As with the debate on the previous motion, I know that other members want to contribute. This is a very worthy motion that Hon Phil Edman has brought to us today. I recommend that members visit the North Metropolitan Region to look at the DiCOM processing plant. I have a very good relationship with the Western Metropolitan Regional Council and am very happy to organise a visit to DiCOM for any member. It is certainly recommended. It is a great process, and we look forward to it being fully up and running in 2014.

HON PAUL BROWN (Agricultural) [12.11 pm]: I had the honour of standing in this house about four or five weeks ago to present a petition on behalf of residents of York and Toodyay on their concerns about metropolitan landfill being relocated into the hills area and the peri-urban fringe of Perth. I commend Hon Phil Edman for his motion; we certainly need to look further at what we as a city, a state and a government are doing in waste management. The Waste Authority conducted a survey into landfill and recycling. The 2011–12 report of that survey showed that nearly six and a half million tonnes of waste is generated in Western Australia, of which only

39 per cent is recycled or diverted. That puts WA well below the national average of 51 per cent. What I and the communities of York and Toodyay and the other communities that are now being proposed as sites for waste from Perth are asking—I will certainly be asking the Standing Committee on Environment and Public Affairs this question—is why we have such a poor take-up of recycling in WA. That is one point that any inquiry into landfill in those areas should look at. But there should also be a wider strategic waste management review. That comes to what Hon Phil Edman's motion is about.

We have an opportunity to set up not only Perth but also, and more importantly, the whole state for the next 30 or 40 years to cater for what is going to be a massive increase in landfill. There is already pressure in Karratha, Port Hedland, Geraldton and other major regional centres about what they are planning to do with their landfill waste. Just recently, the Minister for Environment approved a waste-to-energy facility in Port Hedland. That facility, when finalised, could potentially power 21 000 homes in that area through the burning of 255 000 tonnes of landfill per year. In the Perth metropolitan area, 4 700 000 tonnes of waste was produced in 2011–12, which could have produced enough energy for nearly half a million homes. That is the reality that Western Australia faces.

The aim to have zero landfill in the Perth metropolitan area and coastal plain by 2020 is to be commended. The problem with that is that the landfill has to go somewhere else. Where is that somewhere else? It is regional WA. Landfill waste is increasingly being taken out of Perth to areas of regional WA that are not far from Perth, because those are the areas to which it is more commercially viable to transport waste. Short trips are made to regions that have vacant areas and big holes, where it is commercially viable to dump that waste. Obviously, those proposed sites have to go through a range of environmental assessments. They have to be lined with high-density polyethylene. They have to meet some very stringent standards. I concede that the science behind a lot of the landfill sites is sound. But what the residents in those areas are suggesting is that the state perhaps needs to take into consideration the fact that moving landfill from the Perth metropolitan area to areas of regional WA that are not that far from the metropolitan area will itself create problems, as those sites will also come under a lot of pressure in the not-too-distant future. Those areas are already under developmental pressures. I consider it unwise for the state's solution of removing landfill from the Perth coastal plain by 2020 to be to put it somewhere else.

I understand that Hon Phil Edman has done quite a bit of research into a waste-to-energy facility, but I also commend Hon Robin Chapple for the points that he made during this debate. I agree with Hon Liz Behjat that it is not often that I will agree with Hon Robin Chapple, but his proposal —

Hon Ken Travers: Except for when you want his preferences.

Hon PAUL BROWN: I do not need his preferences, mate. We do it all on primary votes!

I commend the points made by Hon Robin Chapple. We also have to look at reducing the amount of waste and landfill that is produced and at what we, as a society, value. At the moment, WA is far from leading the charge in recycling and waste reduction; that is for sure.

I have spent a bit of time highlighting that residents of the peri-urban fringe of the metropolitan area are very concerned about landfill. In closing, I urge the Standing Committee on Environment and Public Affairs to seriously consider holding an inquiry into a review of the waste management strategy for Western Australia, and that it take into consideration the concerns of people who are being directly affected by the plan to move landfill from the metropolitan area to regional WA. I know that other members would like to speak, so I will sit and let others have a chat.

HON DONNA FARAGHER (East Metropolitan — Parliamentary Secretary) [12.19 pm]: In the short time left to speak on this motion, I wanted to say a few words—I do not have anything to contribute to the show-and-tell that has occurred on both sides of the house. I do not need to speak on behalf of Hon Phil Edman, but I think we need to be clear on this. I know from my discussions with the member that he certainly does not see waste-to-energy technology as the first port of call for dealing with waste. I think all sides of the house agree that when it comes to waste-to-energy technology, it is at the end of the line for waste management; Hon Phil Edman is nodding in agreement. A couple of speakers have mentioned that a report on the environmental and health performance of waste-to-energy technologies was released by the Environmental Protection Authority and the Waste Authority earlier this year. That report states—I agree with it—that, yes, it is likely to play a role in waste management, but it should only be done when there is no viable recycling or re-use alternative for waste. We have talked about the hierarchy followed—Hon Robin Chapple referred to it—which is avoidance, re-use, reprocessing, recycling, energy recovery and disposal. I think that perhaps more generally we as a government have done, and I believe continue to do, a number of positive things, particularly in the area of reducing waste to landfill. Far be it from me to once again raise the issue of the levy, but Hon Phil Edman did too; I feel it is actually not right that Hon Sally Talbot is out on urgent parliamentary business while I raise these matters because we have had a few debates in this place on that before. In 2009, there was a significant—I do not deny that—300 per cent increase to that levy for putrescible and inert waste that has helped to improve the

competitiveness of waste recovery options compared with landfill. Some other activities and initiatives have been undertaken, such as the regional funding program, to which around \$9 million has been committed by the government.

There have also been some significant highlights from that funding that has gone to a number of local governments—I think well over 100 across the state. The minister has provided me with information on a couple of those highlights: Bunbury–Wellington has co-funded an organics recovery facility; in the Avon region, a local government kerbside recycling program was co-funded; and in Wagin, transfer stations to replace smaller rural landfills were co-funded. I think we would all agree that they are very good initiatives. There is also the household hazardous waste program, to which about \$10 million has been committed since 2008 or 2009. That program enables the collection of household hazardous waste, and I think more than 1.4 million kilograms of paints, pesticides, pool chemicals, batteries and other hazardous waste have been collected since that program started.

We also have the Western Australian Transitional E-waste Program. When I was environment minister there was an agreement—Hon Stephen Dawson referred to this—around a number of product stewardship arrangements that had been agreed to at the national level. A national scheme was to be set up that related to television and computer recycling. There was a lead-in time in relation to that, and we in Western Australia felt it was important to provide funding for e-waste collection in that transitional period. That has also proved very successful. A number of other projects and initiatives specific to not only Western Australia, but also at a national level have been and continue to be supported.

Getting back to the motion, the report of the EPA and the Waste Authority concludes that waste-to-energy technology has the potential to offer an alternative to landfill for the disposal of non-recyclable waste. I understand and appreciate, as Hon Stephen Dawson said, that there is community concern in some quarters about potential negative health impacts. But I take heart from the work done by the EPA and the Waste Authority. Quite obviously and quite appropriately—I agree with all members in this regard—any proposal for a waste-to-energy plant will need to be thoroughly investigated.

Motion lapsed, pursuant to standing orders.

TAXI DRIVERS LICENSING BILL 2013

Committee

Resumed from 21 November. The Deputy Chair of Committees (Hon Amber-Jade Sanderson) in the chair; Hon Jim Chown (Parliamentary Secretary) in charge of the bill.

Clause 1: Short title —

Progress was reported after the clause had been partly considered.

Hon JIM CHOWN: The last time we were speaking on this matter we were discussing the issue of complaints handling, and Hon Sally Talbot queried how the process will change with the implementation of the Taxi Drivers Licensing Bill 2013. I will take this opportunity to provide a brief overview of how complaints are currently handled by the department and how some things will change.

Currently, complaints are received from four main sources: a direct call to the department, by email, by presenting a complaint in person to a Department of Transport office or a referral from a taxi dispatch service; on occasions, complaints are also received by via other channels, such as members of Parliament representing their constituents. Complaints are investigated and appropriate action taken if they are upheld. Most information on complaints is held in a database that I believe was commissioned in 2002. Although there have been several modifications and improvements to the database over the years, the age of the system is showing. Most notably, the system does not handle complaints with multiple breaches particularly well; does not sufficiently differentiate between metropolitan and country complaints in some cases; is not good at providing informative reports on the outcomes of complaints; and does not link well with infringements issued against a driver, particularly when multiple infringements are issued. The system does not link well with mobile on-road compliance equipment, and because a separate system is used for on-road contacts, there is not a single view of driver histories or a single process for managing compliance issues. I am sure members will understand my point.

The supporting information technology infrastructure of the current complaints handling system is very limited. This bill includes provisions for a penalty points system, and clause 35 requires the chief executive officer to maintain a penalty register system. This will of course be a computerised system, and the creation of such a system provides an excellent opportunity to ensure that other systems, including the complaints handling system, are updated. The new complaints system will provide a mechanism for large taxi dispatch services to share complaints data and refer complaints, provide a mechanism for the small taxi dispatch services and country operators to lodge complaints online via a web-based application and provide a mechanism for the public to

lodge complaints online via a web-based application. This will be in addition to the existing methods of telephone, email and in person. I hasten to point out that in 2013, consumers' expectations of online lodgement go far beyond sending an email, and I believe the addition of an online lodgement facility will be a definite improvement. The department wants the new system to do more than the existing system so that it can be more effective in its role as a regulator. In particular, it wants better reporting systems and better integration with officers in the field.

I would like to talk more about the nuts and bolts of this new system. As I said earlier, this is an IT project. At the moment, much of the detail is in development. We are still at the stage where business analysts are talking about data models and functional requirements. As I stated before, these new systems will give the department visibility of complaints and will ensure that the provisions of this bill can be properly enforced.

The government will be utilising the condition-making powers conferred under section 29 of the Taxi Act 1994 and section 47ZD(3) of the Transport Co-ordination Act 1966 to require taxi dispatch services and country taxi car licensees to ensure allegations of a breach of this bill or its regulations are shared with and referred to the department. In addition, regulations can be drafted under section 47ZF of the Transport Co-ordination Act 1966 to provide for requirements relating to the recording and handling of complaints and breaches of this bill.

A breach of a taxi distribution service condition imposed under section 29 of the Taxi Act 1994 incurs a maximum penalty of \$5 000. Section 60(3) of the Transport Co-ordination Act 1966 provides for a maximum penalty of \$2 000 for a breach of a regulation made under the act. Most importantly, there are cancellation provisions in both acts under section 30(1)(b) of the Taxi Act 1994. A taxi dispatch service that repeatedly breaches conditions can have its registration cancelled. Under section 47ZF(1)(k) of the Transport Co-ordination Act 1966, regulations can be drafted outlining the circumstances by which a country taxi car licence can be suspended or cancelled. Repeated failure to refer complaints could be prescribed as a grounds for cancellation. In other words, there are appropriate sticks to ensure that taxi dispatch services and country taxi operators cooperate with the department. These sticks will be put in place and used if and when necessary. Fortunately, the working relationship between the department and the industry has improved significantly in recent years to the point where, I suspect, it will only be the most recalcitrant of operators against whom the stick will be required.

We can talk about existing complaint-handling processes and their shortcomings that have been around for many years; however, we can acknowledge that in the implementation of this bill we have an opportunity to fix those shortcomings. I will reiterate again that the government has made it clear that when this bill is implemented, the department will have a visibility of complaints so that individuals who breach the rules will be brought to account.

Hon SALLY TALBOT: I have a point of clarification. Was that a statement by the minister that the parliamentary secretary has just read into *Hansard*?

Hon JIM CHOWN: It is my statement.

Hon SALLY TALBOT: It is your statement?

Hon JIM CHOWN: Yes.

Hon SALLY TALBOT: So in the statement, when the parliamentary secretary referred to "I", that was him, not the minister?

Hon JIM CHOWN: That is correct.

Hon SALLY TALBOT: I ask the parliamentary secretary, if what he just said was an account—I was listening, I was just outside the chamber—of how the existing system works, why do we need the act? The changes and shortcomings in the existing system that the parliamentary secretary has very clearly acknowledged—surely, we do not need an act to change them. The whole point of my question was that none of these provisions are included in the act. Presumably, these will be part of the regulations.

Hon JIM CHOWN: The member is partly right; we do not need regulations to change processes. We are doing that as part of the implementation of this bill.

Hon SALLY TALBOT: I am sorry to start in such a nitpicking way, but can I just ask the parliamentary secretary, when he said that I am partly right, in what sense am I wrong?

Hon JIM CHOWN: The member is right, rather than partly right. As I have already said, as part of the implementation of the bill, it gives us an opportunity to do so. I was not nitpicking either.

Hon KEN TRAVERS: I very much appreciate the statement that the parliamentary secretary has made this morning. It still leaves me trying to understand exactly what the system will be like. It seems to have been a reasonably forward-moving position as to how complaints will be dealt with. I understood from the parliamentary secretary's statement that all complaints will now need to be visible to the department. If people do not provide the complaint, there will be a penalty. However, we last met to discuss this bill on 21 November.

On page 6396 of *Hansard*, in answer to the question of whether the Department of Transport will decide whether it investigates the complaint, the parliamentary secretary said the department will investigate all breaches. I am still trying to understand this point; namely, if a complaint is lodged with a taxi dispatch service and it is then made available to the department, through this system he has outlined today, will the department then investigate? Or is it possible that the department will monitor what investigation the taxi dispatch service undertook and not conduct its own investigations into that complaint?

Hon JIM CHOWN: If it is an alleged breach, the department will investigate.

Hon KEN TRAVERS: As I said before, I am very pleased to hear that because that is very different from how we were briefed on this bill at the time. It sounds like there has been a significant shift in the government's thinking; that is a good thing. We were briefed that taxi dispatch services could still investigate and deal with the complaint at the taxi dispatch level; that it would not be investigated by the department. Therefore, that proposal being put to us will definitely not occur. Will the department take over and conduct the full investigation into that complaint if it is a breach of the code of conduct?

Hon JIM CHOWN: That is more of a statement.

Hon KEN TRAVERS: No, it is a question.

The DEPUTY CHAIR (Hon Amber-Jade Sanderson): No, the member put a question.

Hon KEN TRAVERS: It was a very clear question. I want to confirm —

Hon Jim Chown: Sorry.

Hon KEN TRAVERS: — the proposal that was outlined to us during the briefing—namely, that it was still possible for a taxi dispatch service to conduct the investigation. The department would be able to view it on its website. If the department was satisfied with the taxi dispatch services' investigation, it would not take any further action. Is that now off the table? In other words, as soon as a complaint is lodged with the taxi dispatch service and logged in the system, will a full investigation of all the dealings of that matter be taken over by the department? That is what I want to have confirmed by the parliamentary secretary.

Hon JIM CHOWN: I cannot comment on what took place in Hon Ken Travers' briefing because I was not present.

Hon Ken Travers: I understand.

Hon JIM CHOWN: As the member has outlined it, that is the way forward.

