Legislative Council

Thursday, 24 February 2011

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

TECHNICAL DIFFICULTIES

Statement by President

THE PRESIDENT (Hon Barry House): As members know, there have been some difficulties with the wireless network and telephones. We believe that most of those problems have been overcome, and they will be attended to as soon as possible.

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Special Report — "Standing Orders Review — Extension of Time to Report from 24 March 2011 to 11 August 2011" — Tabling and Adoption

THE PRESIDENT (Hon Barry House): I present a special report of the Standing Committee on Procedure and Privileges on its inquiry into the review of the standing orders of the house seeking an extension of time to report from 24 March 2011 to 11 August 2011 and a suspension of so much of the standing orders as to enable a subcommittee established by the committee to finalise this inquiry to report directly to the house.

Motion

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [10.03 am] — without notice: I move —

That the report do lie upon the table and be adopted and agreed to.

By way of brief explanation, the report seeks an extension of time until 11 August, which is on Thursday of the first week following the midyear recess. The background is that the Standing Committee on Procedure and Privileges has been working for a long time to rewrite the standing orders. It has taken significantly longer than most people expected and there is still a lot of work to do. The committee faces the problem that because it consists of some 12 members—members of the committee plus co-opted members—it has proved to be quite difficult at times for everyone to be available to attend meetings. The committee has resolved to establish a subcommittee and for that subcommittee to carry out the work of the committee. The subcommittee can also report directly to the house once its conclusions have been reached and its report is completed. By moving that the report the President has tabled do lie upon the table and be adopted and agreed to, I am seeking the house's approval to take that course of action.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [10.04 am]: I place on the record that I concur with the information that the Leader of the House has provided to the house. The standing orders review has been quite a time-consuming exercise and the Standing Committee on Procedure and Privileges is hopeful that a smaller group of committee members will be able to meet on Wednesday mornings of sitting weeks so that they can progress much faster through the work. I have already put on the record that all other members owe members of the Standing Committee on Procedure and Privileges for putting us through this tortuous task! Hopefully it will, in the end, benefit members by enabling the house to be run more efficiently.

The PRESIDENT: I inform members that the subcommittee consists of the President, the Deputy President, Hon Norman Moore, Hon Sue Ellery, Hon Giz Watson and Hon Wendy Duncan.

Question put and passed with an absolute majority.

[See paper 3070.]

PAPERS TABLED

Papers were tabled and ordered to lie upon the table of the house.

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

Fourteenth Report — "Death of a Witness" — Tabling

Hon Nick Goiran presented the fourteenth report of the Joint Standing Committee on the Corruption and Crime Commission entitled "Death of a Witness", and on his motion it was resolved —

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

[See paper 3071.]

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Forty-fourth Report — "Annual Report 2010" — Tabling

Hon Robin Chapple presented the forty-fourth report of the Joint Standing Committee on Delegated Legislation, "Annual Report 2010", and on his motion it was resolved —

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

[See paper 3072.]

URANIUM MINING — ENVIRONMENTAL MANAGEMENT

Notice of Motion

Hon Alison Xamon gave notice that at the next sitting of the house she would move —

That this house recommends, should the government proceed with its intention to license uranium mining in Western Australia, the government adopt the same minimum environmental management regulatory requirements for any future uranium mine in Western Australia as exists under commonwealth and Northern Territory legislation for the operation of the Ranger uranium mine in the Northern Territory with regard to the disposal of radioactive tailings, including the requirements that —

(a) the tailings are physically isolated from the environment for at least 10 000 years; and

(b) any contaminants arising from the tailings do not result in any detrimental environmental impacts for at least 10 000 years.

RESOURCES SECTOR — LOCAL JOBS

Motion

HON JON FORD (Mining and Pastoral) [10.10 am] — without notice: I move —

Noting that Premier Barnett is the first Western Australian Premier ever to sign a development agreement preferencing foreign jobs over local WA jobs, this house calls on the Premier to take urgent action to honour his promise that WA's workshops will be filled for years.

I note that the Minister for Commerce seems to be away from the house on urgent parliamentary business. It is a shame the Minister for Commerce is not in the chamber, because this is a very important debate and one in which the Minister for Commerce plays an important part, as do the Minister for Mines and Petroleum and the Minister for Training and Workforce Development. The Premier also plays an important part, of course, as Minister for State Development.

I want to talk about what should be the vision for Western Australian industry and Western Australian jobs. In today's *The West Australian* there is an interesting opinion piece by Ben Harvey titled "A dirty little secret hangs over Barnett". Some of the comments in this article are relevant to this debate; some of them are not. The article makes the following comment about Mr Barnett —

So he is building things flat-out to produce monuments to the mining boom.

I can tell the Premier that there is no better monument to the mining boom than long-lasting industry and long-lasting jobs post the boom. The only way we can do that is by investing in the people of this state and investing in the industry that will give them an economic base. We need to do everything we possibly can do, using the current economic boom, to develop this state and the people of this state past the boom. The question that we need to answer is: what will be the economic base for Western Australia when this state runs out of minerals? Currently we are too focused on the labour shortfall, and not on finding answers to that important question. Unfortunately, we have not had an adequate response from the government to that question.

On Tuesday, 15 February, I asked the Minister for Commerce, in a question without notice of which some notice had been given, the following —

I draw the minister's attention to the ongoing Western Australian resource sector growth.

(1) What policies and/or strategies does the minister have in place to maximise opportunities for local Western Australian and Australian businesses to participate in the massive increase in investment to the resource sector in Western Australia?

(2) How does the government measure outcome success or otherwise in regards to these policies and strategies?

(3) Does the government have any specific targets for local business participation in regards to WA resource sector growth and what are they?

The minister's response—the question was with some notice, so he had the department to help him—was as follows —

> (1)–(3) The Western Australian economy is growing and maturing in an increasingly globalised environment. The government does not believe in mandating levels of local content because that will drive up the cost of major projects, seeing jobs and projects exported overseas. However, the Western Australian government is interested in providing support to those willing to change the focus of their businesses in a way that makes them competitive. …

However, the minister provided no details of that. I can tell members that the Queensland government's version of offering support to business was to make a strategic investment in people who are called "industry interpreters". These people have the capacity to walk the corridors of industry and the stock exchange. They know how to attract diverse investment into businesses in Queensland. The Queensland government has implemented this strategy, along with others, because it has taken the position that it is not good for the Queensland economy to be in a bust-and-boom situation, and the only way the government can change that is by being part of the supply chain. The Queensland government has a vision for a vibrant economy in Queensland that is not reliant just on the resources sector, on coal or on tourism, but is diversified. As a result of that, the Queensland government has been able to attract Boeing to Queensland. Prior to that, Queensland had no big aviation businesses. We recently saw a company that promised Western Australia an opportunity to develop its capacity and diversify its economy shift to New South Wales; and what a crying shame that was.

It is no good for the Minister for Commerce just to say that the government will provide support for those businesses that are willing to change the focus of their business. The government needs to sit down with businesses and coach them in how they can develop business opportunities out of the mining boom. The government needs to help businesses build their potential to develop joint ventures with other companies that will enable them to tender for jobs and build their capacity to look at other business opportunities. The government needs to sit down with the mining companies and the oil and gas companies and demand that they break down their contracts into viable packages that will enable the capacity of Western Australian business to marry into them. The excuse that we hear all the time is, "We would like to give that work to Western Australian companies, but they do not have the capacity." Well, Western Australian companies will never have the capacity unless we get in there as a Parliament and as a government and ensure that businesses and workers in this state are given every possible opportunity. The best way we can do that is by building relationships. Good relationships underpin businesses. It is much more difficult to walk away from a relationship than it is from a contract. That is a role that the government can play.

The minister in his answer said also —

> Local content provisions currently require major proponents to provide "full, fair and reasonable" opportunity for local companies to bid and supply the work.

How is that measured? We do not know how this state is doing. We are told by the Premier that the amount of work is so huge that Western Australian companies will be brimming with work—overflowing with work—because there will be a trickle-down effect. Nothing could be further from the truth. We need only to go to Kwinana and see the empty fabrication shops and workshops. We are told that the reason those companies are not getting the work is that they do not have the capacity. The reality is that eventually they will get the work. But it will be just a bit of sheet-metal work or a bit of welding of pipes and handrails—deskilled, low-end work. The reality is that if we put coded welders into that position, their skills will not be maintained and we will lose that capacity.

Yesterday, I asked the Minister for Commerce a question without notice about the local content unit. What we heard in response was no vision and no strategic plan.

Hon Simon O'Brien: The question was about how someone can get in contact with that office.

Hon JON FORD: The short answer to my question was that there is a local content unit. The minister said —

> The local content unit is doing a lot of work at the moment, under my supervision, on the question of local content. We are doing that in consultation with the Department of State Development, which of course is responsible for administering state agreement acts. I am looking forward to providing details publicly of an action plan that the government intends to prosecute in the weeks and months ahead—shortly.

What does that mean?

Hon Simon O'Brien: It means exactly what it says.

Hon JON FORD: For how long has this government been in office? The boom has not been a secret. I look forward to the minister outlining shortly what his vision is and what his strategic plan is. I suspect that the minister does not know.

What is the current position in Western Australia? I refer to an advertisement that has been put out by the Association of Professional Engineers, Scientists and Managers of Australia, UnionsWA, the Australian Manufacturing Workers Union, the Skilled Work Alliance and the Australian Steel Institute. The advertisement contains some interesting graphs. The caption under the first graph states that, since 2008, the WA workforce has grown each year, despite the global financial crisis. The graph shows a consistent increase in jobs every year between 2008 and 2010. The caption under the next graph states —

> However, as our big resources projects have increasingly sent their skilled work offshore, the number of 15–19 year olds commencing an apprenticeship or training has fallen.

The graph shows a drop in the number of jobs, from around 11 000 in 2007, to fewer than 9 000 in 2009. The caption under the next graph states —

> And youth employment has risen in South West suburbs around the Kwinana strip, where many of our fabrication businesses are located.

The graph shows about a 10 per cent increase in youth unemployment in that area—where our fabrication shops and most of the jobs are—between 2008 and 2010.

We know, also, by the hard fact of the amount of tonnage, that there has been a huge drop in the amount of steel processed out of these resource projects; the work goes overseas. I have no problem with overseas people quoting for the job; that is not the argument. My argument is that we are not doing enough to ensure that our businesses build the capacity to allow them to increase their work, and to get out of the reliance on the resources industry. We are talking about businesses building the capacity to get into the supply chain, so that they can do what those overseas companies are doing and tender for work outside Western Australia. We want to build the capacity so that when there is another resource project in East Timor, they can tender for those jobs; they can build pumps for liquefied natural gas plants and relief valves for projects in Indonesia; and so that they can get into projects in the North Sea region. The North Sea is a particularly good example. Work done in the North Sea region has resulted in the development of an engineering and design capacity, so much so that most of our work is designed and built by either Norwegian companies or companies with origins in Scotland and Great Britain. Why is that important? I will tell members why it is important: when people design something overseas, they use their own suppliers and manufacturers, because they are a known quantity to those people and they have those relationships, so they always go to them first, and the project is built around those suppliers.

Those suppliers are put into the logistics of the supply networks and computer systems in those companies, and if, further down the track because of supply issues—when those bins run out of those spare parts; when that material gets low—another local manufacturer is given the job, they reorder, and they reorder from a company in the default area. So, it might be from a Scottish company, a Japanese company, an Indonesian company or a Thai company; it is not a Western Australian company. That is the other aspect of it. We have to invest and use every lever that we possibly can to make sure that the work is designed, and as much of it as possible is fabricated, in Western Australia. By 2020 or 2025, we want to be bidding for the design work for future resources projects around the world. We want to keep the Western Australian companies in business so that they develop a capacity, as I said before, that is beyond our quarry. We certainly have a quarry mentality.

In the answer to the first question I referred to on this motion, the minister talked about legislation to mandate certain levels of local content. Interestingly enough, I have not heard anybody raise that issue in the public debate. There has been talk about a legislative requirement, but that is about a government negotiating with a resource project proponent and looking at the capacity of the local companies to fulfil the requirements of the proponent, and the parts of that project that local companies should reasonably be able to do. The government should negotiate with the company to ensure that that investment is maximised. That is not mandating a particular percentage; that is just good business sense. After all, the executive of the Western Australian government is a board of directors that manages the limited resources of this state, so that just like any board of directors, it is its job to maximise return for the future of our children and for the benefit of the people of Western Australia. That model is used in Canada. After they have negotiated that particular package in the form of an agreement-type act, it is brought into Parliament; it is debated; measures are put in place; and there are regular check-ups, and they actually know the capacity, project by project.

Hon Simon O'Brien: Check-ups? That's mandating. If you're legislating, that's mandating it.

Hon JON FORD: The government can just chuck in the towel now, or it can consider the problem and fix it—it is not that hard to fix.

Hon Norman Moore: So why didn't you do something about it when you were in government for eight years?

Hon JON FORD: We did, but it did not work.

Hon Norman Moore: It didn't work!

Hon Simon O'Brien: Yes, because it was no good.

Hon JON FORD: The only place it worked was with Clive Brown in renegotiating the agreement act for the Argyle diamond mine.

Hon Norman Moore: What about the other state agreement acts?

Hon JON FORD: We do that for the supply of common-user infrastructure and we do it for royalties relief; why the heck do we not do it to support the capacity of local businesses? If we go to Goldsworthy, we can get a picture of what will happen to Western Australia and what Western Australia will look like if we do not build the capacity. If members go into Goldsworthy and look at their TomTom navigation system, it will show the outline of a town—a once very vibrant town that is now full of saltbush and spinifex. The town has been bulldozed because the resources are no longer there. The government can talk about Pilbara Cities, but they will be ghost towns if we do not do something to invest in industry and capacity.