Hon KEN TRAVERS: I am very happy with that. My only other question I wanted to ask of the parliamentary secretary is in respect of the statement that he just made. I was listening intently and want to make sure of my reading of it so that it concurs with what I believe to be the existing legislation. For an operator of a taxi in the country who does not refer a matter to the department when they receive a complaint, the penalty—or, as the parliamentary secretary referred to it, the “stick”—will be lower than the penalty for a taxi operator in the metropolitan area who does not refer a matter to the department. Was I correct in my understanding of that? I think it was a penalty of \$5 000 or \$2 000.

Hon JIM CHOWN: The member is correct; there is a difference in the penalties. One act is older than the other. As I stated, the Taxi Act 1994 has a maximum penalty of \$5 000 and the Transport Co-ordination Act 1966 has a maximum penalty of \$2 000.

Hon KEN TRAVERS: Is there any logic to the different penalties that apply in regional Western Australia and metropolitan Western Australia? I understand that the two acts operate separately, but my personal view is that we probably should bring together all state legislation that deals with all matters relating to taxis. We should get rid of the Taxi Act 1994, the Transport Co-ordination Act 1966 and the Taxi Drivers Licensing Bill 2013 and bring them into one consolidated piece of legislation. Is there logic in the different penalties for regional and metropolitan WA? If there is not, should we then not make some amendments through this legislation to ensure that there is consistency of penalties across the state? Is that something that can potentially be done cooperatively, with the parliamentary secretary's officers helping to prepare those amendments, so that they fit within this legislation and there is consistency? As the minister points out, those penalties will become very crucial in terms of the sticks that will be needed to ensure that this legislation is properly implemented.

Hon JIM CHOWN: The member makes a good point, but the reality is that we are not confident that it is necessary to amend this bill to accommodate his point. In reality, under this bill, there will be amendments to the regulations to the relevant acts, as we have already stated, which could produce consistent outcomes. Does that make sense?

Hon KEN TRAVERS: I am afraid it does not. It does not make any sense at all, because the maximum penalties are defined by the act and not by the regulations. Unless a regulation is going to be brought in that says first, second and subsequent offences will never attract a fine of more than \$2 000, and, therefore, the maximum penalty

by regulation will somehow be brought back to \$2 000, then I cannot see how regulations can be used to get consistency. I make the point that a higher penalty, or the threat of a higher penalty, is needed for regional operators who often run and own their own businesses. The operators of regional taxi businesses are often the owners, so when a complaint is made against them, they might have a strong vested interest to not pass on that complaint, whereas in the system that operates in the metropolitan area, taxi dispatch services are at least a step distant from the plate owners, and they will not have that incentive; in fact, they will have a greater incentive to comply because they would lose their whole business should they incur the wrath of the Department of Transport for not passing matters on. The area where we are most likely to have recalcitrance that requires the use of a stick, to use the parliamentary secretary's term, to ensure they comply is regional WA. Therefore, we would want to have higher penalties in regional WA, yet we have the reverse. The metropolitan area has higher penalties and the regional areas have lower penalties.

Trying to get legislation through the Parliament is always difficult and time-consuming. There are many logjams during the drafting of legislation, and that is why the Legislative Council has for some time had very little work. I suspect that will not improve in the near future. We have a bill sitting here before us and we have identified a problem, so would it not be a good opportunity to use the expertise available to the parliamentary secretary to quickly amend the act to allow for that consistency now, rather than proceeding down this path and setting up a regime that will, depending on which part of the state it applies to, have different penalties? I think that is a silly way of proceeding. I would urge the parliamentary secretary to reconsider his position on this. As I say, I would like to know whether the parliamentary secretary agrees that the likelihood of recalcitrance is greater in regional WA because we do not have the same taxi dispatch service structure there as we have in Perth.

Hon JIM CHOWN: With regard to the first question about consistency, I will be more than happy to take that question on notice and get back to the chamber with a way forward on that matter. In respect of the second question about taxi dispatch services in the country with private taxi operators—Hon Ken Travers has already indicated that most of them are—the reality is that drivers in both the metropolitan and regional taxi entities have the ability, under the Taxi Act 1994 and section 47ZF of the Transport Co-ordination Act 1966, to lose their licences if they are repeatedly recalcitrant.

Hon KEN TRAVERS: That is true, but the penalty is the question. I doubt that a licence would ever be taken away for a first offence, and if it were, I suspect the matter would find its way to the State Administrative Tribunal pretty quickly. We have outlined maximum penalties, but the first offence penalty will probably be significantly less than the maximum; the maximum in the metropolitan area is \$5 000, and it is not beyond the realm of possibility for a first offence to be \$2 000. In regional Western Australia, we are probably looking at somewhere between \$200 and \$500, so the incentive to at least do that a couple of times to avoid the department even becoming aware of these matters is significantly higher in regional Western Australia, particularly if a driver knows that the offence that has been complained about could cause them to run into serious issues with the department. They would take their chances and say, “Well, it's a couple of hundred bucks; I'll wear that”, whereas it strikes me that a penalty of a more substantial nature, which we obviously accept is what is required in the metropolitan area, would achieve that consistency.

I appreciate the parliamentary secretary saying that he will take that question on notice. I suspect that most of it would probably require new clauses. I would suggest that we try to progress through this legislation now and when we get to the point where we have completed examining the legislation, bar the point at which we deal with new clauses at the very end, we could maybe adjourn debate on the bill to give the parliamentary secretary time to talk to the minister over the weekend about new clauses. That is provided we can proceed through the rest of the legislation today, which is certainly my intention.

Hon Simon O'Brien: Knock it off by lunch!

Hon KEN TRAVERS: As long as I do not get too many interjections, it was certainly my plan to try to knock off clause 1 by lunchtime, Hon Simon O'Brien, as a gesture of my goodwill!

I thank the parliamentary secretary for his prompt response!

The final thing I want to say about the short title of the bill is that the parliamentary secretary used the term “sticks”. I want to make a final comment about the general detail of this bill. It may be that the parliamentary secretary will be able to come back and say that what I am about to propose can be dealt with within the bill. This is a bill very much built around sticks and compliance. In fact, if there is one thing that is lacking in the approach that has been outlined in terms of the way in which this bill will be implemented, it is a lack of carrots for good drivers. We currently have in Western Australia the capacity to offer some carrots to good drivers because we now have lease plates. As new drivers have come through, we have arrived at a point at which about half of the fleet is on government lease plates and half are privately owned; it may be slightly less than that for the lease plates. I propose that the government considers looking at carrots. I suspect that drivers who have penalty points will find it very difficult to secure a lease plate through the application process, but beyond having obtained a lease plate through the application process, I would like to see an arrangement under which drivers

who stay in the industry and have an impeccable record, have not received complaints and are complying with the code of conduct, are rewarded. One of the ways we could reward them is that, over a period of time, we decrease the weekly cost of their lease plates, so that there is a real incentive to ensure they are complying with the act; a real carrot for people to actually excel in the way they perform as taxidivers so that they do not get complaints being lodged against them. It would be fantastic to come up with a scheme under which, over a 10, 15 or even 20-year period—I am willing to discuss the length of time—drivers can end up making a very small weekly payment for a lease plate as a reward for having been a good driver.

I just put it on the record that it is my view that there are many sticks in this bill and not many carrots that I can see. I suspect, with a bit of enlightenment, we could probably fit that into the existing regime, certainly for the metropolitan area, without having to make any formal amendments, if the parliamentary secretary wants to confirm for me that that is the case, or if he believes that there would need to be some amendments to put in place a regime like that. I really encourage the government to look at the idea of some more carrots in the legislation to reward good drivers, and I think one way of doing that is to reduce, over time, the payments they make for lease plates.

I thought I might have got a response, but it is fine if the government wants to take time to think about that. I will just say that the Labor opposition will support clause 1.

Clause put and passed.

Clause 2: Commencement —

Hon KEN TRAVERS: This is actually a very complicated clause 2, compared with the ones that we would normally see —

Several members interjected.

Hon KEN TRAVERS: Have members actually had a look at it? Hon Simon O'Brien can laugh, but if he had a look at it, can he tell me whether, compared with the standard —

Hon Simon O'Brien: Yes, I have had a look at it.

Hon KEN TRAVERS: Does he not agree that, compared with the standard commencement clauses, this is a complicated commencement clause?

Hon Simon O'Brien: All right, Touchy, it's got more detail in it than others!

Hon KEN TRAVERS: So what is so humorous about that?

Hon Simon O'Brien: What's your drama?

Hon KEN TRAVERS: What is so humorous about it?

Hon Simon O'Brien: Oh, sorry; you've gone all grumpy again, have you?

Hon KEN TRAVERS: No, I am just asking a question! I am always a happy chappie!

The DEPUTY CHAIR (Hon Amber-Jade Sanderson): Members, please allow Hon Ken Travers to speak to the clause.

Hon KEN TRAVERS: I understand that part of the complexity of this clause is related to other legislation that passed through this place some time ago and is likely to be proclaimed. I have two questions. Firstly, can the parliamentary secretary give us an indication of when the government expects that those other clauses will be proclaimed, and which is the more likely scenario that is provided for in clause 2? Secondly, can the parliamentary secretary give us a brief outline of the government's time frame for when it expects the various parts of this bill to be brought into operation?

Sitting suspended from 1.00 to 2.00 pm

Hon JIM CHOWN: Hon Ken Travers asked when the various road traffic reform acts, one of which is referred to in clause 2 of the bill, are expected to commence operation. The department advises that they are expected to commence operation during the first half of 2014. The proclamation date for clause 2 (b) is expected to be in the latter part of 2014, with the department targeting an October–November time frame. This means that all provisions of the act should take effect around April–May 2015.

Hon KEN TRAVERS: The other part of my question is which section of the road traffic legislation is expected to be in operation, because there are various options available? In that time frame, when will those other bills be proclaimed, and which one are we likely to be dealing with? I did not think it was going to be that hard, parliamentary secretary.

Hon JIM CHOWN: We did not pick up that there was a further question and it is a complicated answer. My understanding of the member's question is which clauses would be required and which would not be required.

Hon Ken Travers: Yes.

Hon JIM CHOWN: Okay. Clause 2 (c) referring to the Road Traffic Legislation Amendment Act 2012 would not be required. Clause 2 (d) referring to part 10 would be required. And clause 2 (e) would not be required.

Hon Ken Travers: By the time this bill comes in clause 2 (c) will be the only one that applies.

Hon JIM CHOWN: If it all happens as expected, the answer is yes.

Clause put and passed.

Clause 3: Terms used —

Hon KEN TRAVERS: As we go through this clause, we will understand why I think a single bill would be useful. The term “authorised officer” is defined in this clause as having the meaning given to it in clause 41(1). Is it intended that the authorised officers who will operate under this bill will be the same authorised officers who operate under the Transport Co-ordination Act 1966 and the Taxi Act 1994? I assume that the officers who enforce those other pieces of legislation will be the same officers who will be authorised under the Taxi Drivers Licensing Bill.

Hon JIM CHOWN: Yes.

Hon KEN TRAVERS: The reason I ask that is that it made sense to me that that is what the government would do. The definition of “authorised officer” in the Taxi Act 1994 states —

authorised officer means —

- (a) an officer designated or appointed under section 31; or
- (b) a member of the Police Force;

The Transport Co-ordination Act 1966 does not have a definition of “authorised officer”; however, the definition of “authorised officer” in the regulations of 1982 states —

authorised officer means —

- (a) an officer of the Department authorised in that behalf by the Director General;
- (b) any member of the Police Force;

Of course, clause 41 of the Taxi Drivers Licensing Bill states —

- (1) For the purposes of this Act, an authorised officer is —
 - (a) a police officer; or
 - (b) a person designated by the CEO under subsection (2).
- (2) The CEO may designate as an authorised officer a person employed in, or engaged for the purposes of, the Department.

There are a couple of interesting points there, as there are slightly different definitions in each case. Of course, section 31 of the Taxi Act 1994 states —

The Director General may designate any officer of the department as an authorised officer, and may otherwise appoint as many authorised officers as he or she considers necessary for the purposes of this Act.

They are three quite different definitions, although, arguably, reference to a police officer is consistent across all of them, except that slightly different terminology is used. Is it intended that there will be a single instrument of appointment for those officers or will they have to be separately appointed under each act and quite distinctly appointed by the minister?

Hon JIM CHOWN: Yes, there will be separate instruments for each appointment.

Hon KEN TRAVERS: That causes me some concern, as there is always a chance that someone will be appointed under one act but not another due to an administrative oversight. I am intrigued as to why we would not try to bring the definition of “authorised officer” into a format that allows for a single appointment and a cross-reference in the acts so that the authorised officer is an authorised officer appointed under the Taxi Act 1994, or to define in the Taxi Act and the Transport Co-ordination Act that an authorised officer is an authorised officer appointed under the Taxi Drivers Licensing Act 2013. Was that ever considered; and, if it was not, why would we not try to get uniformity across the three pieces of legislation?

Hon JIM CHOWN: No, it was not considered. It was not considered mainly because there is no specific problem with the delegation of authority.

Hon KEN TRAVERS: Even though this question relates to clause 41 as well as to the definition in this clause, is it the intention of the department to use as authorised officers people who are not direct employees of the government—that is, to appoint people who are engaged or contracted to the department to provide the services rather than direct employees?

Hon JIM CHOWN: Not currently, no.

Hon KEN TRAVERS: I raise this issue now because it relates to the way in which the definition is provided in other acts. My view is that, under the Taxi Act 1994, someone could not be appointed as a designated officer unless they were an officer of the department; they would have to be an employee of the department. In my view, it is clear that, under the 1994 act, only an officer of the department can be appointed as an authorised officer, yet the definition in clause 3, which refers to the meaning given in clause 41, clearly provides for an officer who is engaged for the purposes of the department. That suggests to me that these services will be able to be contracted out and a private company will be employed to provide these services, as is done on the trains with the revenue protection officers, who are employed through MSS Security. That suggests to me that that provision will allow that. Is that correct? Is that the reason why there is a different definition of “authorised officer” in this legislation from the fundamental definition in the Taxi Act 1994?

Hon JIM CHOWN: The member is correct, but that is certainly not the intention.

Hon Ken Travers: So we can delete it when we get to clause 41; are you happy with that?

Hon JIM CHOWN: The reason it has been put in the legislation is that it is just a standard style of drafting.

Hon KEN TRAVERS: The next definition that applies across the three pieces of legislation is the definition of “taxi dispatch service”. I do not know whether the parliamentary secretary has a copy of the Taxi Act 1994 in front of him; if not, I can certainly give him the relevant page.

Hon Jim Chown: Can you refer to the page?

Hon KEN TRAVERS: It is on page 4 of the Taxi Act 1994 and at the top of page 7 of the bill there is the definition of “taxi dispatch service”. They are actually different definitions of a taxi dispatch service. I would have thought it was pretty simple—a taxi dispatch service is a taxi dispatch service, and we would want one consistent definition. I wonder whether the parliamentary secretary could explain to us why there are two definitions of a taxi dispatch service. I think that just makes things complicated for people if in the Taxi Act and its provisions that deal with the industry there is one definition of a taxi dispatch service and in the bill there is another. I make the point that I note that the definitions are not significantly different, but they are different, and I do not understand why identical wording would not be used.

Hon JIM CHOWN: The definition in the Taxi Act is for the intent of the Taxi Act, and the definition in this bill is for the intent of this bill. Parliamentary counsel often use clauses from other legislation in bills and always use the same definitions if they can, unless there is a need to make some changes for the intent of a bill, as is the case with the bill before the chamber today.

Hon KEN TRAVERS: I completely concur with the parliamentary secretary that it would normally be expected that parliamentary counsel use the same language to provide consistency, because things can get quite complex if definitions are changed. This legislation deals with a company. In the main, taxi dispatch services are companies and it does not matter how they are defined in the bill, Swan Taxis will always be Swan Taxis and Black and White Cabs will always be Black and White Cabs. Hence, I agree with the parliamentary secretary that consistent wording is needed wherever possible. I cannot understand why different wording is needed in this Taxi Drivers Licensing Bill 2013 to define a taxi dispatch service relative to the Taxi Act 1994. Why is it so necessary to have different wording in this legislation compared with what is already defined as a taxi dispatch service in the 1994 act?

Hon JIM CHOWN: The reason for the difference in the definitions of a taxi dispatch service is that under the Taxi Act 1994, taxi dispatch services need to be registered and the intent of the Taxi Drivers Licensing Bill 2013 is to address some driver issues. For example, clause 9 states that a taxi dispatch service can commit an offence. That is why the difference exists.

Hon KEN TRAVERS: The parliamentary secretary has actually raised my concerns. He is absolutely right that taxi dispatch services likely to be offending under this legislation can surely only be those taxi dispatch services licensed under the Taxi Act 1994. Hence, I would have thought that the definition of a taxi dispatch service for the purpose of this legislation would have been a taxi dispatch service authorised under the Taxi Act 1994. We would not think a different definition would be given because, by the parliamentary secretary’s own explanation just then, that would suggest that a taxi dispatch service can exist that is not a taxi dispatch service under the 1994 act. Is that the case? Does the parliamentary secretary expect that there will be taxi dispatch services prosecuted under clause 9 that are not taxi dispatch services authorised under the 1994 act?

Hon JIM CHOWN: The definition of a taxi dispatch service provided in this bill pertains only to this bill and has nothing to do with the Taxi Act 1994. Under the definition in this bill there will be taxi dispatch services captured for its requirements and if they commit an offence, that legislation will apply to them.

Hon KEN TRAVERS: The only way I think that could occur is in the case of an unlicensed taxi dispatch service operating in the areas covered by the Transport Co-Ordination Act 1966; is that correct?

Hon JIM CHOWN: Would the member mind repeating the question?

Hon KEN TRAVERS: If I understood the parliamentary secretary, he is saying that taxi dispatch services will be captured by the definition under this bill but they are not necessarily taxi dispatch services authorised under the 1994 act. If they were operating in the metropolitan area, they would have to be licensed under the 1994 act, otherwise I assume the department would be trying to close them down and prosecute them for acting illegally. It would strike me that the only way that could occur is by having unregistered and unregulated taxi dispatch services operating in regional areas that are covered by the Transport Coordination Act 1966. This definition is intended to capture those unregulated taxi dispatch services under this legislation. Does that make sense to the parliamentary secretary now?

Hon JIM CHOWN: If somebody in the country is providing some of these services, as stated here, they can be captured by this bill.

Hon KEN TRAVERS: Again, this is what concerns me about the way in which the three acts will work. We have a highly regulated system in the metropolitan area under which taxidrivers have to be approved. There is a set of regulations and drivers are monitored and policed. There are strong provisions attached to that system under the Taxi Act 1994. We do not have any formal recognition of taxi dispatch services in regional WA. I understand that under the current system, all the regulation of the industry is effectively done through the plate holders. If any other activity is going on, the department, for want of a better term, ignores that. It just looks at the outcomes it wants and it achieves that by regulating the plate holders. In my view, this bill will bring in a system for those regional areas that will give imprimatur to this third body but there will be no formal regulation of that third body other than some elements here. Again, that starts to create a very dangerous situation and we could have a very confused system. We would have regulated taxi dispatch services in the city and unregulated taxi dispatch services in the country that are not dealt with under the Transport Coordination Act but are dealt with under the Taxi Drivers Licensing Bill. Does the parliamentary secretary not see the inherent complexity of that and the inherent dangers for the industry of that sort of structure?

Hon JIM CHOWN: The member is correct but this is the current situation. To unpick all that, this bill would be more complicated than it currently is. To unpick three acts would take a great deal of time. It is always desirable to have the same law applying across any particular situation. I think the member has already acknowledged the complexities of the various acts.

Hon KEN TRAVERS: I guess it depends on what analogy we use, whether we are unpicking or whether we have a tangled ball and we are tangling it more. Rather than trying to unpick, we are untangling. The best way of operating would be, for the purposes of this act, to have registered taxi dispatch services in metropolitan areas, so we define a registered taxi dispatch service under the Taxi Act 1994. With respect to the other issues that may arise—dealing with complaints and matters that relate to taxis operating under the Transport Coordination Act 1966, we continue to regulate those in the same way that we currently do; that is, by dealing directly with the plate owners. I will give an example, if the Chair will indulge me, by looking at how clause 9 is structured. I think that is the clause that the parliamentary secretary referred to earlier today. It has two elements to it. The clause deals with causing or permitting an unlicensed driver to drive a taxi. I understand that there are two potential offences; there is an “or” there. The first is when a person commits an offence if the person causes or permits another person to drive a vehicle. It would strike me that the best way of administering this clause would be in the regional areas under the Transport Coordination Act. For instance, someone would be prosecuted under that clause if they allowed someone to drive a taxi who was not a licensed taxidriver. In the metropolitan area, the taxi dispatch service would be the body that would prosecute. Again, it gets more complex in Perth because often the plate holder does not have that direct relationship with the driver; it is either a taxi management company or an operator. I am trying to work out why we would not do that. It is interesting that the definition that is being used is “a person”, which suggests that an individual would be charged, not the taxi dispatch service. The intention may be to pick up the company and the person and use the Interpretation Act to turn “person” into another legal entity. We can probably deal with that when we get to clause 9.

I come back to my key point. Why would we not seek to continue to administer the acts as we currently do; that is, by dealing directly with the plate holders—the owner of the taxi in the main in regional WA, and the taxi dispatch services in the metropolitan area where we have a formal process for creating these taxi dispatch services? Is it not possible to be done that way? If that is the case, would we not be better off making it clear that taxi dispatch services will apply only in the metropolitan area? It is not about unpicking; it is the simplest way of

keeping that clear delineation of the different responsibilities of the different acts that will apply in WA should this bill be passed, which I hope it will.

Hon JIM CHOWN: I appreciate the member's comments on this matter but, as he well knows, parliamentary counsel drafts these bills —

Hon Ken Travers: But we approve them.

Hon JIM CHOWN: And we approve them; agreed. However, the reality is that we give them information for achieving the desired outcomes, the drafting takes place, it is checked by the department and if it works, it is presented in this house for debate, as it is now.

Hon KEN TRAVERS: The parliamentary secretary is absolutely right; that is the process, but ultimately we are the lawmakers, not parliamentary counsel. The whole point of having a Parliament is for us to examine the legislation. The whole point of having a committee stage is for us to consider the legislation in detail and to understand it. Members in the chamber would probably universally agree—something that happens probably more often than most people realise—that we want to reduce red tape. We want to keep issues as simple as possible in terms of legislation and not to overcomplicate it. If we bring in an increasingly complex matter and—as the parliamentary secretary said—stitch it all together, but stitch it together in an incredibly complex way, it is incumbent upon the parliamentary secretary to get the advice he needs to explain to the chamber why we must do it in such a complex way. What I am putting to the chamber is far simpler and clearer: that we continue to keep clear definitions between the Taxi Act 1994 and the Transport Co-ordination Act 1966 and not get this third complexity. In certain circumstances things will change when the Taxi Drivers Licensing Bill 2013 is enacted. I genuinely think that the way in which this legislation operates will cause real issues in country Western Australia. Suddenly there will be an issue around what is and what is not a taxi dispatch service; what are its responsibilities, and does it have to comply with the rules applied under the 1994 legislation? I understand that the metropolitan area works under a different regime to the country area because they are different systems. There was a single taxi service in a town, but I cannot remember its name, and I think the owner handed back his plates —

Hon Jim Chown: Bunbury to Albany.

Hon KEN TRAVERS: No, they are not good examples, and I will explain why in a minute. I am sure there probably is a town somewhere that has a single taxi operated by only the owner. The other situation is a single taxi with an owner and someone else potentially operating it. All of a sudden, that owner is now a taxi dispatch service. My view is that we could capture them if the owner allowed someone who is not a legal driver to drive that taxi under the clause about a person allowing it to be done. Then we go right the way through to Mandurah Taxis at the top end of the scale. For all intents and purposes, that business operates as if it were the equivalent of Swan Taxis or Black and White Cabs in the Perth metropolitan area. In between those scenarios are a range of operational methods. The parliamentary secretary used the example of Bunbury. To the best of my recollection, Bunbury has a taxi dispatch company that is owned and operated as a cooperative of plate owners, and they, as a company, also own a number of other plates. Albany's service is run by two privately-owned companies that own a bunch of plates each and are in rapid competition. In Bunbury there might be one or two plates that sit outside the system we are talking about and operate as individuals. My grave concern is that if, when dealing with taxis in regional Western Australia, we manage and deal directly with the owners of the plates instead of using the current structure, and we insert the "taxi dispatch service" definition into this bill, that we will somehow start to bring the operations of these taxis under a new regime. This will be an unintended consequence of this bill as opposed to keeping it quite separate so that when we talk about taxi dispatch services, we do so as approved under the 1994 act. It is almost like they do not exist for the purposes of the legislation. That is the best way of dealing with this issue. The more explanations I get about this, the more convinced I am that to maintain this definition as it stands will have unintended consequences for the operators of taxis in regional WA, and it will put on them burdens beyond what are currently in place.

If it is the intention of the government to regulate that system and taxi dispatch services in regional WA by using the Taxi Drivers Licensing Bill as a proxy, rather than amending the Transport Co-ordination Act, then that is a very dangerous thing. If that is the intent of the government, then it should make its reasons clear because my gut feeling is—perhaps I have been mistaken—that a number of members who represent the regional areas in Western Australia will suddenly say, "Hang on, minister. That was not explained to us when we were told about this piece of legislation. If that is what you are doing, we want to go back and talk to the people who run taxis in our communities to find out whether that is a good or a bad thing, and we also want a clearer picture about how that will operate." Is it the intention of the government to effectively regulate taxi dispatch services in regional Western Australia and to use this Taxi Drivers Licensing Bill as the vehicle for doing that?

Hon JIM CHOWN: I thank Hon Ken Travers for his concern about the issue, but that is not the intention of the bill. This bill does not do that. Clause 9 creates an important offence. Does Hon Ken Travers want to deal with that clause now or as to why it is drafted as it is?

Hon KEN TRAVERS: There are issues that we will need to deal with at clause 9. We are dealing with clause 3, so if we want to redefine and reorder the bill, the point at which we would do that is under clause 3, “Terms used”. If we want to define “taxi dispatch service” to limit it to only those that operate in metropolitan Perth, this is the point at which we would limit it. By the time we debate it at clause 9, it would be too late. I used clause 9 as an example, but I am happy to talk about some of the detailed elements of clause 9 when we get to it. Can the parliamentary secretary give a guarantee that under the regulation making powers, the government will not put in place a range of regulations that will start to create and formalise the regulation of taxi dispatch services in regional WA? That is, will the regulations relate to the owners of plates in regional WA, not taxi dispatch services; or, will the government impose regulations that will use the definition of “taxi dispatch service” to apply to people who provide these services in regional WA and start to regulate them through the regulation making power of this bill?

Hon JIM CHOWN: The answer is no, not under this bill.

Hon KEN TRAVERS: We will see whether that changes as we proceed through the bill and go into the detail of some of the other clauses. From what the parliamentary secretary said during debate on clause 1, it is the government’s intention to bring in regulations that will start to apply to the way in which regional taxi dispatch services are applied. I suspect that if a limit is not put on that, there is a real danger that government can find a backdoor way to bring in the regulation of taxi dispatch services in regional WA similar to what was done in the 1994 act. I will not labour that point any longer.

There are numerous different definitions across the three pieces of legislation. Each piece of legislation has a different definition of “approved”, which is a simple word. The language in the three pieces of legislation jumps between the use of “CEO” and “director general”. Even the definition of a simple thing such as a department changes. One would have thought that the definition of “department” is one and the same no matter what act one looks at. However, it changes across the three pieces of legislation, which is quite extraordinary. Another thing that I find fascinating is that clause 3 provides a definition of “Commissioner of Police” but fails to give a definition of “police officer”. Reference to the Commissioner of Police appears in later clauses of the bill, but the clear point is “police officer”. I suspect the answer will be that we all know what a police officer is. But we also all know what a Commissioner of Police is. I do not know why we need a definition of “Commissioner of Police” but not a definition of “police officer”. Perhaps the parliamentary secretary can assist me.

Hon JIM CHOWN: The Interpretation Act defines “police officer”.

Hon KEN TRAVERS: But it does not define “Commissioner of Police”?

Hon Jim Chown: No.

Hon KEN TRAVERS: The final area I want to look at is a bit complex, but it is worth bringing to the attention of the chamber the way in which the definition of “taxi” will be dealt across the three pieces of legislation. The Transport Co-ordination Act 1966—unless I have missed it somewhere along the line—does not have a definition of “taxi”. It has a definition of “taxi-car”, which reads -

A vehicle that is used for the purpose of standing or plying for hire or otherwise for the carrying of passengers for reward

The 1994 Taxi Act defines a “taxi” as —

A vehicle which is used for the purpose of standing or plying for hire, or otherwise for the carrying of passengers for reward, but does not include an omnibus licensed under the Transport Co-ordination Act 1966 or a vehicle of a class declared by the Director General under subsection (2) not to be a taxi;

Members will note that there is no definition of “taxi” in the Taxi Licensing Bill 2013. However, clause 4, which is headed “Driving vehicle as taxi”, reads —

For the purposes of this Act, a person drives a vehicle as a taxi if —

- (a) the person uses the vehicle for the purpose of standing or plying for hire or otherwise for the purposes of carrying passengers for reward; and
- (b) the vehicle is —
 - (i) operated (as defined in the Taxi Act 1994 section 3(1)) using taxi plates issued under that Act; or
 - (ii) operated (as defined in the Transport Co-ordination Act 1966 section 47Z) under a taxi-car licence issued under that Act.