Design and engineering capacity would be a perfect industry to locate in the Pilbara. It would create heaps of jobs. People could engage in practical application, and it would be a great place for people to develop their skills in the petrochemical industry, which could last way beyond after the gas has run out—way beyond. But we do not have a vision. We have not heard of a vision about where this government wants to be post the boom and post this amazing economic opportunity. If we do not have a vision, we will have nothing. Everything will go back over to the eastern seaboard. Victoria has a great local content participation policy, and it does all those things I talked about; it is more than just words. It actually brings industries together—international companies with Victorian companies—and creates projects to build that capacity. Queensland also brings people together and sits them down with the resource companies, introduces them, tells them what they expect from them and tells them to come back when they have agreements. Those states will become vibrant, non–resource reliant economies. The workers who are coming over here and who we are draining from the eastern states will all go back, and we will go back to being sleepy old Perth, with a heck of a lot of infrastructure that we have to support but no economic base to pay for it and no skill capacity to find other work opportunities.

That is what we are asking for; we are asking for a vision for the future. We are asking, not for excuses about why it cannot be done, but for an action plan—a strategy—to invest in Western Australian jobs; invest in our children's futures; and, invest in the north west and in our regional centres to make sure we have a strong economic future. Let us milk the rewards of this extraordinary one-off chance we have because of this great economic opportunity that has been presented to us.

HON SIMON O'BRIEN (South Metropolitan — Minister for Finance) [10.29 am]: I listened with interest to the words of Hon Jon Ford. If we strip out some of the politically loaded aspects, I think we are probably in furious agreement on many of the points raised. Let me make things quite clear: it is this government's view that the people of Western Australia need not only current benefits—whether they be full shops or full employment—but also enduring benefits from the economic circumstances that exist, particularly with regard to our resources sector. There is no disagreement there. We also want the benefits by way of work contracts and orders to go to a range of contractors, suppliers and others as part of the dividend of the resources sector's activity and expansion at this time, from which Western Australians deserve to benefit. There is therefore no disagreement on any of that; neither is there any disagreement that the state government has to show leadership in this matter.

In listening to Hon Jon Ford just now, I was hearing echoes of a number of conversations I have had recently, since I came into this portfolio responsibility, with people who are involved in steel fabrication in the areas that he mentioned. I might add that a lot of the projects Hon Jon Ford talked about are in his electorate. A lot of the fabricating shops that he also talked about are in my electorate. I have been out there in those areas talking to people. I and others have made visits, some with the Premier, to make sure that we have a full and mature understanding of the nature of the problem. And we do have a problem; there is no doubt about that. I acknowledge that there is a problem out there in the under-utilised capacity—I will not mention some of the firms—of a number of fabricating shops. These are not tuppenny–ha'penny businesses; they are long-established businesses with skills, a long-term commitment and a willingness to invest. Indeed, many of them have invested in capacity for the future, which displays a confidence in our state. But their confidence, as yet, has not been realised, as they see a lot of this capacity being under-utilised.

It is therefore important that the whole of government understands the nature of the problem. It is not as simple as some people have initially made out. A number of areas of industry right across the state are getting huge benefits from the resource projects that are currently run or being developed. In others the books are, if not empty, almost empty. It is therefore a complex situation. I at least appreciate the demeanour of Hon Jon Ford's remarks when he said that we need to comprehend this issue, both as a government and as a Parliament, and that we must make sure that we do not let opportunities slip by. I acknowledge that. That is what we are turning our attention to, and we are doing it through the agency of a range of parliamentary members and others who are making representations.

At this point I acknowledge the huge amount of work done and the commitment that has been shown in this matter by Hon Phil Edman, who is also a member for South Metropolitan Region and who resides in Rockingham. He is a businessman himself in another life. His efforts to highlight the problems that exist to bring people together and to search for solutions have been energetic and conspicuous.

Hon Kate Doust: We look forward to him saying a few words on that today, then, minister.

Hon SIMON O'BRIEN: He will in a moment. I am sure if members—Hon Kate Doust or any other member—want to visit some of the premises I am referring to, that can be arranged. I am sure Hon Phil Edman would be the first to volunteer to assist in that.

I will conclude in a moment in my brief time with some indication of what I am proposing to do, as a minister with some responsibility in this matter and as it is a whole-of-government responsibility. I have in my new portfolio some particular responsibilities, and that is why I will accept a leadership role in all of this. Before I come to that, I want to consider the motion that has been placed before us. It invites the house to note, or to take for granted actually, that —

> Premier Barnett is the first WA Premier ever to sign a development agreement preferencing foreign jobs over local WA jobs, …

And so on. I do not think that assertion has been demonstrated. I do not think it is true. I do not believe that the honourable member in moving his motion advanced any evidence or information in support of that assertion; he just took it as a given. May I ask, Mr President, with your indulgence: was there any particular agreement that the member was referring to?

Hon Jon Ford: Oakajee.

Hon SIMON O'BRIEN: If the reference is to the state development agreement for the Oakajee port and rail project —

Hon Jon Ford: It's all the work on there.

Hon SIMON O'BRIEN: The agreement does not, with respect, create a preference for overseas goods. It does commit the project's joint venturers to ensure that Chinese industry is not excluded from bidding to supply the project, but neither should anybody be excluded from bidding. Is Hon Jon Ford unhappy with that?

Hon Jon Ford: Industry is unhappy.

Hon SIMON O'BRIEN: I am sorry?

Hon Jon Ford: The engineering capacity in the state is unhappy.

Several members interjected.

The PRESIDENT: Order!

Several members interjected.

Hon SIMON O'BRIEN: We are having a proper debate, and we are really searching here for points of agreement so that we can clear the air and move forward. So, let us do that.

It is, however, not sustainable to suggest that Premier Barnett is a Premier who signed a development agreement preferencing foreign jobs over local WA jobs. If members argue that, they had better put up some evidence, but there is none. On the other hand, people say, "Hang on, you're not guaranteeing it. You're not mandating it through legislation. You're using weasel words." These are the expressions that have been used out there in the community by people participating in the debate. If we look at some weasel words, the sorts of things they are talking about are not words in legislation that say, "Such and such a per cent of work from this project must be given to local contractors." Hon Jon Ford is not suggesting that we have anything like that, is he?

Hon Jon Ford: That is correct.

Hon SIMON O'BRIEN: Okay; thank you. And he knows very well why we cannot. On other occasions, as we advance this debate, if people do not understand that, we need to educate them on why we cannot do it and why it would be extremely counter-productive to everyone if we were to try to do it.

Hon Jon Ford: Nobody is arguing that.

Hon SIMON O'BRIEN: Okay; that is good. Again, we are in furious agreement.

The sorts of words that we rely on in this debate are words such as these —

> … except in those cases where the Joint Venturers can demonstrate it is not reasonable and economically practicable so to do, use labour available within Western Australia (using all reasonable endeavours to ensure that as many as possible of the workforce be recruited from the Pilbara) …

That is the sort of clause that we see in agreements. Other words we see in agreements are these —

> … during design and when preparing specifications, —

I am reading out some provisions at random in the document before me, Mr President —

> calling for tenders and letting contracts for works … ensure that suitably qualified Western Australian and Australian suppliers manufacturers and contractors are given fair and reasonable opportunity to tender or quote;

Hon Jon Ford did refer to those sorts of terms in his speech, but he did so in a way to suggest that they are weasel words, that they are not sufficient words and that they are not fair to Australian suppliers.

Hon Jon Ford: Without targets you can't measure the success.

Hon SIMON O'BRIEN: The document that I was just reading from is the Barrow Island Act 2003. That act ratified the Gorgon agreement that Hon Jon Ford's government entered into.

Hon Jon Ford: And I agreed that those words had failed. We have to fix it.

Hon Norman Moore: But you did it again in another two state agreement acts.

Hon Jon Ford: Prior to those, there weren't any words at all.

Hon SIMON O'BRIEN: I think this is valuable dialogue and at least we are clearing the air on some things. I am acknowledging that the government of the day needs to do things. Hon Jon Ford is acknowledging that there may have been deficiencies in the past, but we are really acknowledging that we are in a dynamic situation and the marketplace is rapidly evolving and changing. We have several projects in our front yard that are of a scale that is unprecedented anywhere else in the world. It is not surprising to know that the supply chains and the manner of doing work have varied. I am agreeing with the member now by saying that we have to make sure that our industry is capable of responding to those challenges. That is not by mandating figures or making it compulsory for certain amounts of work to come to Western Australian companies because—I can describe this on another day—that would be counterproductive. I think the mover of the motion agrees with that so I do not think I need to debate that point now.

It is almost as though the honourable member is having the same exposure to experience and advice that I am and having the same thought processes. Shortly, in my own time—not during a 10-minute debate, as members will understand and appreciate—I will be making a statement and producing a plan that indicates some very concrete things that the government can do. I will have consulted with all my colleagues in government because a whole-of-government response is needed. Yes, I will be using terms such as centres of excellence. I will be recognising that design and engineering are the sorts of disciplines in which Western Australian companies can compete with the very best in the world, when perhaps some of our basic labour costs are letting us down when we have to bid in a global workplace.

We will be looking at how we interact with the commonwealth. The Australian government has a responsibility to take in all of this, particularly when we are dealing with the problems, as the member put it, of work going offshore. That is something that we need to do and will do. I referred to the industry capability network in answer to a question without notice from Hon Jon Ford yesterday. I think the model for the ICN, whatever its merits in the past, needs to be revamped, refocused and re-energised. I do not want anyone getting nervous because I am talking about creating better opportunities for us to do our job better in connecting Western Australian suppliers, manufacturers and contractors with where the work is. It is about enabling them. Whether that means they have to project themselves into the global supply chains offshore, as a lot of our companies are already doing, or whether it is about morphing their construction capacity into a longer-term maintenance capacity to take advantage of their own particular skills, I do not know. Either way, it is about connecting. I will be referring to a lot of other things and I know I will have Hon Jon Ford's interest when I do that.

To conclude on a positive note and a note of agreement, having put some of the other stuff to one side, I absolutely agree that the first form of leadership that the government has to show in this matter is to communicate with those companies that want to come here to do business, to ensure that we have good relationships. The commitment of companies to having good relationships with their host countries and host communities is the best weapon that we have to ensure that we get the dividends we are talking about. I look forward to further announcements in due course.

HON LJILJANNA RAVLICH (East Metropolitan) [10.44 am]: I rise to wholeheartedly support this motion. In doing so, it is fair to say that the message is simple: Western Australian jobs from Western Australian resources, and what can be made here should be made here. I find it absolutely incredible that we have $176 billion worth of resource projects, either committed or under consideration by the state during the next few years, while workers are being laid off or losing their jobs and small, medium and large businesses are closing because of the lack of policy decisions on the question of local content. Apprentices and trainees who want to get

the skills that they require to enable them to take up jobs within the resources sector are being turned away from public and private training institutions. We have to ask ourselves what is going on here. We should all be concerned about this. There is a lot of concern.

The first of two agreements that are continually referred to as good examples of the government not doing the right thing but allowing jobs to go overseas is the Oakajee port and rail agreement, which was signed in 2009 and under which steel fabrication and engineering for the project will be done in China. I think the house should demand to see the Oakajee agreement. I do not think that the government should hide behind commercial confidentiality. The fact is that the agreement is now signed, sealed and delivered. There can be no harm or risk to the project, to the proponents, to the government or to anybody else from the public having a look at what is contained within that agreement. At the same time as the Premier signed that Oakajee port and rail agreement, he promised that projects such as Gorgon would fill up WA workshops for many years to come. The Gorgon project is a $43 billion project that will employ 3 500 construction workers. When it is operational, that project will have a workforce of just 300. The Oakajee port and rail project is worth $40 billion. It will require 2 000 construction workers. When it is complete, it will employ 300 permanent workers. It is obvious to me that the real window of opportunity for Western Australian workers is during the construction phase. When construction is undertaken, a lot of steel, fabrication, engineering, design and so forth is required. If we cannot capture that opportunity, the rest of it will not really deliver much in terms of jobs to the state because the ongoing workforce component is minuscule.

There is much concern about the lack of an appropriate response by this government. For the first time we will see the Australian Steel Institute; the Australian Manufacturing Workers Union; the Association of Professional Engineers, Scientists and Managers, Australia; and UnionsWA coming together to initiate a project that will culminate in a march to Parliament House—a community rally—on 15 March. These decisions are not taken lightly. It is not often that all parts of an industry come together. There has to be something very, very serious going on that precipitates this coming together. The question of Western Australian jobs going offshore is exactly what has precipitated this situation.

How do we in this state end up in a situation in which we have $176 billion worth of resource projects while Kwinana has an unemployment rate of 12.5 per cent, which is about three and a half times the national average? Kwinana youth unemployment is probably up around 20 per cent. Businesses on the Kwinana strip are closing their doors day in and day out, laying off 20 workers here, 50 workers there and so on and so forth. Why is this rally taking place? I will tell members why. I do not know whether any members have seen the series *The Wire*, which is an American series about the loss of employment opportunities in communities in America. We only have to look at the experience in Ireland and other places throughout the world to see that where there are no jobs, there is no hope. Where there is no hope, people turn to drugs, violence, abuse and so on and so forth. Communities are then in peril and cannot dig themselves out of that situation. Quite frankly, as an Australian and a Western Australian, I do not want that to happen here. I do not want our communities to go that way. Every Western Australian deserves the right to a job. Quite frankly, if this government is not going to respond in a positive way, it can expect our communities to become desolate and to have increasing social problems, which will be much, much harder to fix than the local content policy for the state.

The lack of a local content policy in this state is ensuring that young people do not get opportunities. One of the biggest areas of training, historically, has been in jobs related to design, engineering and steel fabrication, and in the steel industry generally. The Minister for Training and Workforce Development's apprenticeship training figures are appalling. We know that commencements have trended downwards significantly over the past few years. In September 2008 the total number of apprentices and trainees in training was 37 929. In July 2010 the total number of apprentices and trainees in training was 38 770. That was a net increase of only 841 apprentices and trainees since September 2008. That is how much the total number of apprentices and trainees has grown in this state—841 in two and a half years.