I assume the reason that there is no definition of “taxi” in this bill is because of the complexities that will arise because there are effectively two taxis. However, my concern is with the use of “and”. We do not have a definition of “taxi”. Later on the bill lists a number of the most serious offences that will apply to a person who

drives a vehicle as a taxi. If we do not put a definition of “taxi” in the bill, how will we define what one is? If the vehicle is operated as a taxi then it is a taxi. If someone is driving both without a taxi licence and is impersonating a taxi, will they be covered only under the 1994 act for driving a vehicle that is not a taxi or will they also be able to be charged with driving a taxi without a licence to be a taxidriver? I will make it a bit clearer. I do not have a taxi licence and the vehicle I drive is not a licensed taxi. But I go out there and pretend that I am driving a taxi. I put all the colours and lights on the vehicle and go out on the road and ply for hire reward. Then diligent officers catch me. Will I be charged only with driving a vehicle as a taxi that is not licensed as a taxi, or will I also be charged with driving without a taxi licence? That is significant because we will get to the prescribed offences section, which relates to driving without a licence. If I will not be charged with driving without a taxi licence, then when we get to those clauses that prescribe offences that would prevent me from ever getting a taxi licence, it would strike me that we need to put a clause into the bill. That is why I am asking now under “Definitions” when we are discussing how to deal with the definition of a taxi and whether or not we need to have a definition of a taxi, so we can also charge them at that point. Or, when we get further in the bill, if we need to amend it to ensure that there is a statutory provision that says that if I have driven an unlicensed vehicle that was not a taxi and I was unlicensed as a taxidriver, then I should not be able to get a taxi licence. Otherwise we are creating a loophole where, in the future, an unlicensed driver’s best bet is not to drive a licensed taxi, but to make a vehicle look like a licensed taxi and try to use that to ply for hire reward. To come back to the simple question I am asking, parliamentary secretary, if someone is driving a vehicle that is not a licensed taxi and they are not a licensed taxidriver but purporting to be a taxidriver, will they be charged only under the Taxi Act 1994 or the Transport Co-ordination Act 1966, or will there be an ability to charge them under this Taxi Drivers Licensing Bill 2013 for also driving without a licence? If that is the case, do we need to change the definitions?

Hon JIM CHOWN: The member is correct. The offences would be charged under the Taxi Act 1994 and the Transport Co-ordination Act 1966. At this stage, the department is happy to look at the issue the member raised and it could well be addressed by prescribing that as a disqualification offence, but we will need to consult with the industry about going forward with that matter.

Hon KEN TRAVERS: I think the appropriate time to deal with that issue is when we get to the other prescribed offences that automatically preclude someone from being able to drive a taxi. I am happy to leave that where the parliamentary secretary has left it. I do comment that it seems to be a very complex way of dealing with this legislation—we do not actually define a taxi anywhere in it. We have a whole clause that tries to define “taxi” but it still does not give a definition of taxi, even though taxi is used consistently throughout the bill. In both of the other bills which deal with taxis, there is actually a definition of taxi. It is worth getting this on the record. If a matter goes to court, how would the court interpret what a taxi is, in light of the fact that the bill does not contain a specific definition of the word “taxi”?

Hon JIM CHOWN: The most important part about clause 4, “Driving vehicle as taxi”, is not the vehicle, but whether the person is driving the vehicle as a taxi for the purposes of carrying passengers for hire or reward, as stated in subclauses (1) and (2).

Clause put and passed.

Clause 4: Driving vehicle as taxi —

Hon KEN TRAVERS: Is the parliamentary secretary confident that the way this is defined, we will not inadvertently pick up omnibuses that are licensed under the Transport Co-ordination Act 1966 but are excluded under the Taxi Act 1994? Is it the government’s intention that omnibuses licensed under the Transport Co-ordination Act 1966 will continue to be excluded under the Taxi Act 1994?

Hon JIM CHOWN: Yes.

Clause put and passed.

Clause 5: Approved medical reports —

Hon ALANNA CLOHESY: This clause provides that a report from a medical practitioner as to whether a person is fit to drive a taxi must be in the approved form. Will that form be in the regulations?

Hon JIM CHOWN: The form will be approved in writing by the CEO, and it is not prescribed. It will take the format of the national fitness to drive guidelines for commercial and private vehicle drivers. It is available online.

Hon ALANNA CLOHESY: Why will the form not be in the regulations?

Hon JIM CHOWN: In the current situation, the form is not prescribed. It is available online.

Hon ALANNA CLOHESY: I would have thought that such an important form, which states whether a person is physically or mentally fit to perform certain tasks, would necessarily be a prescribed form.

Hon JIM CHOWN: It would be very unusual to have such a form prescribed because, in reality, this is an administrative document. It would fulfil the requirements for commercial and private vehicle drivers.

Hon ALANNA CLOHESY: If a taxidriver or, indeed, any other licensed vehicle driver who is required to complete that form and have it approved wished to challenge the assessments contained in that form, particularly the definitions, how would they go about that?

Hon JIM CHOWN: I assume that the member's question is: if an applicant gets one of these assessments done and they are not happy with the outcome of that assessment —

Hon Alanna Clohesy: No, it is not the outcome; it is the content of the assessment. I will get to the outcome in a moment.

Hon JIM CHOWN: The member is asking how someone can challenge the assessment form.

Hon ALANNA CLOHESY: First of all, it is the form itself, because within the form there are a number of assumptions and preconceived ideas about particular behaviours and measures of health and fitness. The form itself may have the effect of precluding some people from even applying. The first part of the question is about the form itself.

Hon JIM CHOWN: The department is unaware of any problems with the medical form; in fact, the form is based on a national standard. I think I have already explained previously in responses what that particular form is about. If there are any problems, the department would like to hear about them before we get too far down the track.

Hon ALANNA CLOHESY: What process is used to provide feedback and complaints about the form if the department would like to know about them?

Hon JIM CHOWN: Concerns about this matter would be expressed through normal communication channels such as formal correspondence or email to the department by applicants.

Hon ALANNA CLOHESY: I move to the assessment of mental fitness. How is mental fitness assessed and diagnosed?

Hon JIM CHOWN: It is assessed in accordance with the assessing fitness to drive guidelines.

Hon ALANNA CLOHESY: I am trying to find the guidelines and the assessment form, but I am having a bit of difficulty because there are a couple online. One is the commercial driver medical assessment form.

Hon JIM CHOWN: I am happy to let the member have the guidelines that the form will be taken from and also the medical assessment instructions that are currently in use.

Hon ALANNA CLOHESY: I welcome a copy of the medical assessment instructions and a copy of the form. I would like the opportunity to discuss those after I have seen a copy of them, if that is possible.

Hon JIM CHOWN: I will get this to the member.

Hon ALANNA CLOHESY: I have a couple of other questions before I come back to that matter. The medical reports will go to the CEO and the CEO will then assess a person's fitness to be a taxidriver based on the medical reports; is that correct?

Hon JIM CHOWN: It is the assessment of the doctor the applicant has been to. I guess it is fair to say that the CEO would more than likely take that assessment on board, but he does have the ability to seek other medical opinions in regard to that particular assessment.

Hon ALANNA CLOHESY: My question is about the CEO. I will just deal with that one first. What other reports does the CEO take into account if there is more than one—the parliamentary secretary suggested in his answer that there may be more than one?

Hon JIM CHOWN: I will repeat my answer. Normally, the doctor's assessment of the applicant and the medical examination would be accepted by the CEO, but the CEO can seek further advice from other medical practitioners or experts about any matter he may be concerned about.

Hon ALANNA CLOHESY: Is the applicant notified about that?

Hon JIM CHOWN: The member asked a good question and I like to be as precise as possible in this process, so I will take the question on notice and we will try to get a definitive answer about that process before the end of the day.

Hon ALANNA CLOHESY: Who is the CEO? There is a definition in this bill that states that the CEO is the chief executive officer of the department, but in the Taxi Act, the CEO is the director general. I understand that the department has a director general, but does it have a CEO as well?

Hon JIM CHOWN: The director general is the CEO and the CEO is the director general.

Hon KEN TRAVERS: I had decided not to mention these definitions and move on, but now they have been raised. The government has a policy of calling its heads of department directors general these days. The Taxi Act refers to the director general, and now, in the language of legislation, we have reverted to references to the CEO. Why is there not consistency and why do we not use the term “director general”, when, particularly for this government, the title given to the head of government departments is director general?

Hon Jim Chown interjected.

Hon KEN TRAVERS: In the Taxi Act it is “director general”; in this legislation it is “CEO”, but the government calls its heads of departments directors general. It is just bizarre.

Hon JIM CHOWN: I am glad the member is being consistent on this matter and not pernickety! The current term “director general”, moving forward, will become “CEO”.

Hon Helen Morton: It’s in the legislation. It is always in the legislation that way.

Hon Ken Travers: No; in the Taxi Act it is the director general.

Hon JIM CHOWN: In some of those old acts, as the member is well aware, going back a number of years, a head of department was designated as the director general.

Hon ALANNA CLOHESY: I would like to postpone consideration on this clause until such time as we have had an opportunity to go through the assessing fitness to drive standards and until we hear back from the parliamentary secretary about the other matter.

Further consideration of the clause postponed, on motion by Hon Alanna Clohesy.

Clause 6: Fit and proper person to hold a licence —

Hon KEN TRAVERS: I have a very quick question regarding a fit and proper person to hold a licence. This is pretty important because I think earlier the parliamentary secretary said that that may be the main test used to determine whether someone is granted a taxi licence. Are any changes intended to the way the fit and proper person test is administered under this legislation compared with the way it is done in current legislation? When someone gets a T extension, they have to be a fit and proper person. Are any changes intended under this legislation compared with the way a fit and proper person is determined under the current legislation?

Hon JIM CHOWN: No.

Clause put and passed.

Clause 7: Designated areas —

Hon KEN TRAVERS: This is one of those clauses that get complicated due to the fact we are dealing with the Taxi Act. Is it the intention that this clause will allow sub-areas to be prescribed within the controlled area covered by the Taxi Act 1994 in order to make separate requirements for licences?

Hon Jim Chown: Do you mean sub-operational areas?

Hon KEN TRAVERS: Yes, I mean sub-operational areas where there will be different requirements for getting a taxi licence or holding a licence. Will that be the case or is there an intention to keep controlled areas under one body to be consistent across the area with respect to taxidriver’s licences?

Hon JIM CHOWN: No changes are contemplated.

Hon KEN TRAVERS: My reading of the way this legislation is written suggests that that could occur at some point in the future, so is that possibility not eliminated from it?

Hon JIM CHOWN: The member is correct. It could be done at some stage in the future, but there is no current intention to make any changes.

Hon KEN TRAVERS: The reason I asked that is that both within and between the controlled area, particularly the Mandurah–Rockingham area, there is often an issue of people being dropped off and whether another person can then be picked up. Area-restricted taxis in the metropolitan area, I think, can drop off, and if they can get another lift returning to the area they cover, they are covered. Under clause 7(2)(a) the circumstance of a driver then being able to pick up would not be covered if things were defined in that way. A taxidriver can take someone out of the area and pick someone else up outside of the area under the current legislation, but under this legislation it strikes me that the definition implies that a taxidriver will not now be able pick someone up in that circumstance because they will not have a taxi licence that enables them to pick someone up in that area.

Hon Jim Chown: Do you mean for the return journey?

Hon KEN TRAVERS: Yes, for the return journey. There is obviously the ability to prescribe by regulations the possibility of doing that in those circumstances, but in light of the fact that that provision is already operating,

why would we not have provision in this legislation for a similar ability for a taxidriver to pick someone up outside their designated area on their return journey?

Hon JIM CHOWN: My understanding of the member's question, and I will use the member's example, is that a taxi journey from the Perth metropolitan area to Mandurah—from a designated urban area to a regional area—to drop off a passenger is fine, but, under this clause, a return fare back to the designated area is not allowable. Is that the member's understanding?

Hon Ken Travers: Yes, that is my reading of the way it is written. A taxidriver can take a passenger out there but cannot pick up a return journey. But I understand that, under the way things currently operate, that is something they can do.

Hon JIM CHOWN: The member has raised another good point. This facility could be prescribed under regulation.

Hon KEN TRAVERS: I made the point that it can be prescribed but, equally, we could delete clause 7(2)(a) and just have it all prescribed. I am not a big fan of framework legislation. I accept that it has to happen occasionally, but if we know that a situation occurs, why make provisions for half of the problem; why put a provision in the legislation to deal with half of a circumstance that we know occurs, but not for the other half? In the Rockingham–Mandurah area there is a fair bit of crossover between the taxis. I think there is a time limit on them to pick up another passenger. It strikes me that if this is the case, we should put it in the legislation and make it a part of the definition.

Hon Phil Edman: It is hard to get a taxi in Rockingham.

Hon KEN TRAVERS: Is it? Why is that, Hon Phil Edman? My understanding is that extra area-restricted taxis have been released in that area. I think part of the problem—my personal view—is that the Mandurah area should be incorporated into the control area of Perth, because now, between the southern Rockingham area, the southern end of the city —

Hon Phil Edman: We actually had our own taxi service.

Hon KEN TRAVERS: Rainbow, was it?

Hon Phil Edman: Yes. They have gone.

Hon KEN TRAVERS: There is a lot of movement between Mandurah and the southern end of the City of Rockingham—Secret Harbour—and that area to the south. That is why I am dealing with this; there will be a lot of movement between the control area and the non-prescribed area. We should try to normalise that as part of this whole process because it is bizarre that a driver in Rockingham will have to meet different tests from a driver in Mandurah when for all intents and purposes they provide the same job.

I will let the parliamentary secretary answer my original question after I was eloquently distracted.

Hon JIM CHOWN: I will take the question on notice. The department will give it to its compliance people and get the member a response. But I think the member in some way has probably answered his own question across the chamber. My interpretation is that the Rockingham–Mandurah scenario is very different from, say, the metropolitan area to Northam. Unless there are some designated rules, there will be cross-pollination and metro taxidrivens will have an impact on rural taxidrivens during quiet times. We need to have some fairly clear guidelines on what takes place here. The department will get on to the compliance people to have a look at this. As the member is aware, in all industries there is give and take in these situations and if things are too restrictive, more problems are caused than are solved.

Can we just have a quick comfort break?

The DEPUTY CHAIR (Hon Amber-Jade Sanderson): I will leave the chair until the ringing of the bells.

Sitting suspended from 3.46 to 3.52 pm

Hon KEN TRAVERS: I accept the parliamentary secretary's comments, and I appreciate the briefing. Earlier, I asked whether it was planned to potentially start to designate areas within the controlled area. Certain areas are covered by area-restricted taxis, which are already part of the Taxi Act. We could start to say that the requirements needed to get a licence for an area-restricted taxi are different from the requirements needed to drive an all-areas taxi. For instance, I think we talked about a knowledge test earlier in the debate. Drivers may need to pass a stronger knowledge test if applying for a taxi licence that allows them to drive across the whole metropolitan area. If a driver has an area restricted to only the north, or hopefully in the south metropolitan Rockingham–Kwinana area—we need to ensure that there are enough area-restricted taxis to look after Hon Phil Edman —

Hon Phil Edman: I don't want to drink and drive.