Members need to keep in mind that when there is a skill shortage, employers want apprentices, and they want those apprentices to have qualifications and certifications and to be job-ready so that they can start work immediately. The number of apprentices in training as at September 2008 was 23 000. If we look at the figure in July 2010, the total number of apprentices in training was 19 380. There has been a decrease in the number of apprentices in training under the Barnett government of 3 620. Is that something to be proud of? The Minister for Training and Workforce Development says time and again that he is doing a wonderful job. Quite frankly, I would be disgusted with myself if I had produced that set of figures—that is, 3 620 fewer apprentices in training now than there were in September 2008. If we look at the figures for commencements of apprenticeships, in 2008 there were 8 779 commencements and in 2010 there were 7 924 commencements. That is not an increase. The figures for commencements of traineeships were 16 918 in 2008 and 14 087 currently. These are very serious areas of concern. Western Australia is not doing well in apprenticeships because it is not doing well in jobs. It is not doing well in jobs because the Premier does not respect workers and the government does not protect jobs.

HON PHIL EDMAN (South Metropolitan) [10.54 am]: As Hon Simon O'Brien said, my office is in Rockingham. I definitely do a lot of concentrated work in the Cockburn, Kwinana and Rockingham areas. I will talk about the time frame in which this matter was brought to my attention and I brought it to the attention of the government. On 14 September 2010 I met with James England, state manager of the Australian Steel Institute, to get a better understanding of the local content issue. On 25 November 2010 I invited members of the Rockingham Kwinana Chamber of Commerce to Parliament House to further discuss local content and the state government's efforts on this issue. On 30 November 2010 I wrote to the then Minister for Commerce, Bill Marmion, about including the Australian Steel Institute in any review of the local content policy, which I had been asked to do by the Rockingham Kwinana Chamber of Commerce. On 8 February I asked the Premier and the Minister for Commerce, Hon Simon O'Brien, to come down and meet with the Australian Steel Institute in my electoral office to discuss this issue. Following that meeting we visited four firms. I am happy to name those four firms, which were Pacific Industrial Company in Naval Base; United Industries (WA) Pty Ltd in Henderson; Civmec Construction & Engineering Pty Ltd, whose factory covers about 29 000 square metres—it is the biggest factory space I have seen in my life; and Fremantle Steel Fabrication in Jandakot, which has been a family-run business for some 40 or 50 years under owner Vince D'Amato. We spent the day touring these businesses and listening to their owners, workers and managers. It was a pretty positive experience for the Premier and the minister. The everlasting impression I got was that the Premier was very impressed with the high calibre and quality of these businesses. Following that meeting and tour on 8 February, the Premier met with the big resource companies and, in my words, put a big rocket up all of them and asked them to give some of their work to the companies in the Kwinana industrial strip. Ninety per cent of the steel fabricators in Western Australia are located in the Kwinana industrial strip. That is the time frame on this issue, which I think is pretty quick. I will quote from an article that appeared in yesterday's *Sound Telegraph*, in which the Premier said that he had come down to discuss this issue and support local businesses. The article states —

> However, Opposition State Development spokesman Mark McGowan said Mr Barnett must intervene to save local manufacturing jobs that disappeared during the boom.
>
> Mr McGowan said a visit to a few workshops and then rejecting demands for any real action was not the solution.

I do not know what demands the Premier rejected from the meetings I attended. The next one is a corker. The *WA Business News* this month published an opinion piece written by Mark Beyer and headed "Steel fabricators need reality check". I will not read it all out. One thing it states is that —

> It's not just companies such as Woodside and Chevron that are sending work overseas.
>
> The state government has done the same. Back in 2007,

Hon Nick Goiran: Who was in government then?

Hon PHIL EDMAN: The Labor government. It continues —

> the Labor government awarded a $62 million contract for a floating dock at the Australian Marine Complex at Henderson.
>
> This was part of a major infrastructure upgrade designed to hep local firms be more competitive.
>
> How ironic, then, that the supplier awarded the contract … fabricated the floating dock … in Vietnam.

This is not the same as what is happening up north, this happened in the previous government's own backyard in Kwinana. What a disgrace! It is all right to point the finger! The *WA Business News* published another article this month. I say again that the Premier met with the big resource companies straight after he met those major industry players in the Kwinana strip. This article in the *WA Business News* is unbelievable. It quotes Australian Manufacturing Workers' Union state secretary Steve McCartney as saying —

> "We need him to speak to resources companies to ensure we get decent procurement and decent jobs for West Australians. If it can be made here, it should be made here, it's our gas, our rocks and it should be our jobs," Mr McCartney said.

He has done that; the unions should be happy with us to this date.

Hon Robyn McSweeney: They'll never be happy with us; they like grizzling.

Hon PHIL EDMAN: Maybe not. Anyway, I think that we are all concerned about local content. I know that the Premier does not believe in mandating levels of local content because he believes it will drive up the cost of major projects and result in jobs and projects exported overseas. We are taking a very cautious approach and we want to get it right. To back that up, I got a letter from the Australian Steel Institute on 11 February. I am happy to table it. I will read out a small part of this letter to the house. The letter states —

> It is only by going into fine detail that the State Government can ensure good outcomes for the business owners of WA, the problem is complex and requires a detailed approach … There may be value in

> petitioning Canberra for credit off-sets against the impending MRRT or accelerated tax depreciation on locally made items.

That is an issue the opposition may want to raise with the Gillard government. I think that is a good idea from the Australian Steel Institute.

I think it was on 17 February that Fran Logan, the member for Cockburn, called on the government to mandate levels of local content. But only yesterday in *The West Australian* on page 8 of "WestBusiness", James Pearson, who is the chief executive of the Chamber of Commerce and Industry of Western Australia—I guess a lot of people in the house know him very well—said —

> Mandating local content levels, which is what the unions want, is not the answer.
>
> It would reduce the pressure to compete, to innovate and to become more productive. Costs would stay high. Ultimately, investors would start to think twice before doing business here.
>
> And, as a State that depends on open international markets and free flows of foreign investment, that would be a dangerous step.

Therefore, the Chamber of Commerce and Industry is talking along the same lines as the Premier, and I think that should be noted.

I heard Hon Ljiljanna Ravlich talk about a march on 15 March. I have been a business proprietor for some 21 years. I have never in my lifetime seen—maybe the Deputy President (Hon Max Trenorden) can shed some light on this—the unions hold hands with business proprietors on a march to Parliament House. I have never seen that! What I have seen is the unions put pressure on business proprietors to drive up the cost of labour. That is what I have seen over the past 20 years and that has added to our steel fabricators not being competitive overseas and that is a disgrace. I would love to take a photo of them holding hands and we could put it up in Parliament House. We could all sit around and have a few wines with the former minister, Alannah MacTiernan, and have a good laugh.

In conclusion, the Barnett government is listening and acting on finding a solution to the issue of local content. As Hon Simon O'Brien said yesterday, we will deliver on local content in a week to a month's time. This is another example of how the Barnett government is working really hard to make Western Australia a better place to live.

HON ALISON XAMON (East Metropolitan) [11.03 am]: Firstly, I thank Hon Jon Ford for bringing on this motion for debate. I think that it is very timely, and very important that we talk about issues of local content. The Greens are of the view that we are reaching a juncture in the mining boom and the future of manufacturing in this state, and as such it is very important that we have this debate.

Accenture's "Developing Local Programs" paper states —

> … *local content* is generally taken to be the total value added to a national economy through the localized production of select services and key materials, equipment and goods related to target sectors of the economy …

It is very interesting to hear the government's response to this motion. I was pleased to hear the Minister for Commerce say that he was in fervent agreement with the theory that we certainly need to do everything we can to maximise local content opportunities for Western Australians. However, I must say that I feel that some of what he said was not necessarily echoed—particularly the tone—in Hon Phil Edman's contribution. The Greens do not share Hon Phil Edman's assertions that this government is doing everything that it possibly can and is doing a terrific job. What a cheap shot to have a go at labour costs in this debate! I do not know whether Hon Phil Edman is suggesting that we as a state should be advocating for far more repressed wages to ensure that large resource companies do not send the work overseas. I hope that is not what the member intended by his remarks.

I also note that there has been agreement from the opposition and the government, which the Greens share, that this is not an issue that is simply a problem for the existing government; it is an issue that successive governments have grappled with and it certainly is a complex area. I note that the previous Labor government effectively oversaw some quite serious overseas outsourcing, particularly in the steel fabrication industry in 2006–07. Therefore, this issue is not unique to the current government; it is ongoing. I hope there is a genuine shared commitment to try to reverse that trend because it is not the way that we want to move forward as a state. I recognise that this is a very complex area to legislate. We have obligations with the World Trade Organization, there are issues of national competition policy and there are state agreements that we need to work around; it is not straightforward. However, the only people I have heard in this place today talk about quotas have been government members. I have not heard that from the opposition and it is not coming from the Greens, so I am a bit surprised that it keeps coming up because I do not think that quotas are the sole solution. Quotas have been discussed in the past by various parties, but I think that people need to look beyond the simple concept of quotas.

This government seems to be fairly committed to regulating the activities of individuals at every single opportunity. We see that in the raft of legislation that comes through this place, particularly if we look at the government's law and order agenda. I wish that a portion of that legal effort would be put into the possible legal remedies that could be available to us as a state to maximise our local content opportunities. The question has to be asked: why is the government not chasing this as vigorously as it could or should be? I certainly hope that it is not because, ultimately, the government does not care about what happens to local workers and what happens to particular industries, especially the manufacturing industry, and that it is not prepared to entertain a serious long-term vision for the state. We know that when local content issues have been firmly addressed in other countries around the world, there basically has been a pretty gutsy staring down of some of the large corporations in allowing their activities, particularly around mining, oil and gas, in those regions. I have heard the argument that if we make local content matters too difficult for large corporations, they simply will not come here to mine. I am really pleased that no-one has said that in this place today, because I have never heard such a ridiculous argument in my life. We have resources and people want them —

Hon Nick Goiran interjected.

Hon ALISON XAMON: Mr Deputy President, I am not interested in entertaining interjections.

People want those resources, and it is about time we were prepared to make the determination, on our terms, on the way that we want those industries to conduct their activities here.

We need to reiterate why it is important to look at local content issues. Obviously, a trickle-down effect does not exist—not in any meaningful way. Very large corporations are making an awful lot of money from quarrying the state. We are not seeing a meaningful flow-on effect, particularly for local industries. We are clearly not seeing it, as has been pointed out. Industry and unions are working together on this and saying, "This is just not good enough. It has gone too far." If that is as unprecedented as some people want to claim, surely that should be alerting people to how serious the problem has actually been. That is why we need to be taking firm action on this. This is about local jobs, this is about local workers, this is about local families and this is about people's livelihoods, but it is also about making sure that we do not lose that expertise overseas either now or in the future. It is about making sure that we have a vision for how we are going to operate as a state post the boom. Previous contributors have spoken about that. It is important that the flow-on effect of dollars being invested here is able to be fully felt.

The Greens have a long-term commitment to policies around local content. We see an enormous social dividend, but we also see an enormous environmental dividend as well. The reason is that there are important environmental implications for ensuring that there is local content in manufacturing as well. Overall, it lessens the carbon footprint—that is the first thing. The second thing is that there is a madness in shipping raw materials away from this state, to have them manufactured in other countries and then simply brought back again. For us, that is environmentally unviable. In effect, we are also outsourcing lowered environmental standards to other countries, which is not something that is good globally and is certainly not something that we are happy with. Obviously, as a result there is lowered employment and—this is a personal, ongoing issue of mine—lowered safety standards and the risks inherent in that. I note also the claims that some of the manufacturing work that is being undertaken in the state involves having to clean up the mess brought about by the lowered standards of quality of the work that has been outsourced. I have to say what a madness that is.

It is important that we turn our minds to this issue very seriously. As I say, now is the time to do it. This is about the long-term future of the state, but it is also about ensuring that a short-term social, environmental and economic dividend is paid to all Western Australians. I am not convinced that this government is doing enough, and clearly neither is industry, because that is why it is working hand-in-hand with unions.

HON HELEN BULLOCK (Mining and Pastoral) [11.13 am]: I touched on the issue of local content yesterday on a different motion, so I welcome this opportunity to make some further comments on the issue. Basically I believe the Premier made a mistake in signing the Gorgon gas agreement. He made a common mistake that ordinary citizens make on a daily basis. The mistake was that the Premier did not understand the tricky wording contained in the Gorgon agreement before he signed it. The Gorgon agreement stipulates that fabrication work might be done in Western Australia where it is "reasonably and economically practical to do so". It is very tricky wording. If the Premier had have paid a bit more attention to the detail in this agreement, he might have done what Danny Williams, former Premier of the province of Newfoundland in Canada, did. I think all members on the other side should read the opinion piece in *The West Australian* of 11 November 2010.

What have we done? Over the past 30 to 40 years Western Australia has been selling natural resources without any value-adding. During this period we have had countless opportunities to establish our downstream processing and value-adding manufacturing industries. Instead, we continue to export our natural resources because we think it is too hard to do anything with them and it is too hard to process them by ourselves. It is much easier just to import everything using the wealth we generate from selling natural resources. Today we are

completely selling out our steel fabrication and manufacturing industry. Once we have done that, this industry will be gone forever. Nothing has changed for us during the past 30 to 40 years. We are still doing the same old thing—that is, dig the dirt out of the ground, load it on the ship and send it off. We have been doing that for the past 30 or 40 years.

A country that has been buying our cheap dirt for the past 30 or 40 years finally has had its dream come true. What is its dream? Yes, I am talking about China. It has been waiting for this day ever since it started to buy our dirt 30 or 40 years ago. This is what it has been doing: import raw materials, because it does not have them; establish its steel production industry, which is well established by now; and then develop its fabrication manufacturing industry. It has streamlined the whole process from steel making to steel fabrication. It has also established other related value-adding industries associated with steel making. It has it all now. Not only is China dominating our import market, but also, without much notice, it is quietly creeping into our finance market. It is lending back the money that is generated from the goods it sells to us. It is gaining the control of not only the international trade but also the finance market. With the wealth generated from the trade and finance, it is moving into the high-tech field. China is no longer a nation of shoemakers now; they are bankers and investors. Not like us; we are still the dirt diggers. We have not changed much.

It is a real worry that after the mining boom, in perhaps the next 30 or 40 years, we will have nothing left. We should have been doing what China has been doing for the past 30 or 40 years. The lack of vision, lack of long-term planning and lack of patience will be our downfall. As a former citizen of China, I feel happy for it, but as an Australian citizen, I think I should weep. It is too late, I know, to amend the terms of the agreement. However, something must be done. I hope the Premier has realised that. I hope the Premier realises the seriousness of his mistake in this agreement and takes urgent action to protect the Western Australian manufacturing business sector.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [11.20 am]: I rise to make a few comments and to pick up on some of the themes Hon Helen Bullock mentioned. This motion is about our future and having great vision, policy and planning so that our children can have jobs in the future. It is also about ensuring that we bring more dollars into our economy. Hon Phil Edman said that he visited the Kwinana strip with the Premier and that the Premier told the companies there to get jobs and to bring them on. I also understand that the Premier has been telling the companies to advertise and inform the public about how much local content is being brought on in this state. Advertising is simply not enough; we need to create the work and bring the jobs back into Western Australian, and we need to bring the dollars here in the future.

I have been provided with information about the vast number of oil, gas and mining projects that have been awarded to overseas companies in the past three years and I have cherry-picked a number of examples for members. In 2009–10, the $250 million CITIC Pacific mining project at Cape Preston went overseas to the China Metallurgical Group Corporation; in 2010, the $100 million Karara Iron Ore and Gindalbie Metals Pty Ltd magnetite projects were awarded to Sino Iron China; the Kwinana nickel smelter project was awarded to an Indian fabricator; and a range of Gorgon projects went to various companies in China and Batam. They are examples of jobs and work that could have been done here and of dollars that could have been brought back here.

I was interested to hear Hon Phil Edman talk about his engagement with the Rockingham Kwinana Chamber of Commerce. I and other members had the good fortune to meet with that group yesterday. They talked to us about their concerns about local content and said that they have been applying for tenders but that the process of going through a tender can take a year or two or more. A lot of time and money is invested in the tendering process. They have found that jobs are going offshore and they are not getting the opportunity to get work in these major projects, particularly the projects in the north west. They told us about the competition they have when bidding against the Chinese, particularly for the magnetite projects in the Mid West. They are not being given those opportunities. They also told us that the government must have a good policy framework to make sure that the work does not go offshore. They said they have noticed a significant difference in the past two years in the declining number of projects coming back into this state. They believe that the government needs to put in place a policy framework to ensure that Western Australian companies have the opportunity to not only put in a bid, but also get the work. This is about ensuring that the state's young people have a future so that when they do an apprenticeship to become a boilermaker, sparky, plumber or whatever, there will be work for them at the end of it.

Although the government acknowledges that there is a problem, it needs to provide more clarity and certainty for the state's industries. I look in particular to my electorate. The Kwinana strip has a long history of work in these types of industries. People who had an apprenticeship in the 1960s and 1970s were pretty much guaranteed enough work for life. But that cannot be said any more. My niece was in an apprenticeship to be a boilermaker but she pulled out of the apprenticeship before finishing because she was not sure whether she could get a job at the end of it. She is now doing something different. The government must communicate effectively with all the players and tell them what it will do. The government must have a plan.

Hon Helen Bullock talked about what we will do beyond the boom. She is right. What is the plan beyond the boom? We cannot always rely upon the resources sector and we do not want to see dollars and jobs go offshore because that does not return a benefit to our community. I talked about this type of issue a couple of days ago when we debated the Charitable Trusts Amendment Bill 2010. We must have a plan to establish other viable industries. I have an interest in the information and communications industry. That industry is always telling me that it does not have government support. There is a viable ICT industry in Western Australia but it does not get the connections, jobs or support that it needs. Jobs are going offshore and we are losing talented people in that industry to overseas companies. The people are leaving because they cannot get work here. We should look at running that industry alongside the mining and resources sector. We should be promoting it and making sure that the local content principles apply to it so that the people who engage in that work will also have a future. The young people who wanted to work in that area could then be assured that they could remain in Western Australia to work. That would enable them to plan for their future, raise their families here and be provided with a decent standard of living. The government does not have that vision. It needs to have that vision.

I watched with interest the Liberal Party's traditional knuckle-dragging approach to workplaces, unions and working conditions, and I thought to myself, "Nothing changes." Liberal Party members say that they acknowledge the problem, but nothing changes. It always gets back to the Liberal Party's belief that we can be competitive only if we screw the workers over, so let us talk about wages.

Hon Norman Moore: Are we onto the class warfare again?

Hon KATE DOUST: I am not going on about the class warfare again, but I listened to what a Liberal Party member had to say, and it was Neanderthal, knuckle-dragging Liberal workplace policy. Nothing changes.

Hon Norman Moore interjected.

Hon KATE DOUST: I applaud industry and unions.

Hon Norman Moore interjected.

Hon KATE DOUST: Leader of the House, I have the call.

Point of Order

Hon ED DERMER: Although I am in very close proximity to Hon Kate Doust, I cannot hear her because the Leader of the House across the way insists on making monologues without rising to his feet, which is disorderly. I ask you, Mr Deputy President, to take the appropriate action.

The DEPUTY PRESIDENT (Hon Max Trenorden): There is only two minutes left for the debate. I suggest that Hon Kate Doust be heard in silence.

Debate Resumed

Hon KATE DOUST: We are used to hearing the Liberal Party take a Neanderthal, knuckle-dragging approach to workers' conditions as the only way to be competitive. Hon Phil Edman told us how unusual it was for industry and unions to work together and collaborate, but he also wanted to have a nice photo taken. Unions and industry have a long history of working together because both groups know that by working together they will get the best benefit for not only their employers and industry, but also the state. Those two groups have come together publicly to put the pressure on this government and to take the task up to it and tell it to get its act together and deliver for the people of the state so that our workers and children can have jobs in the future. Bring the dollars back in, work out what the issues and challenges are, address them and fill in the gaps so that we have some surety for the future. Hon Helen Bullock is right. We do not want to be the dirt diggers of the future. We want to be the creators, manufacturers, information technology specialists and innovators. We want to be at the cutting edge of industry, whatever the industry is. We do not want to be known just as the state that digs up minerals and flogs them off so that someone else can produce the goods. That is one of the key concerns of the members of the Rockingham Kwinana Chamber of Commerce. They tell us that it is not only the primary industries that are missing out, but also the downstream processing industries. They are not getting a foot in the door, which is a real concern for them. This government has a challenge ahead of it. It must work out how it will develop a vision and a plan to deliver for not only the workers, but also industry so that we can create and keep jobs here in our state.

The DEPUTY PRESIDENT (Hon Max Trenorden): Order! Members, the time for debate on this motion has almost expired—there is five seconds to go. Does the Leader of the House wish to respond? The time has expired.

Motion lapsed, pursuant to temporary orders.

Point of Order

Hon JON FORD: Mr Deputy President, I wonder whether you might be able to give me some guidance. I am not up to speed on the rules with regard to the temporary orders, but I thought that a question would be put.

The DEPUTY PRESIDENT: Non-government business motions do not have a question put, Hon Jon Ford. The time just expires; and that is what has just occurred.

POLICE AMENDMENT BILL 2010

Third Reading

HON PETER COLLIER (North Metropolitan — Minister for Energy) [11.31 am]: I move —

That the bill be now read a third time.

Question put and a division taken with the following result —

Ayes (17)

Hon Liz Behjat	Hon Phil Edman	Hon Alyssa Hayden	Hon Max Trenorden
Hon Jim Chown	Hon Brian Ellis	Hon Robyn McSweeney	Hon Nigel Hallett *(Teller)*
Hon Peter Collier	Hon Donna Faragher	Hon Michael Mischin	
Hon Mia Davies	Hon Philip Gardiner	Hon Norman Moore	
Hon Wendy Duncan	Hon Nick Goiran	Hon Helen Morton	

Noes (12)

Hon Helen Bullock	Hon Sue Ellery	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Robin Chapple	Hon Jon Ford	Hon Sally Talbot	Hon Alison Xamon
Hon Kate Doust	Hon Lynn MacLaren	Hon Ken Travers	Hon Ed Dermer *(Teller)*

Pairs

Hon Simon O'Brien	Hon Adele Farina
Hon Ken Baston	Hon Linda Savage
Hon Col Holt	Hon Matt Benson-Lidholm

Question thus passed.

Bill read a third time and returned to the Assembly with amendments.

CRIMINAL CODE AMENDMENT (INFRINGEMENT NOTICES) BILL 2010

Report

Report of committee adopted.

CRIMINAL INVESTIGATION AMENDMENT BILL 2010

Second Reading

Resumed from 23 February.

HON PETER COLLIER (North Metropolitan — Minister for Energy) [11.36 am] — in reply: In continuing with my response to the second reading contributions, I say at the outset that some concerns were raised by both Hon Giz Watson and Hon Kate Doust about their access to briefings on this bill. I have raised those concerns with the Minister for Police, and he has told me that he will look into that. I have since received a bit more information to reinforce the concerns that were raised by those members yesterday, and I will make further comments to the Minister for Police on that matter.

Hon Giz Watson made some comments about the sexual assault nurse examiners training, otherwise known as SANE. Although the SANE training has been considered by the Sexual Assault Resource Centre, otherwise known as SARC, it is not thought necessary to adopt this type of training in Western Australia in its entirety. The SANE training is very long in duration and would be excessive for Western Australia's purposes. SARC has, therefore, adopted a half-and-half approach to the training program; it has adopted half of the elements of the SANE training program, and the other half of the training program comprises elements that have been developed uniquely for Western Australia. The SARC training course is still quite comprehensive and requires some pre-reading coursework and three days of hands-on practical training.

Hon Giz Watson also made some comments about consultation and Aboriginal health workers. Consultation on this amendment has taken place around the state. There have been Aboriginal representatives on the Perth Sexual Assault Services Advisory Group, otherwise known as SASAG. However, this position is currently vacant and has been advertised. SASAG has been assisting in developing regional SASAGs. A SASAG has been up and running in Kalgoorlie since 26 October 2010. Bega Aboriginal health workers are represented on the Kalgoorlie SASAG, and an Aboriginal enrolled nurse and an Aboriginal health worker are permanent members of the Kalgoorlie SASAG. There is also a SASAG in Bunbury. It is anticipated that in a few months, Karratha, Geraldton, Albany, South Hedland and Broome will also have local SASAGs. The development of local

SASAGs will enable the training of nurses in internal forensic procedures to take place more effectively in those regional areas. Aboriginal membership on those regional SASAGs is being fostered and developed.

The SARC training package will include an entire chapter on how to provide culturally appropriate services for Aboriginal patients. This chapter was vetted by two SARC Aboriginal liaison officers while it was under development.

Several amendments have been proposed by Hon Kate Doust and Hon Giz Watson, and both have essentially the same intent.

The government will not support those amendments. I will provide an explanation now, and if I do not give the responses required by the honourable members, perhaps we can flesh it out a little further during Committee of the Whole.

In essence, members have moved amendments to insert the word "nurse" into the act. WA Police, the Sexual Assault Services Advisory Group, the Sexual Assault Resource Centre, the Chief Nurse and Midwifery Officer and the Principal Nursing Adviser all fully support the current wording of the bill. It cannot be stressed enough that, although nurses and midwives are trained in certain intimate medical procedures, they do not have training in these types of forensic examinations. Training in forensic procedures is not part of routine nurse training, and forensic examinations are not medical in nature; they have no therapeutic benefit whatsoever. Nurses can only legally perform what they have been trained to do. Nurses are not trained in these types of internal forensic procedures, and they must have the appropriate training to legally undertake them. Understanding the difference between a medical and forensic examination is key to understanding why the words "qualified person", and not "nurse", have been chosen for the Criminal Investigation Amendment Bill 2010. Nurses must undergo the appropriate training to become qualified in performing the internal forensic examinations set out in powers 4 and 6 of section 103(3) of the act.

The insertion of "nurse" into the bill would completely remove the requirement for nurses and midwives to undergo the appropriate training, and would mean nurses would have the power to perform these internal forensic examinations carte blanche, without any training on how to perform these examinations correctly. This could result in the legality of evidence taken by untrained nurses being called into question, possibly jeopardising prosecutions. As I mentioned earlier, a forensic examination has no therapeutic benefit, but can be performed if that is what the patient desires.

A forensic examination can consist of very specific and specialised procedures, such as asking forensically relevant questions; obtaining forensically relevant and optimal specimens; gauging the relevant timing for specimen collection; minimising the contamination of specimens; correctly labelling specimens for the chain of custody required for the evidence to be admitted in court; understanding how consent to a forensic examination is different from consent to a medical examination; and storing specimens correctly. A forensic examination looks for all injuries that may provide collaboration of the offence in court; such injuries include small bruises and genital injuries that could be less than half a centimetre in length. A medical examination looks for significant injuries that need medical attention. Members can understand from this explanation that the training has little to do with providing medical evidence, and everything to do with collecting evidence that may be used in the prosecution of the offender in court. I again make the point that this is why the Commissioner of Police, not the Chief Medical Officer, is the best person to approve this type of training, and why it is important to give nurses the appropriate training, not just expect them to already have the knowledge to perform these internal forensic procedures. I should also make the point that the requirement for nurses to undergo training so that they become qualified persons will result in more confident and competent nurses, which will be reflected in better patient care.

As I said, that covers quite extensively the government's reasons for not supporting the amendments. I appreciate, after having discussion with, particularly, Hon Kate Doust behind the Chair, that she, perhaps, still has some concerns about this issue, and I am more than willing to address those concerns at the committee stage. Suffice to say, I would like to think that we could resolve any outstanding issues, and, once again, I thank members for their indications of support. I commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Max Trenorden) in the chair; Hon Peter Collier (Minister for Energy) in charge of the bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 103 amended —

Hon KATE DOUST: I take on board the comments that the minister has just made in clarifying the reasons for the government's opposition to the amendments. When we had our discussion behind the Chair, he said that the government may want to use the words "qualified person" because there may be other people it would like to perform this function. I thought: "That's not what they've said in their second reading speech."

Hon Peter Collier interjected.

Hon KATE DOUST: I will just finish, then the minister can respond.

I told the minister that I would like him to put on the record who, other than a nurse—a person who has been through the training program and has qualified—would come under that category of qualified person.