Hon KEN TRAVERS: Although the member does have the benefit of a very good train service to get him home that the people of Ellenbrook miss out on. He should stop distracting me. I could see a scenario.

If someone was found to be driving a taxi outside the designated area and they picked someone up and took them back to the designated area—we have not prescribed that that can happen, I understand; I will be pleased for the parliamentary secretary to correct me—that person would potentially be charged under clause 8(6) of the bill, which would incur a \$2 500 fine. Am I correct? Is that an example of how a penalty would be incurred and when we would address the recourse to someone breaching clause 7?

Hon JIM CHOWN: The answer is yes, clause 8(6) is the correct provision.

Hon KEN TRAVERS: I appreciate that. The point of asking that question was to ensure that they are not captured by the prescribed offences that appear later in the bill under clause 8(1), (2) and (4). If taxidrivers were convicted of an offence but did not have the right designation on their licence, they would not lose or become ineligible to have a taxidriver's licence. I wanted to clarify that there is no chance that they would ever be charged under clause 8(1), (2) or (4).

Hon JIM CHOWN: They would always be charged under clause 8(6).

Clause put and passed.

Clause 8: Driving taxi while not authorised by licence —

Hon KEN TRAVERS: When the parliamentary secretary gave his statement at the start of the afternoon, he talked about penalties being between \$2 000 and \$5 000. I have since looked at the Transport Co-ordination Act. The highest penalty I can find in that act is \$1 000. I might be missing something. Can the parliamentary secretary refer me to the section in the Transport Co-ordination Act in which the penalties are \$1 000? I have had only a quick look through it. The penalty I found is for an unlicensed driver under section 47ZE. As a consequence of bringing in clause 8, later in the bill we delete section 47ZE. The other penalties that I can see in the Transport Co-ordination Act are in section 47ZD. If a person is found to be driving an unlicensed taxi, the penalty is \$80 for a first offence, \$200 for a second offence and \$400 for a subsequent offence. From memory, under section 15 of the Taxi Act, the penalty for driving an unlicensed taxi is \$5 000. Under clause 8 of this bill, driving a taxi without a licence will incur a fine of up to \$10 000, but in the case of a subsequent offence, the minimum penalty is a fine of \$2 000.

One of the concerns I have is that we will set up a regime with those penalties. I do not have a complaint about the penalties in clause 8; I think they are appropriate. We need to send a very serious message that driving a taxi without a licence will be treated very seriously and will incur significant penalties. I suspect that some people will probably argue that the penalty for driving a taxi without a licence should be significantly higher, depending on the circumstances, and if a person were to continue to do it then potentially they should get a custodial sentence rather than just a fine of \$2 000. However, my concern is that this is a real incentive for people who want to carry people for hire or reward and who will be better off pretending they are a taxi without using a taxi because, particularly in regional WA, the first time they are caught, the offence will be only \$80, whereas if they get into a taxi and drive without a licence, the penalty will be up to \$10 000. On a second offence, the penalty will be only \$200, but it is a guaranteed penalty of \$2 000 if they are driving a taxi. I support the penalties that we are bringing in, but has the government given any consideration—or have I missed it somewhere in this legislation—to correspondingly increase the penalty for driving a vehicle as a taxi that is not a licensed taxi, so that it gives a corresponding sense of seriousness? This is otherwise an almost perverse encouragement for a person who wants to operate as an unlicensed taxidriver to do it in an ordinary vehicle because the penalties will be a lot less.

Hon JIM CHOWN: With regard to the member's first question, section 56 of the Transport Co-ordination Act 1966 states —

Every person guilty of an offence against this Act or against any regulation for which a penalty is not expressly provided is liable to a penalty not exceeding \$2 000 ...

With regard to the other question, no consideration has been given to changing the maximum penalties in the Taxi Act or Transport Co-ordination Act.

Hon KEN TRAVERS: The problem I have with that answer is that when I refer to part IIIB, headed "Taxi-cars in country districts" —

Hon Jim Chown: Is the member talking about the Transport Co-ordination Act?

Hon KEN TRAVERS: Yes, but I am still on that \$2 000 penalty issue. In part IIIB of the Transport Co-ordination Act, the first instance where I see penalties is under section 47ZD, which prescribes for people who drive, for hire or reward—the ones I talked about earlier—a vehicle not licensed as a taxi, or a taxi car as defined, a paltry penalty of \$80 for a first offence. The next serious offence is to drive a taxi car without a

taxidriver's licence, which has a specified penalty of \$1 000, and then all the other regulations for taxis are made under the regulation-making powers of section 47ZF. However, section 47ZF(1)(zj) states —

notwithstanding section 60(3)(b) ...

Which is the provision that allows for penalties for regulations —

prescribing penalties not exceeding \$200 for the breach of any regulation.

Looking at that, I would have thought that, in the case of country taxis, the penalty of \$2 000 is not appropriate. The maximum penalty a person would get is \$1 000 under section 47ZE; for any other penalties that are prescribed under those regulation-making powers of section 47ZF, the maximum penalty is only \$200. The first offence penalty for driving an unlicensed taxi is \$80, with a maximum penalty of \$4 000. Perhaps the parliamentary secretary will answer that part of the question first. Does that apply with regard to section 56 of the Transport Co-Ordination Act and country taxi cars? I think section 60 states that it would be overridden by the fact that specific penalties are provided for all the different areas of country taxis; therefore, I cannot see how the \$2 000 penalty would apply to the operation of country taxis anyway.

Hon JIM CHOWN: We will take the question on advice.

Hon KEN TRAVERS: I have found it now. It is section 56, which states —

... against any regulation for which a penalty is not expressly provided ...

So in the case of country taxis, there are expressly provided penalties. I appreciate the parliamentary secretary's comments that he will take the question on advice. However, it strikes me that if this deal is to achieve the outcomes, this legislation should increase the penalties in the Transport Co-ordination Act. If I drive a car that is not a licensed taxi, particularly in regional WA, all I will get is an \$80 fine. I think the parliamentary secretary said earlier that it would be that section under which people will be charged for driving without a licence, and not under this bill. People will be charged with the offence of driving an unlicensed taxi. The maximum penalty is \$80 for the first offence. They would be crazy to then drive a licensed taxi and incur a penalty of up to \$10 000. Unless we increase the penalties—it is my view that we can do so in this bill—for driving a vehicle as a taxi when it is not licensed to be a taxi, we will set up a perverse situation that will give rise, particularly in parts of regional Western Australia, to people offering themselves for hire for reward and, similar to the term used in London, they will become “cowboy cabs”. If we build up the penalties in this bill, we will encourage the proliferation of cowboy cabs unless we also amend the other pieces of legislation to make it just as serious an offence, if not more, to be a cowboy cab.

Hon JIM CHOWN: I thank the member for his comments; we will consider the matter further.

Hon KEN TRAVERS: In all seriousness, I would appreciate it if the parliamentary secretary talked to the minister to see whether we can reach an agreement—not today, but at the end of the bill. We might insert new clauses to make those amendments. That will be really important to make this bill work. Given the parliamentary secretary's commitments on clause 8, I am happy for it to pass at this stage.

Clause put and passed.

Clause 9: Causing or permitting unlicensed driver to drive taxi —

Hon KEN TRAVERS: I assume we will use provisions from the Interpretation Act so that “a person” can also include a body corporate. The first part is easy if it involves regional circumstances. We have talked about that, and I expect it will be the owner of the plate or cab who will be charged. However, when a person is a provider of a taxi dispatch service, does the parliamentary secretary envisage that both the corporate entity and the individual who allowed it to happen will be charged, or will it be a case of one or the other? What will be the predominant way to charge in Perth? Will it be the corporate entity of the taxi dispatch service or the individual; and, if it is the individual, who is that individual? Is it the chief executive officer of the company or the manager who was on duty at the time?

Committee interrupted, pursuant to standing orders.

[Continued on page 6851.]

Sitting suspended from 4.14 to 4.30 pm

QUESTIONS WITHOUT NOTICE

TENDER COMMON USE AGREEMENT 22008

890. Hon SUE ELLERY to the Leader of the House representing the Minister for Finance:

I refer to the Tender Common Use Agreement 22008—Provision of Temporary Personnel Services for Whole of Government.

- (1) For each of the 13 companies listed in the agreement, how many personnel were supplied to government agencies for the 2012–13 financial year?

- (2) For each of the 13 companies listed in the agreement, how much was paid by government for the 2012–13 financial year?

Hon HELEN MORTON replied:

- (1)–(2) On behalf of the Leader of the House, I table the attached documents and seek leave to have them incorporated into *Hansard*.

The PRESIDENT: The minister can do that, but it is normal to give us a bit of a hint as to what the document is.

Hon HELEN MORTON: The question was about the 13 companies listed in the agreement and how many personnel were supplied to government agencies. It is in tabular form and outlines the various personnel from the 13 companies.

The PRESIDENT: The answer is in tabular form and the minister seeks leave to have it incorporated into *Hansard*.

Leave granted. [See paper 1058.]

The following material was incorporated —

Company	2009/10 (From 9/11/09)	2010/11	2011/12	2012/13 (to 31/3/13)
Bell Recruitment	78	98	72	152
Clarius Group	-	-	-	-
Gel Group Pty Ltd	755	1,139	1,342	1,060
Group HRM	22	48	54	60
Hays Specialist Recruitment (Australia) Pty Ltd	-	-	-	13
I-Kapita	25	26	12	9
Integrity Industrial	95	142	206	162
Integrity Staffing	948	1,663	1,410	923
IPA Personnel Pty Ltd	10	32	17	9
Kelly Services (Australia) Ltd	37	140	116	81
Manpower Services	15	29	20	26
Mars Recruitment	-	-	-	14
Randstad	19	21	5	66
Ross Human Direction Limited	196	442	520	376
Talent International Pty Ltd	46	157	203	172
Trilogy Resources / Chandler McLeod from November 2012	316	401	626	271
Total	2,562	4,338	4,603	3,394

Notes:

1. The information has been provided by financial year. The Common Use Arrangement (CUA) commenced in November 2009.
2. The information has been obtained from the sales reports provided by the CUA suppliers on a quarterly basis. The sales reports for the April to June 2013 quarter are not yet available.
3. Thirteen suppliers were appointed to the CUA in November 2009. Three additional suppliers, Hays Specialist Recruitment (Australia) Pty Ltd, Mars Recruitment and Clarius Group were appointed in July 2012. The Clarius Group has not obtained any work from agencies since being appointed.

Company	2009/10 (From 9/11/09) \$	2010/11 \$	2011/12 \$	2012/13 (to 31/3/13) \$
Bell Recruitment	706,414.51	1,435,818.61	1,416,322.61	2,349,063.69
Clarius Group	-	-	-	-
Gel Group Pty Ltd	424,281.85	19,341,059.52	25,947,492.40	20,157,751.42
Group HRM	511,810.48	2,532,097.52	3,711,569.63	3,829,575.22
Hays Specialist Recruitment (Australia) Pty Ltd	-	-	-	373,355.82
I-Kapita	439,277.16	905,193.42	684,605.94	299,660.01
Integrity Industrial	575,240.69	1,966,658.59	2,666,743.44	2,931,134.45
Integrity Staffing	6,509,631.35	16,216,759.20	15,341,528.74	10,228,413.92
IPA Personnel Pty Ltd	84,275.04	705,346.08	581,470.02	56,850.30
Kelly Services (Australia) Ltd	223,209.99	1,578,040.72	1,460,807.01	1,142,264.49
Manpower Services	177,537.68	1,342,208.22	878,235.80	611,660.66
Mars Recruitment	-	-	-	256,628.80
Randstad	48,240.00	172,466.27	83,366.24	332,230.32
Ross Human Direction Limited	1,787,590.77	5,052,681.90	6,105,955.19	4,156,229.54
Talent International Pty Ltd	1,726,398.53	9,783,066.57	10,635,482.73	9,291,005.34
Trilogy Resources / Chandler McLeod from November 2012	16,803,115.63	22,002,450.31	21,371,530.01	14,245,569.08
Total	37,017,023.68	83,033,846.93	90,885,109.76	70,461,393.06

Notes:

1. The information has been provided by financial year. The CUA commenced in November 2009.
2. The information has been obtained from the sales reports provided by the CUA suppliers on a quarterly basis. The sales reports for the April to June 2013 quarter are not yet available.
3. Thirteen suppliers were appointed to the CUA in November 2009. Three additional suppliers, Hays Specialist Recruitment (Australia) Pty Ltd, Mars Recruitment and Clarius Group were appointed in July 2012. The Clarius Group has not obtained any work from agencies since being appointed.

Agency	2009/10 (From 9/11/09)	2010/11	2011/12	2012/13 (to 31/3/13)
Armadale Redevelopment Authority	-	2	1	-
Botanic Gardens and Parks Authority	2	4	5	3
Burswood Park Board	3	3	5	5
Central Institute of Technology	12	14	8	35
Challenger Institute of Technology	3	5	8	2
Chemistry Centre	3	-	-	1
Corruption and Crime Commission	-	-	3	-
Country High Schools Hostels Authority	3	-	-	-
Department of Aboriginal Affairs	38	37	31	43
Department of Agriculture and Food	25	82	81	22
Department of the Attorney General	69	106	134	83
Department for Child Protection and Family Support	12	6	11	9
Department for Communities	65	123	83	33
Department of Commerce	79	151	186	161
Department of Corrective Services	15	30	20	15
Department of Culture and The Arts	18	29	38	44
Department of Education	173	281	271	166
Department of Education and Training	28	-	-	-
Department of Education Services	-	7	9	4
Department of Environment and Conservation	96	138	96	68
Department of Finance	-	-	419	280
Department of Fire and Emergency Services	52	93	117	68
Department of Fisheries	14	39	57	45
Department of Health	312	687	786	516
Department of Housing	55	142	201	202
Department of Local Government	4	16	15	23
Department of Mines and Petroleum	122	184	247	212
Department of Planning	92	100	78	46
Department of the Premier and Cabinet	60	48	53	29
Department of Racing, Gaming and Liquor	-	3	6	5
Department of Regional Development and Lands	25	74	67	38
Department of the Registrar - Western Australian Industrial Relations Commission	2	2	4	4
Department of Sport and Recreation	4	8	9	16
Department of State Development	13	23	43	20
Department of Training and Workforce Development	42	76	98	75
Department of Transport	73	146	107	93

Department of Treasury	-	-	30	21
Department of Treasury and Finance	258	377	-	-
Department of Water	87	115	112	83
Disability Services Commission	44	73	74	115
Drug and Alcohol Office	7	15	16	13
East Perth Redevelopment Authority	13	22	22	-
Economic Regulation Authority	7	10	9	6
Environmental Protection Authority	5	6	9	11
Equal Opportunity Commission	7	4	16	16
Forest Products Commission	1	3	1	1
Government Employees Superannuation Board	19	32	37	15
Great Southern Development Commission	0	2	-	-
Health Promotion Foundation WA (Healthway)	7	9	10	9
Heritage Council of Western Australia	7	7	12	14
Insurance Commission of Western Australia	4	21	12	14
Landgate	7	3	2	5
Lotteries Commission of Western Australia (Lotterywest)	7	21	33	27
Main Roads Western Australia	117	201	204	225
Metropolitan Cemeteries Board	22	27	11	1
Metropolitan Redevelopment Authority	1	0	32	35
Midland Redevelopment Authority	1	3	3	-

Office of the Auditor General	3	2	3	2
Office of the Commissioner of Children and Young People	-	2	2	-
Office of the Director of Public Prosecutions	12	16	20	14
Office of the Information Commissioner	1	-	-	-
Office of the Inspector of Custodial Services	6	5	11	6
Parliamentary Commissioner for Administrative Investigations (Ombudsman)	11	21	25	21
Perth Market Authority	0	0	1	1
Pilbara Development Commission	-	-	-	1
Polytechnic West	11	99	9	6
Public Sector Commission	8	11	8	8
Public Transport Authority	141	205	199	121
Public Trustee	21	27	27	13
Racing and Wagering of Western Australia	2	-	-	-
Real Estate and Business Agents Supervisory Board	-	1	1	-
Rottneet Island Authority	18	34	14	10
School Curriculum and Standards Authority	9	2	14	13
Settlement Agents Supervisory Board	-	1	1	-

Small Business Development Corporation	16	17	15	1
Swan River Trust	26	23	29	19
Tourism Western Australia	20	46	39	23
West Coast Institute of Training	0	2	-	-
Western Australia Police	53	108	122	74
Western Australian Electoral Commission	-	14	27	27
Western Australian Sports Centre Trust (Venueswest)	3	4	3	2
Western Australian Treasury Corporation	1	2	3	4
Workcover Western Australia	29	33	33	18
Zoological Parks Authority	36	53	55	33

Notes:

1. The information has been provided by financial year. The CUA commenced in November 2009.
2. The information has been obtained from the sales reports provided by the CUA suppliers on a quarterly basis. The sales reports for the April to June 2013 quarter are not yet available.
3. Reporting on individual agencies may be impacted by Machinery of Government changes.

WESTERN AUSTRALIA POLICE — AUTHORISED STRENGTH

891. Hon SUE ELLERY to the Attorney General representing the Minister for Police:

As of 1 November 2013 —

- (1) What was the authorised strength of —
 - (a) senior police;
 - (b) police officers, recruit to commander;
 - (c) auxiliary officers;
 - (d) Aboriginal police liaison officers;
 - (e) crossing guards;
 - (f) wages staff; and
 - (g) other police staff?
- (2) What was the actual strength for each of the same categories on the same date?

Hon KEN BASTON replied:

On behalf of the Attorney General, I thank the honourable member for some notice of this question. It is in tabular form but I can read across the lines as there are only a few of them.

- (1)
 - (a) 12.
 - (b) 5 704.
 - (c) 166.
 - (d) 14.
 - (e) 130.

- (f) 33.
- (g) 1 828.
- (2) (a) 12.
- (b) 5 735.
- (c) 159.
- (d) 14.
- (e) Unable to provide within the time frame.
- (f) 33.
- (g) 1 744.

CONSTRUCTION SUBCONTRACTOR FINANCIAL ASSISTANCE SCHEME

892. Hon KATE DOUST to the Leader of the House representing the Minister for Finance:

I refer to question without notice 793 and the financial assistance for subcontractors.

- (1) Will the amounts paid on each claim include the goods and services tax?
- (2) Has GST already been paid on the amounts to be paid out?
- (3) How much in total will be paid out from the \$5 million fund?

Hon HELEN MORTON replied:

I thank the member for some notice of the question and I answer on behalf of the Leader of the House.

- (1) No.
- (2) No.
- (3) Approximately \$3.8 million.

FEDERAL FARM FINANCE ASSISTANCE

893. Hon KEN TRAVERS to the Minister for Agriculture and Food:

My question without notice, of which some notice has been given, is to the Minister for Agriculture and Food. I think the parliamentary secretary has answered enough questions this afternoon!

- (1) What action has the Western Australian government taken to protest the removal of \$10 million from the assistance package for WA farmers?
- (2) Does the minister believe there is potential for this money to be reinstated by the federal government?
- (3) When will wheatbelt farmers receive financial assistance through the federal farm finance package?
- (4) Are Western Australian government agencies ready to deliver the concessional loans immediately an agreement is reached with the commonwealth?

Hon KEN BASTON replied:

I thank the honourable member for some notice of the question.

- (1) I spoke to Minister Joyce on 6 November 2013 prior to his media announcement and voiced my concerns about the decision. A formal letter was written to Minister Joyce on 13 November 2013 to articulate concerns over areas in the eastern wheatbelt, and for Minister Joyce to consider increasing the Western Australia funding allocation in 2014–15 to \$35 million, returning Western Australia back to the original total allocation of \$60 million. I also publicly stated that I am disappointed with the decision.
- (2) I have asked Minister Joyce to consider that proposal should the eastern wheatbelt have another disappointing season in 2014.
- (3) The state and federal governments are working towards establishing a scheme for all primary producers in Western Australia in the coming weeks, with applications expected to open in January 2014.
- (4) The Western Australian government will be ready, with applications expected to open in January 2014.

WOMEN'S REFUGES — KIMBERLEY AND PILBARA

894. Hon STEPHEN DAWSON to the Minister for Child Protection:

I refer to the minister's response to question without notice 827.

- (1) Can the minister please advise the dollar value of each of the funding cuts for each of the following domestic violence support safe houses and refuge services in the Kimberley and Pilbara —
 - (a) Fitzroy Crossing;
 - (b) Roebourne Women's Shelter;
 - (c) Halls Creek Safe House; and
 - (d) Wyndham Safe House?
- (2) Will the minister table a copy of the information provided by the Women's Council for Domestic and Family Violence Services (WA) that contributed to the review of domestic violence and services in Western Australia?
- (3) Will the minister table a copy of the data collected by the specialist homelessness services collection for the period July 2011 to 30 June 2012 that indicates the underutilisation of four remote family and domestic violence safe houses?
- (4) What other family and domestic violence services in Western Australia were deemed to be underutilised, or not meeting demand?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of the question.

- (1) Following a review of the family and domestic violence service system in Western Australia, a number of services were identified where demand is not being met and others where there is underutilisation, including some remote safe houses. I am advised that there will be no loss of family and domestic violence crisis accommodation or services. As a result of the changes, services will be better tailored to meet community need and improve outcomes for women and children exposed to family and domestic violence across Western Australia. As a result, it was determined that funding would be reduced as follows —
 - (a) Approximately \$240 000 per annum;
 - (b) Approximately \$330 000 per annum;
 - (c) Approximately \$180 000 per annum; and
 - (d) Approximately \$160 000 per annum.
- (2)–(3) I am not happy with the response that I have received from the agency about this and I have asked it to reconsider the comments it has given me. I have asked the department to look into this and I will respond to the member as soon as I can.
- (4) In response to the review, a reform of the family and domestic violence service system is being undertaken across the state. However, I am advised by the department that no other services were deemed to be underutilised to the extent of the four safe houses.

MARGARET RIVER — PERIMETER ROAD CONSTRUCTION

895. Hon LYNN MacLAREN to the parliamentary secretary representing the Minister for Transport:

- (1) How many truck movements complete a journey through Margaret River on a daily basis?
- (2) What percentage of these truck movements is due to the forestry industry?
- (3) As local surveys conducted by residents have found that only three trucks per hour on average complete a journey through Margaret River, would this rate normally trigger a road construction?
- (4) Will the minister provide a cost–benefit analysis of the perimeter road?
- (5) How many potential breeding trees for black cockatoos would be lost in the currently proposed route for the perimeter road?
- (6) What alternative routes have been identified that would result in fewer black cockatoo breeding trees being lost?

Hon JIM CHOWN replied:

I thank the honourable member for some notice of the question. Unfortunately, at this stage I do not have an answer due to the Minister for Transport's parliamentary commitments in the other place. If the answer arrives during this question time, I will provide it. This is question C948. The same reason applies to questions C946, C935, C933 and C891; I also do not have answers to those questions.

CHILDREN'S COURT — LINKS PROGRAM

896. Hon SALLY TALBOT to the Minister for Mental Health:

- (1) Does the minister agree with recent expert advice that between 50 per cent and 75 per cent of young people in detention have a serious mental health problem?
- (2) If the minister does not agree, what does the minister believe to be a more accurate estimate; and on what advice does the minister base this belief?
- (3) If the minister does agree with (1), what advice has the minister provided to the government about the resourcing of the Children's Court specialised mental health program, Links?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of this question.

- (1)–(2) I have raised this issue with the Chief Psychiatrist, and I have had a look at the information in that particular report. The Chief Psychiatrist indicated to me that because of the words that the member has used in the question, namely “serious mental health problem”, the figure she has used of between 50 per cent and 75 per cent is a bit high. For those reasons, he cautions about ascertaining that between 50 per cent and 75 per cent of young people in detention have a serious mental illness. So the member should probably go back and check that those words are not being used inappropriately.
- (3) Links is the Children's Court's program component of a 20-month pilot mental health court diversion and support program. Links aims to divert young people with mental health issues, who intersect with the justice system, into assessment and treatment. An amount of \$2.2 million has been allocated by the state government to the Links program for the pilot program. A process evaluation is currently underway and will be finalised shortly. The outcomes of this evaluation will inform consideration of future funding through the budget process.

ALLEN KEITH HUGGINS

897. Hon LJILJANNA RAVLICH to the Attorney General:

I refer to the report in *The West Australian* of 11 September 2013 about Allen Keith Huggins being granted bail and allowed to continue to work as a counsellor after being charged with multiple sexual offences against children.

- (1) Has the Attorney General discussed this case with the Director of Public Prosecutions; and, if not, why not?
- (2) Will the state seek to have bail revoked in this case; and, if not, why not?
- (3) Is the Attorney General considering changing the law to prevent similar circumstances arising in the future; and, if not why not?

Hon KEN BASTON replied:

I thank the honourable member for some notice of this question. On behalf of the Attorney General, I provide the following answer —

- (1) The Attorney General has been briefed by the Director of Public Prosecutions in respect of this case.
- (2)–(3) The Director of Public Prosecutions has asked the consultant state prosecutor at police prosecuting to conduct a review of the matter. The Attorney General is advised that the state has no grounds upon which to seek the offender's bail to be revoked. The Office of the Director of Public Prosecutions is not aware of the offender having breached the conditions imposed on him over two months ago.

PERTH–DARWIN HIGHWAY

898. Hon SAMANTHA ROWE to the parliamentary secretary representing the Minister for Transport:

I refer to the relocation of the new alignment of Perth–Darwin Highway.

- (1) Is the government considering relocating the bus rapid transit corridor given the new alignment of Perth–Darwin Highway?
- (2) Is the government considering an upgrade of Lord Street north of Reid Highway through to Gngangara Road into a dual carriageway?
- (3) What studies or investigations is Main Roads undertaking in respect to the future of Lord Street north of Reid Highway?

Hon JIM CHOWN replied:

As I have already explained, Mr President, that question, C935, is one to which I do not yet have a response.

GREAT WHITE SHARK MONITORING PROGRAM

899. Hon AMBER-JADE SANDERSON to the minister representing the Minister for Fisheries:

I refer to the Department of Fisheries' current white shark monitoring program undertaken jointly with South Australian and South African authorities.

This might be another question to which the minister does not have an answer.

Hon KEN BASTON replied:

I do not have an answer to that question.

The PRESIDENT: If Hon Amber-Jade Sanderson has another question, perhaps she would like to ask that one.

APPEALS CONVENOR — NEW AGE RECYCLING

900. Hon AMBER-JADE SANDERSON to the minister representing the Minister for Environment:

- (1) How many appeals on licence conditions, reports and recommendations, decisions not to assess or level of assessment have been finalised by the Appeals Convenor but not yet signed off by the minister?
- (2) How many of these appeals have been with the minister's office for —
 - (a) more than one month;
 - (b) more than two months;
 - (c) more than three months; and
 - (d) more than six months?
- (3) Why are these appeals being delayed in the minister's office?
- (4) When will the appeal on the SRF Earthmoving–New Age Recycling facility be determined?
- (5) For how long has the SRF Earthmoving–New Age Recycling appeal been awaiting the minister's decision?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of this question. The Minister for Environment has provided the following information —

- (1) There are currently two Appeals Convenor reports with the Minister for Environment for consideration.
- (2) (a)–(d) One report.
- (3)–(4) There is no statutory time frame within which appeals must be investigated or determined, as the time taken depends on the number and complexity of the matters raised. In the case of New Age Recycling, appeals were received in respect of both the Environmental Protection Authority's decision to not assess the proposal and the conditions of the licence issued under part V of the Environmental Protection Act 1986. The licence is currently suspended and the City of Gosnells is considering the site's planning approval. These matters should be resolved before the appeals are determined.
- (5) The Appeals Convenor report was provided to the current Minister for Environment in April 2013.

SHEFFIELD RESOURCES LTD — THUNDERBIRD DEPOSIT

901. Hon ROBIN CHAPPLE to the minister representing the Minister for Mines and Petroleum:

I refer to the heavy mineral sands explorer Sheffield Resources Ltd.

- (1) Is the minister aware of the company's recent drilling activity at the Thunderbird deposit, located near Derby in the Canning Basin region of Western Australia, over an area of around seven kilometres by four kilometres?
- (2) Does the company have the necessary approvals from the Environmental Protection Authority and other agencies to conduct its exploration activity, which includes substantial land clearing and the drilling of more than 280 holes to collect samples?
- (3) Have any environmental surveys been conducted in the area, and will the minister table all available baseline environmental data to show that no harm is being caused?
- (4) If no to (3), why not?
- (5) Does the minister support the water intensive strip mining practices that would inevitably follow if approvals for mineral sand extraction were granted?

Hon KEN BASTON replied:

I thank the honourable member for some notice of this question. On behalf of the Minister for Mines and Petroleum, I provide the following response —

- (1) Yes. The Department of Mines and Petroleum has approved exploration activity by Sheffield Resources Ltd through two programs of work, registration identification 33715 and 39294, on two exploration licences, EO4/2083 and EO4/2159.
- (2) DMP has approved exploration proposed by Sheffield Resources Ltd on the basis that the proposed activity was not environmentally significant, as detailed above. However, any questions regarding approvals issued by other agencies should be directed to the relevant minister.
- (3)–(4) Baseline surveys were not required to be submitted to DMP prior to the exploration activities proposed by Sheffield Resources Ltd. DMP would require baseline surveys in instances where there is intensive exploration or development, or where the area is environmentally sensitive.
- (5) Prior to any mining being conducted on tenure granted under the Mining Act 1978, a mining proposal is required to be submitted to DMP and approved by the executive director of the environment division. Each mining proposal must detail how the environmental impacts of the proposal will be minimised and managed, and is assessed on an individual basis. Mining proposals will also be referred by DMP to the Environmental Protection Authority if the proposal triggers criteria for referral listed in the memorandum of understanding between these two agencies.