Hon PETER COLLIER: Sorry, I was probably being a little generous; a midwife is the only other person who would be considered.

Hon KATE DOUST: I thank the minister for that. It might have made things easier for the minister to have mentioned that in either his press release or his second reading speech; it might have provided a bit of clarity. I do not know whether the way around this matter is for Hon Giz Watson and me to think about how we deal with this amendment and clarify our amendment by saying "qualified nurse or midwife". We put these amendments on the supplementary notice paper for consistency with the language used in the tables in section 103 of the Criminal Investigation Act 2006. The words "Doctor, nurse or qualified person" are used in a range of the units in the three tables in that section. We thought the amendments would provide clarity and consistency.

Perhaps the way around this is to amend two of the units of the table at section 103(3) to read "qualified nurse"; maybe that will provide the certainty in the legislation which is not currently there and to which the minister alluded in his second reading speech and his press release. I do not know what the minister's view on that is.

The DEPUTY CHAIRMAN (Hon Max Trenorden): Before the minister stands, Hon Kate Doust, you have been talking to the Chair for a little while, so if you are looking at moving an amendment, I believe you should start right and move it.

Hon KATE DOUST: Thank you for your guidance, Mr Deputy Chair. Because the minister and I had that discussion, I was canvassing whether there was a way around it without spinning out the debate. If the minister says to me, "No"—he does not have to do it by waving his hands—we do not have to spin out the debate.

Hon PETER COLLIER: The Criminal Investigation Act uses only the words "qualified person", which is why it is consistent and which is why this amendment is consistent with the act.

Hon GIZ WATSON: I find this somewhat frustrating in that it seems that the intention was made very clear in the second reading speech and in the clarification on this matter offered by the minister. I do not think we disagree about who should be doing these forensic procedures. I appreciate, also, the minister's provision of additional information on the importance of the forensic nature of the investigation. However, it seems to me that, as a Parliament, if we want it to be nurses and midwives, we should specify nurses and midwives.

A member interjected.

Hon GIZ WATSON: The minister is saying to me that we should not, but I have not yet heard a good argument for why. I am sorry; I should not really respond to someone who is not participating. Perhaps I will go to this point: the minister said that the only other category of persons being considered is that of midwife. Can the minister clarify it? As far as I am concerned, a midwife is a qualified nurse. I do not believe that someone can be a midwife and not be a nurse—I have a sister who is a midwife and a nurse—so why say "midwife" when "nurse" covers an enrolled nurse or a registered nurse? I believe "nurse" has a clear definition. We are talking about a nurse doing these procedures; let us just say "nurse". We do not actually want other people doing them—nobody does—so why write it in the legislation?

Hon PETER COLLIER: Hon Giz Watson was on urgent parliamentary business when I went through the initial stage of this amendment.

Hon Giz Watson: Yes; I apologise.

Hon PETER COLLIER: My response did not actually go through it extensively, but for Hon Giz Watson's benefit I will reinforce it now.

Hon Giz Watson: Thank you.

Hon PETER COLLIER: To commence, WA Police, the Sexual Assault Services Advisory Group, the Sexual Assault Resource Centre, the Chief Nurse and Midwifery Officer and the Principal Nursing Adviser fully support the current wording in this bill. It cannot be stressed enough that although nurses and midwives are trained in certain intimate medical procedures, they do not have training in these types of forensic examinations that are required. Training in forensic procedures is not part of routine nurse training, and forensic examinations are not medical in nature. They have no therapeutic benefit whatsoever. Nurses can legally perform only what

they are trained to do. Nurses are not trained in these types of internal forensic procedures, and so they must have the appropriate training in order to legally undertake them. Therefore, a nurse in her current position does not have the qualifications and is not a qualified person for this role.

Hon GIZ WATSON: I completely understand that. I actually heard that when the minister said it before. It does not alter my arguments. I do not disagree with a fraction of what the minister said. What we want out of this change, I believe, are nurses with additional qualifications in forensic procedures; correct?

Hon Peter Collier: Yes, but they will have them once they do the training.

Hon GIZ WATSON: Yes; absolutely! I am not suggesting that currently nurses have the necessary additional understandings and skills to provide evidence that would stand up in court in relation to sexual assaults.

Hon Peter Collier: They don't have those qualifications.

Hon GIZ WATSON: They do not; I understand that. But that does not detract from the fact that we want nurses to take on that additional qualification; we do not want other qualified persons. My understanding, therefore, is that the intention of the government is to further train nurses in these techniques. So, why not say "nurses" rather than "or qualified person"? I ask that because "or qualified person" might be someone who is —

Hon Kate Doust: A police officer.

Hon GIZ WATSON: Yes, a police officer or somebody else. The clause actually says "or qualified person". It could be a plumber.

Hon SUE ELLERY: I wonder whether I might ask the question the other way around to see whether I can ascertain something that might assist the chamber. As I understand the proposition put by Hon Giz Watson, the intention is that already qualified nurses or—for the purposes of this argument—midwives will receive additional training so that they have an additional qualification. That is the intention.

Hon Peter Collier: That's correct.

Hon SUE ELLERY: To make that absolutely clear, can the minister give us an example of anybody with any other form of qualification but not a nurse or midwifery qualification who might be called upon to perform this kind of investigation?

Hon PETER COLLIER: That is a good question. I have to say no. Doctors, nurses and midwives are the only ones who can perform the procedures in powers 4 and 6 of section 103(3) of the Criminal Investigation Act; that is, those who deal with internal, intimate forensic procedures.

Hon SUE ELLERY: That being the case, with no disrespect to anybody who might be in the chamber, this is really poor drafting. People at the table may shake their head at me, but the way the clause reads now, and the argument that has been put to us as to why we cannot amend it, is that it can be a nurse or qualified person. The logical and simple English-language reading of it is that there is a choice, as it does not specify "nurse". If it is the intention that it be a nurse or a midwife with an additional qualification, the word "or" ought not be there. It ought be "with" or some word that has that meaning. The way it reads now will not achieve what the minister says is the policy intention. It is a very circular argument and it seems to be a very silly circular argument, because the words will not have the effect the minister wants them to have.

Hon PETER COLLIER: I think Hon Sue Ellery has slipped up with her wording. It is currently not "nurse", it is only "doctor". The member actually said "nurse". It is only "doctor". I need to emphasise that.

Hon Sue Ellery: Okay.

Hon PETER COLLIER: The member did say "nurse", but it is not "nurse", it is only "doctor". Now, if this clause is passed, it will be "or qualified person", which is a nurse or a midwife.

Hon Sue Ellery: But nobody else; is that correct?

Hon PETER COLLIER: That is correct.

Hon Sue Ellery: So, why would you take offence to us defining that qualified person as "nurse" or "midwife"?

Hon PETER COLLIER: Because "qualified person" is the term that is used throughout the act and it is consistent with the act. Every single group that is responsible for this legislation is supportive of this terminology.

Hon Sue Ellery: But it's our job to legislate it!

Hon GIZ WATSON: I am really struggling with this, much as I appreciate the minister saying that there is support for these changes in this form. I have been working on legislation for almost 14 years and I do know what something says. This clause does not say what the government and the minister state is the outcome the government wants. I will therefore propose a possible way of addressing this issue. Rather than it saying "doctor

or qualified person", which is the proposition we are looking at, it should say "doctor or suitably qualified nurse", as that is what we have been talking about.

Mr Deputy Chairman, could I be so bold as to make a suggestion that has often been taken up by this place? I suggest that we adjourn for 10 minutes and have a conversation so that we can talk this through. It is important that we get it right, and I make that suggestion to have a conversation that would be better had behind the Chair.

The DEPUTY CHAIRMAN (**Hon Max Trenorden**): Does the minister wish to respond?

Hon PETER COLLIER: Thank you, Mr Deputy Chair. Never the twain can meet on this—if I can say that about where we are at the moment. I understand and appreciate the comments of Hon Giz Watson. I am therefore more than willing to adjourn the chamber for 10 minutes and perhaps have a chat behind the Chair to try to come to some sort of resolution, because we all want the same thing.

Hon Giz Watson: Yes.

Hon PETER COLLIER: We want to make sure that we get there, and that we do not continue talking about this for an hour and getting nowhere.

Sitting suspended from 11.58 am to 12.11 pm

The DEPUTY CHAIRMAN (Hon Max Trenorden): Members, we are dealing with clause 4 of the Criminal Investigation Amendment Bill 2010.

Hon PETER COLLIER: Mr Deputy Chairman, we have a few issues we would like to resolve, so at this stage I ask that you report progress and I seek leave to sit again.

Progress reported and leave granted to sit again at a later stage of the sitting.

[Continued on page 1064.]

BUSINESS OF THE HOUSE

Order of Business — Motion

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [12.13 pm]: I move -

> That order of the day 7, Conservation Legislation Amendment Bill 2010, be taken after order of the day 11, Child Support (Adoption of Laws) Amendment Bill 2009.

By way of explanation, I have been requested by the opposition and the Greens (WA) to defer consideration of the Conservation Legislation Amendment Bill 2010 so that further consultation can take place, even though the bill has been on the notice paper since 17 November last year. I indicate to the house that we will delay consideration of this legislation until the house resumes after the next fortnight's break.

Question put and passed.

HERITAGE AND PLANNING LEGISLATION AMENDMENT BILL 2010

Second Reading

Resumed from 24 November 2010.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [12.14 pm]: I rise to make a few brief comments on behalf of the opposition in support of the Heritage and Planning Legislation Amendment Bill 2010. This legislation mirrors a similar piece of legislation that Labor flagged when in government. It addresses the issue of penalties for breaches of a range of conservation orders in the Heritage of Western Australia Act 1990 and it also seeks to amend the Planning and Development Act 2005. We support this bill in policy and detail.

HON LYNN MacLAREN (South Metropolitan) [12.15 pm]: I rise to support the Heritage and Planning Legislation Amendment Bill 2010. The Greens support the bill and the increased penalties and commend the other parties for the multipartisan support that has expedited its passage through Parliament. The bill amends the Heritage of Western Australia Act 1990 and the Planning and Development Act 2005. The purpose of the bill is to increase the penalties for offences in respect of heritage places in Western Australia to provide a meaningful deterrent to illegal conduct. There are no substantive changes to the heritage act. The bill increases only the penalties for existing offences. There are three types of conservation orders under the heritage act: a stop work order, which can be issued by the minister in an emergency without notice, and remains in effect for 42 days; a consent order, which is made by the minister with the consent of the property owner and remains in place for as long as the property owner consents; and a standard conservation order, which can be made by the minister on the advice of the Heritage Council of WA following a public notice and six-week comment period and remains in effect for as long as the minister directs.

This bill proposes to increase the penalties for contravention of any conservation order from $10 000 to $1 million and the maximum daily fine from $1 000 to $50 000 for a continuing offence. When there is a contravention of a conservation order, a court may, instead of or in addition to the above penalties, make a restoration order to restore the affected property to the state it was in prior to the contravention. The bill increases the penalties for contravention of a restoration order from $10 000 to $1 million, and from $1 000 to $50 000 per day for a continuing offence. There are similar increases in the penalties imposed under section 67—failure to take reasonable steps to prevent further damage after conviction for any offence under the heritage act and damaging a state-registered place and contravention of a development moratorium and related offences. The bill also increases the fines under section 223 of the planning act for unauthorised development or demolition of any place from $50 000 to $200 000, and the maximum daily fine from $5 000 to $25 000 irrespective of whether the place is a heritage place.

I just want to make one point about Hon Peter Collier's second reading speech. He noted that the heritage act was enacted in 1990 to provide "the means to identify and conserve places of significance to the cultural heritage of the state". There are approximately 1 300 places on the register of this state and the heritage act is outdated. The fines imposed for contraventions are so low that they are no deterrent to some owners and developers who may regard them as "merely a cost of doing business and a rather small one at that". The fines lag well behind those of other states.

The increased penalties were included in the bill after extensive consultation with diverse stakeholders. I was advised by the principal policy officer to the Minister for Heritage that an issues paper will be published in mid-2011 with a view to a complete rewrite of the heritage act in approximately two years. Safeguarding our natural and cultural heritage is a key goal of the Australian Greens, who have been negotiating nationally for funds in this area.

The Greens also support the member for Perth's call for a select committee to review the heritage act with a view to considering the effectiveness of the operations of the Heritage Council, the need for a continuation of the functions of the Heritage Council and any other matters relevant to the operation and effectiveness of the act. We heard in this house recently in the debate on the motion about The Cliffe that the operation of the heritage act should be looked at. I will not go into the details that we have just heard on that debate other than to point members to that debate and say that there is much relevant information there that points to the reasons why we support this amendment bill. I look forward to the passage of this bill in this house.

HON WENDY DUNCAN (Mining and Pastoral — Parliamentary Secretary) [12.20 pm]: I rise on behalf of the Nationals to support the Heritage and Planning Legislation Amendment Bill 2010. As has been noted, more than 1 300 heritage places are listed under the Heritage of Western Australia Act, and places of significance are listed on local government heritage lists.

The penalties in the current legislation are far too low and do not act as a deterrent. At present, the maximum fine for damaging or despoiling a heritage-listed property is a mere $5 000, and under the Planning and Development Act the maximum fine for the same offence is $50 000. These fines do not take into account the escalation in land prices and therefore are not serving their purpose. The fines are far too low compared with the market value of an empty block according to median house and land prices in Western Australia. In Queensland the penalty is $1.275 million and in New South Wales the penalty is $1.1 million. The penalties in Western Australia are the lowest in the country.

There are three types of conservation orders under section 61 of the Heritage of Western Australia Act. A stop work order can be issued by the minister in an emergency to halt any work at a place without notice to any party and remains in effect for 42 days. A consent order can be issued by the minister with the consent of the property owner, and remains in effect for such period as the owner consents to. A standard conservation order can be issued by the minister on the advice of the Heritage Council following a public notice and six-week comment period, and remains in effect for as long as the minister directs. It can be in effect for an indefinite period.