**PROVISION OF THE LIVE WORKS PROGRAM TO ABORIGINAL YOUNG PEOPLE
IN THE PERTH METROPOLITAN AREA**

902. Hon ALANNA CLOHESY to the Attorney General representing the Minister for Corrective Services:

I do not suppose the Minister for Transport has had the opportunity to run the answers to those questions up here.

Hon Jim Chown: No, not at this stage.

Hon Col Holt: Is that a question?

Hon ALANNA CLOHESY: Is that a question? I just thought he might have put it on a train up the corridor or something! No, that is right; we do not talk about trains!

I refer to contract DCS0082012SAB—“Provision of the Live Works Program to Aboriginal Young People in the Perth Metropolitan Area”—estimated at \$6.417 million.

- (1) Can the minister confirm the procurement method for the contract was sole source?
- (2) If yes to (1) —
 - (a) on what basis was the decision made to proceed with a sole-source procurement method;
 - (b) who made the decision to proceed with a sole-source procurement method; and
 - (c) was permission sought from the Department of Finance for a sole-source procurement method; and, if not, why not?
- (3) Were discussions undertaken with any other organisation for the provision of the program; if so, which organisations; and, if not, why not?

Hon KEN BASTON replied:

I thank the member for notice of the question. On behalf of the Attorney General representing the Minister for Corrective Services, I provide the following response —

- (1) Yes.
- (2) (a) An exemption from the minimum competitive requirements of the State Supply Commission’s open and effective competition policy was approved due to the following: Outcare is a specialist not-for-profit organisation that has delivered successful intervention and reform programs in Western Australia since 1960; it was the successful service provider of the Live Works program for two years and has the intellectual property for the Live Works program; and the Live Works program was identified by Justice Reynolds, the President of the WA Children’s Court, as a successful model in addressing recidivism in young Aboriginal people.
- (b) In accordance with government procurement and State Supply Commission policies, the exemption and the procurement plan were approved by the deputy commissioner of community and youth justice on behalf of the Department of Corrective Services and endorsed by the Department of Finance’s Community Services Procurement Review Committee. The

committee noted that the procurement met the requirements of the government procurement and SSC policies.

- (c) No. The “Delivering Community Services in Partnership Policy”, which applies to all not-for-profit community services procurement, does not require permission to be sought from the Department of Finance. Under the heading “Use of Preferred Service Providers”, the policy states —

Public Authorities may, at their discretion, exercise the option of retaining an existing service provider through a restricted process. The existing service provider will then be known as a Preferred Service Provider.

- (3) No. The Live Works program has been recognised as an effective program rehabilitating young Aboriginal people. It has the support of the Departments of Housing; Training and Workforce Development; Treasury; Finance; Education; the Attorney General; and Families, Housing, Community Services and Indigenous Affairs.

SWIMMING PROGRAMS — PORT HEDLAND AND SOUTH HEDLAND

903. Hon SUE ELLERY to the Minister for Education:

The question was lodged yesterday, so there should be an answer.

- (1) Was the in-term swimming and VacSwim program operational and delivered to all schools in Port Hedland and South Hedland this year?
- (2) If not, when was the last time the program was delivered?
- (3) As learning to swim is an essential skill for children to learn, why are no swimming programs offered at Cassia Primary School or Baler Primary School in Port Hedland?

Hon HELEN MORTON replied:

I thank the member for some notice of this question. On behalf of the Minister for Education, I provide the following response —

- (1) In-term lessons were conducted in the following schools in Port Hedland and South Hedland: Port Hedland Primary School, term 4, 2013; Port Hedland School of the Air, term 4, 2013; and South Hedland Primary School, term 1, 2013. VacSwim classes operated in January 2013 and October 2013. VacSwim classes are scheduled for January 2014.
- (2) Not applicable.
- (3) The programs for Baler Primary School and Cassia Primary School, scheduled for a six-week block from 28 October to 6 December 2013, were cancelled due to an insufficient number of qualified local instructors available at that time. Alternative dates were considered by the schools; however, these were deemed unsuitable by the schools from a planning perspective.

MINISTERS OF THE CROWN — GOVERNMENT-OWNED VEHICLES

904. Hon KEN TRAVERS to the Leader of the House representing the Premier:

I refer to question without notice 879.

- (1) What is the cost of the weekly check on privately owned vehicles?
- (2) If a minister has more than one vehicle, is each vehicle checked on a weekly basis before it is driven in that week?
- (3) Does the department ever incur any expense to maintain or rectify work on privately owned vehicles?
- (4) Does the vehicle inspection include checking any modifications to ensure that they meet all legal requirements?

Hon HELEN MORTON replied:

I thank the member for the question. On behalf of the Leader of the House, I provide the following response —

- (1) There is no additional cost.
- (2) No. The minister has an allocated vehicle for ministerial use.
- (3) No.

I do not think this next part is a very good answer. Obviously, I have not had time to check it. I will read it anyway, but I will follow up if I need to.

(4) I refer the honourable member to Legislative Council question without notice 879.

Several members interjected.

The PRESIDENT: Order! We are on to the next question.

KARRATHA HOSPITAL CAMPUS — SITING

905. Hon STEPHEN DAWSON to the parliamentary secretary representing the Minister for Health:

I refer to the site of the soon-to-be-constructed Karratha hospital.

- (1) Have the findings from the “Karratha Coastal Vulnerability Study” of 2012 been considered in assessing the location for the new Karratha hospital campus?
- (2) What additional studies have been undertaken into the suitability of the site in relation to risk of inundation caused by seasonal cyclonic heavy rainfall and associated storm surges?
- (3) Will the Minister for Health table any report that has been done on the siting of the new Karratha hospital in relation to cyclonic conditions, flooding and storm surges?

Hon ALYSSA HAYDEN replied:

I thank the honourable member for some notice of the question.

- (1) Yes.
- (2) The Department of Treasury’s Office of Strategic Projects commissioned a report titled “Karratha Health Campus—Assessment of Storm Surge Protection Requirements” to inform the site suitability decision-making.
- (3) The report described in the answer to part (2) is a Department of Treasury document. Access to that document would need to be sought from that department.

CLEARING PERMITS — EXEMPTIONS

906. Hon LYNN MacLAREN to the minister representing the Minister for Environment:

- (1) Under the Environmental Protection Act 1986, what exemption entitles the WA Planning Commission to clear native vegetation in accordance with a subdivision approval without a clearing permit?
- (2) What government department reports on the number and area of clearing permits approved under this exemption?
- (3) Can the minister identify how much native vegetation was cleared for urban development under this exemption in the last year and in the last five years?

Hon HELEN MORTON replied:

I thank the member for some notice of this question.

- (1) Under clause 9 of schedule 6 of the Environmental Protection Act, clearing that is in accordance with a subdivision approval under the Planning and Development Act 2005 is exempt from the requirement for a clearing permit.
- (2) As clause 9 provides an exemption from the requirement for a clearing permit, a clearing permit is not required or granted.
- (3) As a clearing permit or application is not required, the Department of Environment Regulation cannot advise on the amount of native vegetation cleared for urban development under this exemption.

SCHOOL PSYCHOLOGISTS — RATIOS

907. Hon SUE ELLERY to the Minister for Education:

My question was lodged before today. What was the ratio of appointed school psychologists to students in both primary and secondary schools in the following years —

- (a) 2008;
- (b) 2011; and
- (c) 2013 to date?

Hon HELEN MORTON replied:

I thank the member for some notice of this question. I answer on behalf of the Minister for Education.

- (a) The student to school psychologist ratio in primary and secondary schools cannot be calculated for the 2008 school year. Prior to 2011, allocations were made locally by the then districts, utilising a number of varied methodologies.
- (b)–(c) From 2011, the school psychology service allocation mechanism was deployed. This allocates full-time equivalents to each public school in Western Australia on the basis of student number and assessed need. I table the requested information for parts (b) and (c).

Leave granted. [See paper 1059.]

WESTERN AUSTRALIAN CERTIFICATE OF EDUCATION — PHILOSOPHY AND ETHICS COURSE

908. Hon SALLY TALBOT to the Minister for Education:

I refer to the philosophy and ethics Western Australian Certificate of Education examination course offered in WA high schools.

- (1) Which schools offered the subject in each of 2008, 2009, 2010, 2011, 2012 and 2013?
- (2) How many students studied the subject and completed the course in each of these years?

Hon HELEN MORTON replied:

I thank the member for some notice of this question on behalf of the Minister for Education.

- (1) I table the requested information.

Leave granted. [See paper 1060.]

- (2) Regarding figures for 2008, the philosophy and ethics WACE examination was first offered in 2009. In 2009, 21 students completed the stage 2 course and 70 students completed the stage 3 course. In 2010, 15 students completed the stage 2 course and 129 students completed the stage 3 course. In 2011, four students completed the stage 2 course and 131 students completed the stage 3 course. In 2012, three students completed the stage 2 course and 143 students completed the stage 3 course. In 2013, four students completed the stage 2 course and 171 students completed the stage 3 course.

STATE TRAINING PROVIDER — STUDENT NUMBERS

909. Hon SAMANTHA ROWE to the parliamentary secretary representing the Minister for Training and Workforce Development:

How many students are currently enrolled for each campus within the state training provider?

Hon COL HOLT replied:

I thank the member for some notice of this question.

Before I start my answer, I was fortunate to represent the minister at the graduation of the advanced diploma of fashion, technology and design last night and it was absolutely brilliant. Even a fashion aficionado like me thought it was brilliant!

In response to the member's question, the answer is provided in tabular form, so rather than go through the whole lot, I seek leave to table the information.

Leave granted. [See paper 1061.]

DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT — CHILD SAFETY AND WELLBEING ASSESSMENTS

910. Hon STEPHEN DAWSON to the Minister for Child Protection:

I refer to the department's processing of child safety and wellbeing assessments.

- (1) What is the average time taken in the 2013–14 thus far to undertake each assessment?
- (2) What was the average time taken per month in 2012–13 to undertake each assessment?
- (3) What percentage of child safety and wellbeing assessments were dealt with within the following time frames for years 2011–12, 2012–13 and 2013–14 —
- (a) 30 to 60 days;
- (b) 60 to 90 days; and
- (c) 90 or more days?

Hon HELEN MORTON replied:

I thank the member for some notice of this question.

- (1) The average time taken to commence and complete child safety and wellbeing assessments for the period 1 July 2013 to 31 October 2013 is 34.6 days.
- (2) The average time taken to commence and complete child safety and wellbeing assessments for the period 1 July 2012 to 30 June 2013 is 49.6 days.
- (3) In 2011–12 the time taken to complete was —
 - (a) 31 to 60 days, 20.4 per cent;
 - (b) 61 to 90 days, 14 per cent; and
 - (c) greater than 90 days, 20.6 per cent.

457 VISA HOLDERS — PUBLIC SCHOOLS CHARGE

911. Hon SUE ELLERY to the Minister for Education:

My question was lodged earlier. I refer to the preparation of hardship guidelines to apply to the implementation of the introduction of compulsory school fees for the children of 457 visa holders.

- (1) Who is the Department of Education consulting with in preparing these?
- (2) When does the government plan to bring legislation to the Parliament to amend the current legislation, which does not provide for the introduction of the fees for the children of 457 visa holders?

Hon HELEN MORTON replied:

I thank the member for some notice of this question. I answer on behalf the Minister for Education.

- (1) The Department of the Premier and Cabinet and Education and Training International.
- (2) Any legislative change required will be brought before Parliament during 2014 in readiness for the 2015 school year.

PERTH AIRPORT LIGHT RAIL PROJECT

912. Hon KEN TRAVERS to the parliamentary secretary representing the Minister for Transport:

Notice of this question was given a few days ago, so I hope the parliamentary secretary has an answer. I refer to the proposed airport rail line.

- (1) How much is included in the total cost of this project for the purchase of new rail cars?
- (2) How many rail cars is this expected to buy?
- (3) What is the estimated cost to provide storage and maintenance facilities for these rail cars?
- (4) How much of this cost is included in the total cost of the airport rail?
- (5) Why does the total cost for this project not include a new rail car depot?

Hon JIM CHOWN replied:

I thank the honourable member for some notice of this question.

- (1)–(5) Planning activities are being progressed for the government's Forrestfield–airport link project, which will help determine the number of new rail cars required and the associated stowage and maintenance. Costs can be accommodated within the estimated total cost.

TAXI DRIVERS LICENSING BILL 2013

Committee

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Amber-Jade Sanderson) in the chair; Hon Jim Chown (Parliamentary Secretary) in charge of the bill.

Clause 9: Causing or permitting unlicensed driver to drive taxi —

Committee was interrupted after the clause had been partly considered.

Hon JIM CHOWN: Hon Ken Travers asked two questions. The response to the first one is yes. The response to the second one is that the person who will be fined will be the person legally responsible, not the employee. While on my feet, Hon Alanna Clohesy had a question on clause 5 and I will give a response to that question in regard to medical certification. An applicant will go to their medical practitioner and request a medical —

Point of Order

Hon KEN TRAVERS: I suggest that if the answer relates to clause 5, rather than confusing people reading the transcript, I am pretty sure we postponed clause 5, so we can come back to it, and I suggest we deal with that answer at that point.

Hon JIM CHOWN: That is fine.

Hon KEN TRAVERS: I realise the parliamentary secretary was trying to be helpful.

The DEPUTY PRESIDENT: Is the parliamentary secretary's response concluded?

Hon JIM CHOWN: Yes, I am more than happy for that to occur.

Committee Resumed

Hon KEN TRAVERS: I understand that the person legally responsible will be fined, but in terms of the operation of this legislation, particularly in the metropolitan area where we have formalised taxi dispatch services, will the body corporate—the company—be charged or will it be the responsible person in that company?

Hon JIM CHOWN: It will be the body corporate. The body corporate does have a legal identity.

Hon KEN TRAVERS: It will be interesting to see how that will physically operate. It could be that people within the organisation who are assisting escape being charged. I thought we should be looking at that.

If taxi management companies allow someone who is not a licensed driver to take a cab, is it intended that they be charged? If they are charged, will the individual who runs that taxi management company be charged or the body corporate that runs that taxi management company?

Hon JIM CHOWN: The body corporate will be charged.

Hon KEN TRAVERS: What section of clause 9 will they be charged under? Will they be charged under clause 9(1)(a) as the body corporate?

Hon JIM CHOWN: That is correct.

Hon KEN TRAVERS: Is there any intention to potentially prescribe clause 9 as an offence under clause 33 that would lead to cancellation or disqualification of a licence?

Hon JIM CHOWN: A taxi management company will not have a taxidriver's licence.

Hon KEN TRAVERS: That is not the question I asked. I understand that. I was asking whether the intention is to prescribe clause 9(1) as one of the offences that would cause someone, if they had been charged under clause 9(1), to have their licence cancelled or disqualified. Is that the intention—to treat this offence as seriously as those offences under clause 8?

Hon JIM CHOWN: No decision has been made.