The restoration orders under section 62 of the amended act will allow for the court's discretion to order an offender convicted under the act to restore a damaged or demolished place to its former condition. Failure to comply with a restoration order will incur a maximum fine of $1 million and an additional fine of $50 000 for every day the offence continues. Section 80 of the amended Heritage of Western Australia Act will provide for the imposition of a development moratorium over a place following the conviction of a person for the contravention of any type of conservation order in relation to a place or property. Unless the court decides otherwise, a development moratorium can also be imposed regardless of whether a conservation order is in place. The maximum fine under the amended Heritage of Western Australia Act will be $1 million and the maximum fine for every day of a continuing offence will be $50 000, which is a significant increase from $500. The maximum fine for the contravention of any of the three types of conservation orders listed above will be increased from $10 000 to $1 million.

The Nationals support this bill. We have some magnificent heritage buildings in Western Australia, in both the metropolitan area and the regions. With development happening, there is a temptation to replace these heritage buildings with modern buildings. We need to protect our heritage. We saw what happened in the 1970s when a lot of heritage buildings were lost without much objection and protection. As our state and nation moves into another century of development and inhabitation, we really need to ensure that the history of our presence in this land is well preserved; therefore, the Nationals support this bill.

HON LINDA SAVAGE (East Metropolitan) [12.25 pm]: I will comment briefly on the Heritage and Planning Legislation Amendment Bill 2010, which the opposition supports. I note that this bill is really a starting point for a substantial overhaul of the heritage legislation and that a committee is currently reviewing the Heritage of Western Australia Act. I am aware that many people hope that the review and the consequent overhaul will occur as soon as possible.

The East Metropolitan Region that I represent is home to the historic town of Guildford. One of Guildford's most distinctive buildings both in position and because of its features is the Guildford Hotel. I think it is true to say that the Guildford Hotel is a very well known landmark. Therefore, it is not surprising that there was much concern and devastation when the hotel was severely damaged by fire in September 2008. Since I became a member of Parliament in March 2010, a number of Guildford residents have contacted me to raise their concerns about events since that fire. In particular, the concern raised with me is that since the fire, the burnt out roof and the interior of the hotel have remained exposed to the elements without any cover. I was advised by concerned residents that an independent engineer's report in 2009 concluded that a temporary roof should be urgently considered as soon as possible, and that the deterioration rate could be expected to increase exponentially with time should no action be taken. I attended a rally at the Guildford Hotel in November 2010 and was pleased to hear the owners reiterate their commitment to the restoration of the Guildford Hotel. They also told the large crowd that they had been advised that the integrity of the building was not being in any way compromised by the failure to cover the building to protect it from the elements. A report in the *Echo* in October 2010 was drawn to my attention in which the heritage minister, Mr Castrilli, said —

> "I am hopeful the building will have adequate roof protection by the end of summer and I will be receiving regular updates from the Office of Heritage on the progress towards this interim course."

I think that the end of summer would be the end of February, so the end of this month.

As concerned residents have put it to me, they fear that the outcome of the failure to protect the hotel from exposure will result in it deteriorating beyond repair. Like many others they look forward, therefore, to a speedy review of the heritage act. They want issues such as demolition by neglect to be addressed and, in the same way that this bill has addressed other concerns, remedied.

HON ROBYN McSWEENEY (South West — Minister for Child Protection) [12.28 pm] — in reply: I give my thanks to Hon Kate Doust for her support on the policy and detail of the Heritage and Planning Legislation Amendment Bill 2010, to Hon Lynn MacLaren for her contribution to the second reading debate and for her support, to Hon Wendy Duncan for her support, and to Hon Linda Savage who, like me, loves heritage buildings and, certainly, the Guildford Hotel. I was very saddened, too, the day that hotel burnt down and I would love to see it restored.

We all agree that the penalties in Western Australia are far too low and that our heritage needs to be protected. In the past in WA we have not been so very vigilant at preserving our beautiful old homes and buildings, and in past decades in many parts of our state they have already been knocked down. My family owns a heritage building that was built in 1908 and is still being used as a bank. It is a beautiful old building and I hate to think that it could be knocked down and that the penalty under the current legislation would be $5 000 with a daily penalty of $500. New conservation penalties are now $1 million and the daily penalty is $50 000. That is certainly upping the ante to let people in Western Australia know that we need to protect our heritage.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Hon Robyn McSweeney (Minister for Child Protection)**, and passed.

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2010

Second Reading

Resumed from 8 September 2010.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [12.31 pm]: I rise to indicate the opposition's support for the Statutes (Repeals and Minor Amendments) Bill 2010. This is described in the

parlance of parliamentary drafting as an omnibus bill in that it is a mechanical bill that is used by government to tidy up legislation. The convention, therefore, is that it is not a bill that includes any policy matters of great substance. Consequently, the bill deals with relatively minor amendments—some of the amendments are so minor that they merely change punctuation—and deletes terminology that is no longer current. An omnibus bill is also used to repeal legislation that is outdated or has been replaced, as this bill does across a range of legislation.

Being an omnibus bill, this bill was referred to the Standing Committee on Uniform Legislation and Statutes Review. The fifty-seventh report of that committee, on the Statutes (Repeals and Minor Amendments) Bill 2010, was tabled in the house last week. I know that the chairman of the committee will talk about her committee's recommendations.

It is interesting that in the report the committee has once again picked up matters that members would expect to be ordinarily picked up during the drafting process, but clearly were not. One of the recommendations points out to the house that the omnibus bill seeks to repeal three pieces of legislation that do not exist anymore. It is a useful exercise for the committee to review these pieces of legislation and, clearly, it identifies matters that were not picked up as part of the drafting process. The bill is a relatively small omnibus bill; we have had some omnibus bills before the house that were, in the old parlance, inches thick. This bill is quite small and does not, that I have been able to see, contain any matters that are controversial. I am interested to hear the government's response to the committee's report, as the committee has raised some sensible matters. I indicate the opposition's support for the bill.

HON ROBIN CHAPPLE (Mining and Pastoral) [12.34 pm]: Having reviewed the Standing Committee on Uniform Legislation and Statutes Review report on the Statutes (Repeals and Minor Amendments) Bill 2010, the report shows the good work of the committee system of this house in dealing with many of the pieces of subordinate legislation that come before us, in much the same way as the Joint Standing Committee on Delegated Legislation does. The committee should be commended on the way it goes through and deals with the minor amendments and, indeed, picks up some of the issues that are identified. Quite clearly, in reading the report, the government has looked at those matters and I understand accepted the recommendations in the report on some clauses that might have been less than clear in their intent or their description. As far as the Greens (WA) are concerned, this is another very good report from the Standing Committee on Uniform Legislation and Statutes Review.

HON ADELE FARINA (South West) [12.36 pm]: I stand to speak in support of the report by the Standing Committee on Uniform Legislation and Statutes Review on the Statutes (Repeals and Minor Amendments) Bill 2010. As Hon Sue Ellery explained, the bill is an omnibus bill that deals with cleaning up a range of legislation and is not meant to be used to amend policy or to make any substantial amendments to bills. I am happy to say that this omnibus bill does neither of those things and it thereby conforms to requirements.

The bill contains 28 clauses and proposes to repeal four acts and two items of subsidiary legislation, and amend 78 acts and one item of subsidiary legislation. The committee in considering the bill in detail picked up a number of irregularities, which are detailed in the report, and raised a few questions where some clarification is needed. I do not propose to go through and read the report into *Hansard* or to go through each of those clauses, because I think that can be best done at the committee stage. I know that the parliamentary secretary has read the report and I am sure that he will comment on the matters that it raises. I look forward to the government's response to the matters raised in the report, and if any issues are not dealt with appropriately, I will raise those during the committee stage.

HON LIZ BEHJAT (North Metropolitan) [12.37 pm]: I also rise to speak on the fifty-seventh report of the Standing Committee on Uniform Legislation and Statutes Review on the Statutes (Repeals and Minor Amendments) Bill 2010. When the Leader of the Opposition rose in support of this bill, she pointed out that this is not a large bill, and that is right—but does size matter? That is the question I get. It is not how large the bill is, but what is in it that is important. One of the lesser-known functions of the Standing Committee on Uniform Legislation and Statutes Review is the last two words in the title of the committee—"statutes review". The committee has the ongoing carriage of looking at the statute book of Western Australia and seeing what is on that book that needs to be reviewed. I wonder whether we will ever get to the point when we run out of legislation and we have to go back and start again and put them all back in place and take them out. I know that happens to a certain extent. Looking at this particular omnibus bill, the second reading speech of the bill explains the characteristics of an omnibus bill —

> An omnibus bill is an avenue for making general housekeeping amendments to legislation. It is designed to make only relatively minor, non-controversial amendments to various acts and to repeal acts that are no longer required.

I can best illustrate that by informing members that clause 3(c) of the Statutes (Repeals and Minor Amendments) Bill 2010 proposes to repeal the regulations made under the Miner's Phthisis Act 1922. I am not sure whether

members know what miner's phthisis is. When I first read it, I thought it was pronounced "fithisis" because of the way it is spelt. Hon Robin Chapple and Hon Jon Ford might know what miner's phthisis is. I am not sure whether even the Minister for Mines and Petroleum knows what it is. The old term for it was black lung. As we know, occupational health and safety has progressed a heck of a lot since the 1922 act was enacted, when people who worked in the mines were unaware of the hazards that they faced. Some members might think, "Big deal." At least it is tidied up and is now off the books. When new legislation is introduced into the house, including a bill we debated earlier today, we must ask what the legislation really means, what it is meant to do and who will understand it. We make legislation and lawyers outside Parliament interpret it. The ordinary man in the street should be able to pick up legislation and understand what is in it. That is a really important function of the Standing Committee on Uniform Legislation and Statutes Review and a good example of the type of housekeeping work that we do. Perhaps if we did not try to implement so much uniform legislation in the race towards a seamless national economy, the committee itself, which is constrained by the imposition of a reporting time of 30 days for other legislation, would have more time to undertake a review of the statutes than it currently has. We review just one omnibus bill a year. We should be doing that constantly. The chair of the committee is signalling to me that we review two omnibus bills a year. I do not believe that is enough because a heck of a lot needs to be tidied up. We need to look at redundant boards and legislation that is not used. I hazard a guess that a future standing committee on statutes review will be established to review statutes, commissioners and boards. My late father, Hon John Williams, who was a member of this place for 18 years, conducted an inquiry into quangos—quasi-autonomous non-government organisations. I believe that the Leader of the House might have been here at that time.

Hon Norman Moore: I was the chairman of the ultimate committee.

Hon LIZ BEHJAT: There we are. I recall a conversation around the dinner table one evening when dad came home. I asked him what was happening at Parliament and he said that it was really interesting because he was looking at whether the state still needed the emu and grasshopper control board!

Hon Norman Moore: We probably still do, you know.

Hon LIZ BEHJAT: There may be grasshoppers, but I do not think there are many emus around. Obviously, that board did a good job controlling them, or it got rid of most them! Although, when I went to Hon Brian Ellis's office on Indian Ocean Drive, I saw a number of emus running down the road, so perhaps it is time to look again at the emu and grasshopper control board. Also, it was reported in a newspaper recently that someone hit an emu while driving—they can be a hazard on the road—and I have seen emus in Nannup in Hon Adele Farina's electorate. However, I am digressing, and I should not do that. I am sure all members are interested to hear about the emu and grasshopper control board!

I compliment the committee staff on the way they look forensically at these things for us. By the time an omnibus bill is put together, brought to this house and then referred to us, a lot of time has passed. In the ever-moving feast of legislation, there will be something in an omnibus bill that is no longer relevant because we have gotten rid of the legislation. Members will find in the report of the Standing Committee on Uniform Legislation and Statutes Review into the Statutes (Repeals and Minor Amendments) Bill 2010 that we dealt with the health practitioner regulations last year before the new year recess. The housekeeping role is complex and probably requires more time to be spent on it than we have the luxury of being afforded in this place, given the other matters that come before the committee. I urge members to read the report and see the interesting things that the committee gets to think about. As I said, we looked at the Miner's Phthisis Act, the Petroleum (Submerged Lands) Act and also the Petroleum Pipelines Act. As a new member—although I am coming up to the two-year mark, so I should stop referring to myself as one of the new girls—I have seen statutes that I would not otherwise have known about. That can spark one's interest to read more about them and learn more about what might need to be reviewed at a later date. The latest legislation we are dealing with is in digital form and allows us to make digital transactions. The technology is changing so rapidly that there will be a need to look at many statutes because it is done electronically and the legislation has electronic signatures. Some land transfer legislation might be so antiquated that it is redundant and some might need to be brought up to speed and into the twenty-first century. We need to think more about that. I commend the report and the bill to members.

HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary) [12.46 pm] — in reply: I thank members for their contributions to the debate on and support for the Statutes (Repeals and Minor Amendments) Bill 2010. I also thank the Greens (WA) for their support for the bill. The bill is uncontroversial. It has been described as a tidying-up omnibus bill that deals with redundant legislation that remains on the books even though time has passed them by. The Miner's Phthisis Act, for example, has been overtaken by occupational health, safety and welfare legislation of a more sophisticated nature, and other health-related legislation and schemes. However, it is a worthwhile exercise to, from time to time, sort out what is dross and what is essential. As part of that exercise we lose a bit of the history and quaintness that populates our statute books. By way of a short digression, I have always regretted the amendments to the Police Act 1893 back in the

1970s and 1980s that removed such quaint phraseology as "rogues" and "vagabonds". Some of the statutes remind us of where we came from. The provision in the Police Act prohibiting the removal of night soil at various times during the night conjures up all sorts of images of police constables regulating those types of activities.

What also arises from the committee's report is the importance of the role of this house and its committees that are dedicated for certain purposes and with certain terms of reference to properly review the legislation that emerges from parliamentary counsel. We would hope that all the i's have been dotted and all the t's have been crossed by the time legislation gets to this house. It is unfortunate that errors in legislation and things that have been overlooked by parliamentary draftsmen are frequently exposed and have to be picked up by one of our committees and remedied. It is a tribute to the importance of this house as a house of review, and to the diligent work that is performed by the committees of this house, that we are able to identify problems that arise in legislation. This report, albeit slim, is an example of the importance of that work.

The report contains 19 recommendations. The bulk of those recommendations agree with what has been proposed in the bill, but they ask for certain explanations. I am not in a position, unfortunately, to provide those explanations at this time, the report having been delivered only last Tuesday. However, the government's response to the report is on its way, and I will at a later time be able to provide explanations for the rationale behind these various drafting decisions. However, I can say that, as presently advised, the government agrees with all the amendments that are proposed and will accept those amendments. The report covers a vast area of rather complex drafting decisions that were made way back when. Why parliamentary counsel chose to take a particular approach to some of these issues I cannot say at this time. However, I will be in a position to deliver those explanations when the house resumes its sittings in a fortnight. I therefore seek the indulgence of the house in that matter.

Hon Adele Farina: Does that mean that the parliamentary secretary will not be moving that we go into committee on this bill until the house resumes after the break?

Hon MICHAEL MISCHIN: If the member wants those sorts of explanations, which are part of the recommendations —

Hon Adele Farina: I am just trying to be helpful.

Hon MICHAEL MISCHIN: I am not suggesting that the member is not.

Hon Adele Farina: You are asking us to pass legislation before you have provided the explanation.

Hon MICHAEL MISCHIN: No. What draws the member to that conclusion? Is there anything that I have said that supports that argument?

Hon Adele Farina: It is just that if we go into committee today —

Hon MICHAEL MISCHIN: I am not suggesting that we go into committee today. I am responding to the second reading debate. I am thanking members opposite for their contributions to the debate. I am acknowledging the good and thorough work that has been done by the committee. I am acknowledging that the government agrees with the amendments that the committee has proposed. I am saying that there are explanations for the rationale behind the various drafting decisions that have been made by parliamentary counsel. I am not in a position to convey those explanations to the house at this time, but I will do so. I am not inviting members to go into Committee of the Whole and deal with the bill without those explanations. I am offering members those explanations. But I am giving members the courtesy of saying that I am not in a position to do that at the moment. If there was a simple answer to one or two of these matters, I would venture, not so much a guess, but an educated opinion, on them. However, a large number of the recommendations that have been made request an explanation for why a certain drafting decision, tactic or strategy has been adopted. I cannot discern the mind of parliamentary counsel as to why that has happened. I am not trying to obfuscate. I am also not suggesting that this legislation, uncontroversial as I expect it is, should be put through when the Committee of the Whole has not been provided with the rationale for these things and when the committee's recommendations and concerns have not been addressed. On that basis I will seek that the committee stage be adjourned until a later date when I am in a position to provide those explanations.

Question put and passed.

Bill read a second time.

Sitting suspended from 12.55 to 2.00 pm

ELECTORAL AND CONSTITUTION AMENDMENT BILL 2011

Notice of Motion to Introduce

By leave, notice of motion given by **Hon Norman Moore (Minister for Electoral Affairs)**.

CRIMINAL INVESTIGATION AMENDMENT BILL 2010

Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Hon Jon Ford) in the chair; Hon Peter Collier (Minister for Energy) in charge of the bill.

Clause 4: Section 103 amended —

Progress was reported after the clause had been partly considered.

The DEPUTY CHAIRMAN (Hon Jon Ford): I draw members' attention to supplementary notice 167, issue 3. I understand there is another foreshadowed amendment, which has not yet been circulated.

Hon GIZ WATSON: I acknowledge the efforts of the minister and his advisers to come to a consensus on a way forward with this bill. I believe that over the intervening lunch break we have managed to reach a form of words that all parties are willing to support. I have a further form of words that reflects what the consensus is. As a way forward, I will not be moving my amendment on the supplementary notice paper 167, issue 3. Instead I will move another amendment, which perhaps could be distributed around the chamber. Perhaps Hon Kate Doust could similarly not move her amendments, and we could talk about what I understand is a consensus position.

Hon KATE DOUST: I have not had the opportunity to see what, as Hon Giz Watson says, has been reached as a consensus position, but I am sure I will get it and I am sure I will agree to it. There has been quite a degree of discussion about this particular issue, which was canvassed prior to lunch. I believe that we have reached some common ground and a way to move forward. I thank the minister and his advisers for being flexible so that we can produce some good legislation in this area. I will not move the amendments that stand in my name on supplementary notice paper 167, issue 3. I look forward to seeing the amendment that is proposed on the next notice paper.

The DEPUTY CHAIRMAN: Given the commentary from the two members and my instruction for members to draw their attention to supplementary notice paper 167, issue 3, I now instruct members to totally disregard that supplementary notice paper. Perhaps Hon Giz Watson would like to speak to her amendment while it is being circulated.

Hon GIZ WATSON: The amendment seeks to accommodate the concerns expressed by members on this side of the house that the discretion is very broad in that the person simply needs to be a qualified person. The amendment provides that the person will need to be a qualified person and either a nurse, midwife or prescribed person. In this way, we hope to reflect the second reading speech and the intention of the government to limit the application to nurses and midwives, but also to allow the government to have flexibility to add by way of regulation to the list of other categories of people, such as health workers, who, as has been suggested, might also be appropriate, particularly in remote communities. Parliament will still have the capacity to peruse and disallow that provision, if it so chooses. At the same time, this amendment addresses the government's concern about the cumbersome or slow nature of having to amend the act if that provision were not inserted. For those reasons, I am happy to move —

Page 2, lines 10 to 18 — To delete the lines.

Page 2, after line 9 — To insert —

4. Section 103 amended

(1) In section 103(3) in the Table —

(a) in item 4 after "Doctor" insert:

or qualified person, who is a nurse, midwife or another prescribed class of person

(b) in item 6 after "Doctor" insert:

or qualified person, who is a nurse, midwife or another prescribed class of person

(2) After section 103(3) insert:

(4) In this section ***midwife*** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* whose name is entered on the Register of Midwives kept under that Law.

As I say, this amendment addresses our concerns and also the reservations expressed by the minister during the debate.

Hon KATE DOUST: The opposition will support the amendment moved by Hon Giz Watson. It will certainly achieve the aims that we want in that it provides clarification and consistency. We are also pleased that the definition of "midwife" has been included.

Hon PETER COLLIER: The government will support this amendment. I appreciate the consensual approach to this amendment that has been adopted by all parties. I thank Hon Giz Watson and Hon Kate Doust for their contributions to the debate. They really did win me over. I could see the logic of the debate. This amendment will improve the legislation. I have spoken to the Minister for Police and he is also supportive of the amendment. I thank members once again for their contributions. I think this legislation will be improved as a result.

Hon GIZ WATSON: I thank the minister and his advisers for accommodating the concerns expressed in this debate. I think it is a sign of good and trusting working relationships in the Legislative Council built up over a long period. The general requirement is that the wording of a bill needs to reflect very clearly the second reading speech. I appreciate that there is a lot of enthusiasm for these changes, which we fully support. But it is beholden on us to ensure that there is consistency in legislation; otherwise, it can create problems later if a court has to make an interpretation. Indeed, it is the Parliament's job to ensure that those two things match properly. I think we have achieved that. I again thank the minister for the capable way in which he has dealt with these amendments.

The DEPUTY CHAIRMAN (Hon Jon Ford): Members, at the risk of being flippant, I think perhaps we need to have a group hug!

Hon NICK GOIRAN: I want to ask a couple of questions because obviously I have not been privy to the discussions behind the Chair. For what it is worth, I thought that the original proposal in the bill adequately covered what was intended. Obviously, other members disagreed and these forms of words appear to have been agreed to. The amendment refers to "another prescribed class of person". Do the regulations currently prescribe any class of person, as is contemplated in this amendment?

Hon PETER COLLIER: No, they do not. That is the whole point of the exercise. If there is to be an extension of the people who are capable of performing the procedure, that will be able to be done through regulation as opposed to an amendment to the act. That is where we are all coming from. If other people are to be included in the future—we spoke at one stage about Aboriginal health workers et cetera—that will be able to be done by regulation.

Hon NICK GOIRAN: I appreciate that clarification. As I understand it, the term "qualified person" is defined in, I think, section 73 of the Criminal Investigation Act 2006. It reads —

> ***qualified person***, in relation to a forensic procedure, means a person who is qualified under the regulations to do the procedure;

That would obviously be a particular class of person or people. This amendment refers to "or qualified person, who is a nurse, midwife or another prescribed class of person". As Hon Giz Watson has suggested, sometimes the courts look at those matters very closely, and they determine that Parliament had in its mind that they would be two different things; in other words, we are currently choosing to add to the words "qualified person". We need to be careful that the court does not come along later and say that everywhere else in the act where the term "qualified person" is mentioned, the intention was this, and because this amendment has been moved, it is now intended to be something different. If I understand the spirit of what has been proposed by the member opposite, that is not the intention. I query whether we are unintentionally leaving ourselves open to that by agreeing to this amendment, rather than the original amendment in the bill, which, as I have said, I think is the better amendment. Does the minister have any concern that, by narrowing the definition of "qualified person" just in proposed section 103, we will cause an inconsistency with the use of the term "qualified person" in the remainder of the act?

Hon PETER COLLIER: I appreciate the honourable member's comments. The whole point of this amendment is, as I have said, to capture exactly what was intended with the bill—that is, to ensure that nurses and midwives are the qualified persons, and then to offer an opportunity for an extension beyond that. But the intention is to capture nurses and midwives.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported, with an amendment.

CHILD SUPPORT (ADOPTION OF LAWS) AMENDMENT BILL 2009

Second Reading

Resumed from 16 November 2010.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [2.22 pm]: I rise to indicate the opposition's support for the Child Support (Adoption of Laws) Amendment Bill 2009. Bills of this nature come before the house from time to time. The commonwealth child support scheme provides for financial payments between parents who have divorced in respect of support for their children. That scheme applies according to the historical constitutional rights for who has responsibility for what in this country. Historically, the commonwealth government could make laws in respect of children of a married relationship, but not in respect of children of parents whose relationship was not recognised at law.

When the child support regime was put in place in this country, state jurisdictions had the option of referring their powers to the commonwealth in respect of children of a non-married relationship that had ended. The state had responsibility for children of relationships that were not legally recognised marriages, while the commonwealth had responsibility for children of a marriage. Rather than refer those powers to the commonwealth, Western Australia decided at the time to adopt an identical scheme. This has meant that every time the commonwealth scheme changes, the provisions of such changes need to be the subject of a separate bill passed by the Western Australian Parliament, in order for the provisions to have effect in Western Australia. From time to time, as the arrangements in the commonwealth child support scheme change—which they do—the Western Australian Parliament has had to consider legislation to give effect to the changes.

These types of bills have therefore come before the house before, and they will come before the house again. This is one of the bills referred to the Standing Committee on Uniform Legislation and Statutes Review. The committee noted in its fifty-eighth report—"Child Support (Adoption of Laws) Amendment Bill 2009"—that one of the consequences of having a separate legislative framework instead of referral of powers is that we are constantly behind. Although in some other matters that might have flow-on consequences of a bureaucratic or regulatory nature, in this case, being behind can also mean a financial disadvantage for the children covered by the legislation and parents seeking to ensure that they can get enough money from the other partner to pay for the things their children need.

Although there are often arguments about states' rights and not handing over power willy-nilly, I wonder whether this is still a useful way of managing these laws, given what we are talking about. I note that the committee, in its report, makes reference to that and has asked some questions of the government about whether there might be a more efficient way of doing things, and the possibility of a timetable for these sorts of amendments.

We were told in either the second reading speech or the report that changes occur so quickly that even this legislation will not bring us entirely up to date with the changes. Nevertheless, given that Western Australia has to make its own legislation in this area, it is important legislation and it is important that we pass it. The opposition will therefore support the legislation.

The committee did, however, raise a couple of issues, and I look forward to hearing from the parliamentary secretary on those issues. I understand that the parliamentary secretary may not be in a position to answer in detail one of the issues in the committee's report. Despite that, the opposition will support the legislation, but I look forward to commitments from the parliamentary secretary on when that information might be provided to the house in the future.

It is important that we pass this legislation quickly so that Western Australian children of families that have split and for whom financial arrangements cannot be amicably settled, necessitating court orders, can be looked after and receive the very best that is available to them. With those words, the opposition will support the legislation.

HON ALISON XAMON (East Metropolitan) [2.28 pm]: The commonwealth child support scheme is an important one, enabling the collection of child support payments from a parent, and the payment of that maintenance to the person who has responsibility for a child, as well as the collection and distribution of other maintenance payments, including spousal payments. Exnuptial children, or children who are born outside a traditional marriage, are not covered by the commonwealth legislation unless state Parliaments refer the power to the commonwealth or adopt the legislation. Prior to passage of the Western Australian Child Support (Adoption of Laws) Act, and subsequent amendments to this statute, the commonwealth legislation applied in WA only to child maintenance claims covering children of a traditional marriage.

All states except WA, as Hon Sue Ellery said, have referred powers to the commonwealth Parliament, so the commonwealth scheme applies to exnuptial children in those states. Western Australia instead chose to adopt the commonwealth legislation. However, every time an amendment is made to the commonwealth legislation governing child support, these amendments do not apply in the case of exnuptial children until they have been adopted through amendments to WA's principal act. This bill adopts recent changes to the commonwealth legislation as well as changes identified in the review carried out by parliamentary counsel of the relevant commonwealth legislation to allow exnuptial children in WA to be treated in the same way as nuptial children. The Greens (WA) support this bill. The bill ensures that the commonwealth legislation on child support is

applicable in WA and, importantly, that children who are born outside marriage have access to child support money. The number of children born outside the traditional marriage structure is on the increase, which makes this bill all the more important.

Provisions in this bill apply equally to children born to and living with heterosexual parents who are not married and those children who live with same-sex couples. The bill ensures that children from all types of families are treated equally and have the same rights to child support. As people in this place know, the Greens are passionate about equality for all families and we believe that all people are entitled to respect and dignity and to receive the full protection of the law regardless of their sexuality. It is particularly important that children are not treated differently or subjected to discriminatory conduct because of the nature of their parents' relationship.

The bill adopts 23 commonwealth amendments, which are considered to be relatively minor and non-controversial. The amendments generally serve to capture financial resources currently inaccessible to children for the benefit of those children and their carers. The act of tightening laws to ensure children and their carers are not missing out on money to which they are entitled is a positive undertaking and one that the Greens welcome.