Hon KEN TRAVERS: I find it fascinating that a person driving a taxi without a licence will automatically be disqualified under clause 33 but the government is saying that it has not yet decided what will happen when a person causes or permits that person to do that. Even though it has the legislation in the house, it has not decided whether that offence is serious enough to preclude someone from keeping a licence. It is appropriate to deal with it now rather than when we get to clause 33—we can have another look at it when we get there—because of how we define it. The questions I have been asking about who will be charged become quite important because someone may be running a taxi operation through a company structure, thereby allowing people to drive but also being the holder of a taxidriver's licence themselves. They will be able to hide behind the corporate entity and say, "Even though I allowed that to happen, it was not me; it was the company that did it." The parliamentary secretary has just told us that the company will be charged. That person will avoid being charged with an offence of assisting the person. I would have thought that in those circumstances, if someone was responsible for allowing that to happen, they would be the entity being charged, not the corporate entity. I am not even sure why we need subclause (2) if subclause (1)(a)(i) allows both a body corporate and an individual to be charged. Why do we need to even mention a taxi dispatch service? If the legislation can pick up a taxi management company, it can pick up a taxi dispatch service under subclause (1)(a). I do not know whether the parliamentary secretary has an answer to this but I am very concerned that we are not treating a person assisting someone to drive without a licence as seriously as the person who drives without a licence. I think they are both as culpable. We should be stamping down on both of them and treating them with the same seriousness.

Hon JIM CHOWN: The member's comments have some merit, especially in consideration of leaseback holders. The department has ongoing discussions with the industry on matters such as that and disqualification offences.

Hon KEN TRAVERS: I will not labour the point any longer but I think it is pretty extraordinary that we have a bill before the house and the parliamentary secretary is telling us that the government has not finalised its position on the pretty fundamental question of how this clause will operate. I can understand the detail is in the regulations but this is a pretty basic issue. The fact that it is not here is extraordinary. I am happy to move on.

Clause put and passed.

Clauses 10 and 11 put and passed.

Progress reported and leave granted to sit again, pursuant to standing orders.

AVAILABILITY OF MINISTERS

Statement

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [5.20 pm]: I want to reflect on what happened at question time. The house was advised that the Treasurer, who is also the Minister for Transport and the Minister for Fisheries, was not available to provide us with answers to—my count was five but it might have been six—questions. Normally a minister in the other place being unavailable to answer questions on one day is not a big deal, but on Tuesday we were advised, as is the normal practice, that this minister would be unavailable on Tuesday and Wednesday of this week. He is also unavailable today, when the other place is sitting. He is in the other place—I have followed the debate on the ports legislation in the other place, which for most of today has been at the second reading stage and went into consideration in detail at about three o'clock. It is not satisfactory that someone with such an important portfolio is unavailable to answer questions when he is in the house. From time to time ministers have to travel; they have to do all sorts of things, and we understand that. It is why we accepted that he was unavailable on Tuesday and Wednesday, but it is unacceptable that he was not available to answer questions today when the questions were lodged at 11 o'clock this morning and he has been in the other house all day.

MRS IVANKA PAVLINOVICH

Statement

HON LJILJANNA RAVLICH (North Metropolitan) [5.21 pm]: On a number of occasions I have raised issues to do with Mrs Ivanka Pavlinovich. Unfortunately, I have been advised that no information can be provided to me on this; however, I want comment on her case on the public record. I am particularly concerned about the lack of the duty of care given to this patient. I am concerned about the increasing number of adverse events in Western Australian hospitals under this government.

In late October 2009, Mrs Pavlinovich, who is a diabetic, slipped whilst working as a cleaner at Guildford Grammar School. Since her initial consultation, Mrs Pavlinovich presented at Swan District Hospital several times until 5 November. Mrs Pavlinovich's health deteriorated when she was taken back to Swan District Hospital with a temperature of 39.8 degrees, complaining of tightness above the left breast, and sweating profusely. On 8 November, her son Steve went to visit her and she was unable to recognise him. Her husband and daughter Vesna were notified that they should attend Swan District Hospital for a meeting to discuss Mrs Pavlinovich's diagnosis and current condition. Dr Brand spoke to Mr Pavlinovich and Vesna. The doctor was waiting for someone to come and open the computerised axial tomography scan location, this took 45 minutes and he thought it would confirm his suspicions that it was a flesh-eating bug. The doctor confirmed that part of her bowel had been eaten by this bug and Mrs Pavlinovich had faeces floating in her stomach. This could also explain why she was having lung trouble. The family were told that she was gravely ill, probably would not make Christmas and must be sent to Royal Perth Hospital to remove part of her bowel. She was placed in an induced coma.

When asked about the prognosis, Dr Brand replied to the family that their mother would probably die, and that their mother must have had—this is what Dr Brand said—this disease lingering in her body. The family were staggered that the doctor told them she had been born with this disease, and her daughter Vesna replied she had had three children and that the proposition seemed ludicrous. The doctor said that they would know in three days where they stood with respect to their mother's health. Mrs Pavlinovich was subsequently transferred to Royal Perth Hospital for bowel surgery, where the family were allowed to see her before the surgery. They were told she would be sent to intensive care post-surgery. The medical team advised that it would let the family know what they were dealing with after surgery. The surgery took approximately two hours; a part of Mrs Pavlinovich's bowel was removed and she was left with a colostomy bag. This all resulted from a sprained ankle.

The family met with the head surgeon and he asked how it happened, when it happened and how she got to be in the state that she was in medically. He asked how long she had been like that. The surgeon wanted the orthopaedic surgeon to look at Mrs Pavlinovich's leg, which was still in a moon boot. He asked if anyone had looked at her leg. The family had no idea whether that had happened or not. Swan District Hospital had been

more concerned about Mrs Pavlinovich's lungs than her leg. The orthopaedic surgeon opened the boot and the smell was absolutely putrid. He instructed that no-one touch Mrs Pavlinovich and told the family that it was what they call gangrene. The family asked if he had ever seen anything like this and he said that he had only ever seen four patients like it and all had died. He said this bug goes through the whole body; that her body was in shutdown and she needed a full-body scan.

The doctors advised the family that Mrs Pavlinovich would need to undergo surgery to amputate her foot. Doctors completed that surgery by amputating the leg below the knee, because the gangrene had already started to work its way up the leg. Mr Pavlinovich had to sign consent, because, as she is a diabetic, they would prefer amputation. On 9 November Mrs Pavlinovich underwent a magnetic resonance imaging scan, which indicated that the staph infection had eaten her spine. Luckily, her heart and brain had not been affected, but certainly her spine was. Her lungs were affected. Her back was fractured, which was put down to either a previous injury that had flared up—that was one possible explanation—or, apparently, when bones do not get oxygen it can happen. Or perhaps her back may have been twisted. Once again, keep in mind that she came in only with a fractured foot, and this is where she is at now.

Mrs Pavlinovich was in an induced coma for 14 days while the doctors tried antibiotics. However, her body did not accept them. The doctors tried one last antibiotic and they pumped her with it. It confirmed that it was a staph flesh-eating bug infection, which had attacked her vital organs. It confirmed that it had attacked lumbar 1 in her spine.

Mrs Pavlinovich was in Royal Perth Hospital for three months and transferred to Royal Perth Rehabilitation Hospital for rehab in February 2010. Although trying to do exercise, she kept complaining about severe back pain and she was continually having scans. It took three months to get everyone on the same page, and Mrs Pavlinovich subsequently had spinal surgery in March 2010, with specially made rods and pins for her spine. Since the spinal surgery Mrs Pavlinovich has been in constant rehab. She has had successful further bowel surgery to reverse the previous surgery that resulted in Mrs Pavlinovich wearing a colostomy bag, allowing Mrs Pavlinovich to have full-body function again.

Mrs Pavlinovich now has a Zimmer frame and a prosthetic leg and suffers from time to time with ulcers on the stump. Mrs Pavlinovich is still under the care of the infectious diseases and amputee clinic. It is clearly not good enough and a very poor reflection on the public —

The PRESIDENT: Order member! From previous questions, I seem to recall that Hon Ljiljanna Ravlich indicated that legal action may be pending in this situation. I have listened very carefully and you have run through a chronology of events, which is fine. Standing order 51 refers to sub judice matters. If that is the case, I caution you at this stage about drawing any further conclusions because of that standing order.

Hon LJILJANNA RAVLICH: I will complete my remarks by saying that this is very disappointing. It certainly requires some investigation by the Minister for Health in terms of how it can be, in this day and age, that somebody with a sprained ankle can have this amount of damage done to their body.

WORKFORCE REFORM BILL 2013

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Helen Morton (Minister for Mental Health)** on behalf of Hon Peter Collier (Leader of the House), read a first time.

Second Reading

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [5.31 pm]: I move —

That the bill be now read a second time.

Members will be aware of the structural challenges facing the state's finances. The legislative changes now introduced to the house in the shape of the Workforce Reform Bill 2013 form part of a package of public sector workforce savings and reform initiatives that reflect the government's firm commitment to addressing these challenges. They complement measures already implemented, which include a temporary freeze on advertising and promotions expenditure and on the procurement of non-essential goods and services; a cap on general government budgets at 2012–13 estimated out-turn levels, with increases from 2013–14 onwards limited to projected growth in the Perth consumer price index; the introduction of a new public sector wages policy, capping wage and conditions increases to projected growth in CPI; and an enhanced voluntary severance package available until 31 December 2013 for up to 1 000 public sector employees.

This bill amends three statutes to achieve further reform. I will refer to each in turn. First, it will make changes to the Industrial Relations Act 1979 by requiring the WA Industrial Relations Commission to take into specific account in its various considerations the government's applicable public sector wages policy statement, the financial position and fiscal strategy of the state, and the financial position of the relevant public sector entity.

[Quorum formed.]

Hon HELEN MORTON: Western Australian public sector pay increases are set by negotiation, conciliation and possibly arbitration. Under the existing Industrial Relations Act, the Industrial Relations Commission is not specifically required to consider the government's public sector wages policy. It is important to note, however, that the proposed changes will not bind the commission; rather, their purpose is to more clearly articulate the government's policy position and to ensure that the commission gives due consideration to this.

Other states have taken various approaches, including legislative changes, in managing pay outcomes for their public sector workforce. It is important that the impact of public sector pay increases in Western Australia is also considered by the commission in any circumstance in which matters cannot be settled by negotiation within the wages policy framework. This bill will make consequential amendments to the Industrial Relations Act to accommodate the regime of appeal rights available to those subject to the revised redeployment and redundancy arrangements under the Public Sector Management Act 1994, to which I now turn.

Members would be aware that the government has put in place an enhanced voluntary severance scheme for public sector employees, which will remain open for applicants until 31 December 2013. This scheme seeks to achieve further savings across the forward estimates. Public sector employees have the potential to access separation packages amounting to up to 72 weeks' pay. While this is a useful mechanism available to government to manage surplus public sector employment, it needs to be but one part of a scheme that strikes an appropriate balance. On the one hand, government must respect the interests of all employees concerned and treat their situation with fairness and due process and, on the other, meet its responsibility to the broader community to manage the public sector workforce in the most efficient and cost-effective manner. It is for this reason that the government, through this bill, puts forward amendments to the Public Sector Management Act to allow the application of involuntary severance as a means of last resort. Western Australia is the last jurisdiction in Australia to introduce such a mechanism. As is currently the case with arrangements for redeployment and voluntary redundancy, the details of the scheme will be contained in regulations made under the Public Sector Management Act. The bill consequently makes provision for the Governor to make such regulations. The content of those regulations will in the normal manner of these matters be subject to appropriate consultation and consideration by the Parliament through its Joint Standing Committee on Delegated Legislation.

A number of associated technical changes are made to the act, such as specific provision for the Public Sector Commissioner to supplement the arrangements set out in the regulations with commissioner's instructions. It is anticipated those instructions would cover matters essentially of an administrative process.

Significantly, the bill establishes rights of appeal to the Western Australian Industrial Relations Commission, but not to its constituent authorities, such as the Public Service Arbitrator or the Railways Classification Board. This will ensure all appeals are placed on a common footing. As is the case now, any decision made under the regulations, up to the point of a decision to involuntarily sever a public sector employee, will be subject to review by the commission to the extent of determining whether or not the regulations have been fairly and properly applied. Thus, for example, any decision to register an employee for redeployment, and thereby leaving them potentially open to involuntary severance, might be challenged on the grounds that the occasion had not properly arisen to deem that individual surplus to requirements. For an employee who has been the subject of an involuntary severance decision, a right of review to the commission will also exist within a specified time limit. However, the commission will then be confined to determining whether the employee has been allowed the benefits of pay et cetera to which they are entitled under the regulations. The commission will not have the jurisdiction to reinstate or otherwise compensate the employee.

Finally, the bill also amends the Salaries and Allowances Act 1975 along similar lines to the Industrial Relations Act in that it requires the tribunal in its relevant determinations to formally take into consideration the government's public sector wages policy statement and the state's financial position and fiscal strategy. Having regard for the proper separation of powers, the tribunal will not be bound to apply this consideration with respect to determinations or recommendations covering officers and members of the Parliament, the Clerks of the Legislative Assembly and Legislative Council, the Governor or the judiciary. It also will not apply to local government chief executive officers or councillors.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party, nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 1062.]

Debate adjourned, pursuant to standing orders.

House adjourned at 5.40 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

FREMANTLE RAIL LINE — SHUTDOWN

387. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:

- (1) What was the cause of the shutdown that occurred on the Fremantle rail line on 11 July 2013?
- (2) How many times have similar events occurred in the last 12 months?
- (3) What plans does the Public Transport Authority have to address this issue?

Hon Jim Chown replied:

- (1) A power short which caused damage to an earth wire.
- (2) Nil
- (3) An investigation was conducted and the PTA is in the process of implementing the safety actions recommended.

METROPOLITAN RAIL NETWORK — TECHNICAL ISSUES

388. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:

What were the causes of the technical issues that occurred on Thursday, 12 September 2013 on the following rail lines:

- (a) Midland;
- (b) Fremantle;
- (c) Joondalup; and
- (d) Mandurah?

Hon Jim Chown replied:

The technical issues that occurred on 12 September 2013 were as follows:

- (a) Points failure.
- (b) There were no technical issues experienced on this day.
- (c) A communications module failed.
- (d) Points failure.

MITCHELL FREEWAY — WIDENING WORKS

389. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:

I refer to Legislative Council question on notice No. 565, regarding the widening of the Mitchell Freeway between Hepburn Avenue and Hodges Drive, and I ask:

- (a) when will the section from Ocean Reef Road to Hodges Drive be opened;
- (b) how many days were rain affected and stopped work during the 24 weeks allocated to complete the works; and
- (c) what penalties for project delays have been applied to the contractor?

Hon Jim Chown replied:

- (a) A short section of the widening works north of the Eddystone Bridge at the Hodges Drive end is already open to traffic. The remainder of the Mitchell Freeway widening works from Ocean Reef Road to Hodges Drive are scheduled to be opened this month.
- (b) The number of days of rain above the annual typical rainfall during the contract period is currently being assessed by Main Roads under the terms of the contract.
- (c) The Contract Superintendent is still assessing this matter.