Some of the most positive and long-awaited amendments to this bill are the result of federal government reforms on access to child support to remove discrimination against same-sex couples and their children and their families. The Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008 is a commonwealth act that allows for the recognition of same-sex relationships for the purposes of existing child support legislation. The Greens particularly welcome these changes, which mean that since 1 July 2009 parents with children from same-sex relationships have been able to seek child support from the other parent if the relationship breaks down. These changes also mean that same-sex couples are now federally recognised in all financial matters in areas, such as Centrelink benefits, taxation, Medicare, Department of Veterans' Affairs, workers compensation, educational assistance, superannuation, family law and child support.

The Standing Committee on Uniform Legislation and Statutes Review conducted an inquiry into the Child Support (Adoption of Laws) Amendment Bill and no submissions were made to the committee's inquiry. On 15 February, the committee reported and recommended that the bill be passed, but expressed concern about the length of time it has taken for this bill, and previous bills updating the principal act, to be passed. I note that this bill is 15 months into its passage. I agree with the concerns expressed by the committee; it is taking too long for this legislation to be passed. It is taking too long to ensure that children born out of traditional marriage structures are treated in the same way as children born into traditional marriages. It is also taking too long to ensure consistency between WA and other Australian jurisdictions. I echo the committee's call for the parliamentary secretary representing the Attorney General to inform this house how the government intends to expedite future amendments to the principal act through Parliament. The committee found that the drafting of the bill was somewhat convoluted and it would have preferred a simpler approach, but it accepted that the bill nonetheless adopted the commonwealth's amendments.

I take this opportunity to note that family law is a vexed and controversial area and, despite countless reviews and changes to the legislative framework for parenting payments, we are yet to get it right. I certainly do not think that the way it is at the moment is right or particularly fair for a range of family structures. However, I acknowledge that as a commonwealth issue, we are not able to play an active parliamentary role in this place. I hope that our federal colleagues will be able to improve the problematic shared parenting laws and will work together to develop a better system that more adequately deals with family violence and focuses on the best interests of all children.

HON ADELE FARINA (South West) [2.35 pm]: I rise to speak in support of the Standing Committee on Uniform Legislation and Statutes Review report on the Child Support (Adoption of Laws) Amendment Bill 2009. This bill seeks to adopt 23 commonwealth amendments and enactments listed in clause 4 of the bill to capture financial resources currently inaccessible to children for the benefit of those children and their carers.

The committee report details the constitutional and historical background of the commonwealth child support scheme, which enables the collection of child support payments from a parent and the payment of maintenance to the person with responsibility for the child and for the collection and distribution of spousal maintenance. I do not propose to read all those passages. In brief, the commonwealth Parliament only has constitutional power to legislate for children of a marriage. The commonwealth constitutional power does not extend to exnuptial children unless the state Parliaments either refer power to the commonwealth or adopt commonwealth legislation. Aside from WA, all states have referred power to the commonwealth Parliament and so the commonwealth scheme applies to exnuptial children in those states. Pursuant to the Child Support (Adoption of Laws) Act 1990, the Western Australian Parliament has adopted the commonwealth legislation establishing this scheme. Commonwealth amendments to the legislation establishing this scheme do not apply in WA until they are adopted by this Parliament, thus preserving the sovereignty of this state Parliament.

The bill seeks to adopt the 23 amendments to relevant commonwealth legislation since the last adoption of legislation, which was enacted by the Western Australian Parliament in 2007, together with amendments that

may not have been adopted previously. This will enable these provisions to apply to exnuptial children in Western Australia.

In reviewing the bill, the committee queried whether the bill does what it says it does—that is, adopt the various commonwealth amendments and enactments. The explanation provided by parliamentary counsel to the committee is outlined in the committee's report at pages 13 and 14. In addition, the parliamentary counsel's reply to the committee is attached to the report at appendix 3. I will leave it to members to read that themselves; I do not intend to read it now. After a lot of consideration, the committee decided to accept parliamentary counsel's somewhat tortured explanation of how this bill does what it says it does. However, the committee found that the construction of these provisions is convoluted; a simpler approach is preferred and should be considered with the future amendments to the principal bill.

The committee also noted that an unfortunate and concerning by-product of the protection of state sovereignty in this case is a lag time before commonwealth amendments and enactments relating to exnuptial children take effect in Western Australia. The lengths of these lag times in getting legislation before the Western Australian Parliament is a concern to the committee, as I am sure it is a concern for every member in this place. Recommendation 1 in the committee report arises from this concern held by the committee. The committee seeks an explanation from government of the measures that will be implemented to reduce the lag time in the future. Recommendation 1 is the only recommendation made by the committee of substance other than the final recommendation. I look forward to the parliamentary secretary's response to recommendation 1. The parliamentary secretary may not be in a position to provide an explanation today and I think that is unfortunate. I note recommendation 2 of the committee report which refers to the committee recommending the adoption and passage of the bill subject to recommendation 1. Noting the substantial lag time, I do not want to disadvantage any more those who have been disadvantaged as a result of the time already taken to bring this bill before the house. I am sure that I speak on behalf of all committee members—albeit a little outside my brief—when I say that the committee does not want to hold up the bill any longer than necessary. However, the committee wants a commitment, perhaps through a statement to the house, about the time frame in which the parliamentary secretary will respond to recommendation 1.

The lag time getting bills before the Parliament to adopt amendments to commonwealth legislation is not justified, is completely unnecessary and places Western Australian exnuptial children at a financial disadvantage. It is within the government's power to effect more timely adoption of these amendments to commonwealth legislation. The onus is on the government to explain the measures it will take in future to ensure the more timely presentation in this place of bills effecting amendments to commonwealth legislation.

As I have said, the committee recommends passage of this bill. In concluding, I acknowledge and express my thanks to not only my colleagues on the committee for their contributions and their efforts in reviewing the legislation and in preparing the report, but also the advisory officer, Anne Turner, and the committee clerk for their invaluable support to the committee.

HON LIZ BEHJAT (North Metropolitan) [2.41 pm]: I, too, support the Child Support (Adoption of Laws) Amendment Bill 2009 and, more particularly, the committee report. As I said when I spoke earlier today, I am a member of the Standing Committee on Uniform Legislation and Statutes Review, and Hon Adele Farina, our chairman, was quite right when she said that she speaks on behalf of the committee—she certainly speaks on behalf of the way I feel about this piece of legislation in that, yes, it is important that we deal with this legislation as quickly as possible. One would hope that we can finalise it today. However, if we are not able to get the answer to one of the committee's questions about this legislation, given that we do not want any more time to pass than has already passed before approving this legislation, I would hope that the parliamentary secretary would be prepared to give an undertaking to provide that advice to the house at a future date, thereby ensuring a complete committee report. The committee took the time to scrutinise the legislation thoroughly and make the recommendations that it did, and it would be good to dot the i's and cross the t's, as it were. Members will know that is something that I am passionate about. I am a member of this house because we dot the i's and cross the t's in all the things that we do, whilst always bearing in mind state rights and the sovereignty of the state. However, as the Leader of the Opposition said, it is sometimes a fine balancing act when dealing with the lives of families and children, and in particular the quite difficult issue of family support payments.

This afternoon, whilst a little time may be available to us, it would not be a bad idea to perhaps look at some of the history surrounding this legislation and the committee report, for the benefit of those members who are not fortunate enough to sit on the uniform legislation committee—as Hon Nigel Hallett, Hon Linda Savage and our chair, Hon Adele Farina, and I do—and able to thoroughly scrutinise the uniform legislation that comes before it. As a passionate state rights person, it is interesting that I sit on a committee that deals with uniform legislation and the national seamless economy which we all seem to be charging towards and about which it is often said, "Let's just let the commonwealth deal with that." I say again, for the record, that for as long as I draw breath and am a member of this house, I will not give up state rights. We have to find a balance. I agree with the Leader of the Opposition: when dealing with this legislation, the needs of the families and the children are paramount. In

this day and age, electronic technology and other forms of communication must be available to us to enable quicker receipt in this house of amendments to uniform legislation. Interestingly, and still with my training wheels on, when I first looked at this bill, its title, the Child Support (Adoption of Laws) Amendment Bill, made me think it was about adopted children. I was put on the straight and narrow about the adoption of commonwealth laws et cetera. Interestingly, some people who made submissions to the committee also thought the same as I had, and we received submissions containing some pretty sad stories about the way people who have tried to adopt children have been treated in the past. We had to steer those people in the right direction. It is interesting to look at the language in legislation titles. Sometimes it is difficult at first glance to understand what we are looking at.

Quoting item 3.1 as it appears on page 1 of the committee's fifty-eighth report, members know that the Standing Committee on Uniform Legislation and Statutes Review was established —

> …to scrutinise uniform legislation arising from a concern that the Executive is, in effect, exercising supremacy over a State Parliament when it enters agreements that, in practical terms, bind a State Parliament to enact legislation to give effect to national uniform schemes or an intergovernmental agreement.

That is something that we always have to bear in mind. Sometimes it seems that the national schemes that people try to get us to adopt are a bit of smoke and mirrors on behalf of the federal government as it tries to not only grab power away from the states, but also abrogate its responsibility to act. In hearings for inquiries into other matters, the explanations provided by the bureaucrats about how these schemes will go towards a seamless economy and make everything easier are sometimes head spinning: "Trust us; we will make sure it's right." But along the way we still seem to put in another two or three layers of bureaucracy. I think it is astounding that it is often promoted as a simplification of process and that because Australia is a small nation, we should all be on the same page. However, that is not what the federation is all about. As I have said, as long as I am in this place, I will stand as a very passionate state rights person.

The bill before the house deals with exnuptial children. I suppose that members of the house have their own thoughts about the difficulties presented when people are not married and have children—then referred to as the exnuptial children. That is just a fact of life and something that we have, I suppose, to live with. People have relationships of a de facto nature and when children are involved that can present problems. However, I would open a whole other can of worms if I were to speak anymore about that.

Returning to the committee report, Western Australia chose not to refer its power over family law at the time the other states did when in 1986 there was a constitutional handing over or referral of power in relation to child custody, guardianship, access and maintenance. New South Wales, Victoria and South Australia handed over those powers in 1986 and Tasmania and Queensland followed suit in 1987 and 1990 respectively. Western Australia did not do that because we chose to remain with a state-based Family Court system. Our state-based Family Court is capable of exercising the federal jurisdiction. In fact, from experiences that I had in other jobs prior to coming to this place, I can say that the Western Australian Family Court is, I think, held in high regard throughout the legal fraternity in not only Western Australia, but throughout Australia, as a great example of a Family Court. It is well run and I think it should remain firmly in the control of the Western Australian government, peoples and Parliament.

The Commonwealth Constitution enables the referral of the state power to the commonwealth, and this is fully dealt with in the report, and the report contains some interesting points in that regard. I refer to the time lag that occurs when a bill is referred to the Standing Committee on Uniform Legislation and Statutes Review, and I would also like to bring to the attention of the house that one of the fundamental principles that the committee considers is whether the bill has sufficient regard for the institution of Parliament. That is something that members in this place must have high regard for at all times.

The legislation applies to exnuptial children throughout Western Australia, only to the extent allowed by paragraph 51(xxxvii) of the Commonwealth Constitution. Western Australia has adopted the commonwealth legislation, and that choice has clearly left Western Australia's state sovereignty intact resulting in the Family Court of Western Australia exercising both federal and state jurisdiction independent of the commonwealth Family Court. One of the things that the committee noted during the preparation of its report was the argument that there has been some financial cost to Western Australians with regard to this time lag compared with other states that have the referred legislative power rather than the adoptions. What is the word I am looking for? It is not "penalty"; I have lost the word, but it will come back to me. The Child Support Agency explains that the arrangement by which the Western Australian Parliament adopted the laws means that from time to time the agency has to treat WA exnuptial cases differently from other cases.

The committee noted that the history of the adoption of laws bills in the range of child support matters started out with the Child Support (Adoption of Laws) Bill 1999 that was introduced into Parliament on 16 March 2000 and assented to on 30 June 2000, taking three months to pass. The Child Support (Adoption of Laws) Bill 2001

was first read in the Parliament on 29 August 2001 and referred to the former Standing Committee on Legislation on 14 November 2001 for scrutiny. The thirty-fifth Parliament was prorogued and the bill was restored to the thirty-sixth Parliament on 14 August 2002 and assented to on 9 December 2002, taking 15 months to pass. There are issues surrounding that. The next bill took five months to pass, and the bill that we are debating today was read into Parliament on 25 November 2009. At the time of tabling this report, it had taken 15 months to pass the bill. During that time, people in Western Australia have obviously been financially penalised in relation to these matters. The committee is of the view that this time lag is not acceptable, particularly as it is expected that Western Australia will need to update a significant number of commonwealth enactments. The purpose of the bill is to advantage Western Australian exnuptial children by placing them on an equal footing with nuptial children and to ensure that there is consistency amongst jurisdictions. We do not have an issue with there being consistency, but it is I suppose ironic that the purpose of the bill is to ensure that exnuptial children are not disadvantaged compared with nuptial children, yet it has taken 15 months to get to the point where we can try to ensure that is not happening. That is not acceptable and we need to look at the way that we deal with uniform legislation.

Some of the bills that come before the Standing Committee on Uniform Legislation and Statutes Review are a lot more complicated than these bills, for which we are making minor amendments to the initial bill, which gives it its uniform nature. Perhaps when there are subsequent amendments to those bills that do not change the substance of the principal act, we can look at whether they can be dealt with outside the terms of standing order 230A and we do not have to scrutinise them. The chairman is shaking her head over there, so obviously I am not on the right track there! While I am standing today, I am not going to come up with a solution on the best way of dealing with it, but I am sure that the departmental bureaucrats can turn their minds to ways of bringing these on more quickly in this place. I am not saying that they should not be scrutinised by the Standing Committee on Uniform Legislation and Statutes Review, or that we would give them a cursory look, but something that is quick, short, sharp and to the point. Some members might say that is what I should be doing this afternoon, and I will sit down shortly, but I wanted to get these thoughts on the record so we can deal with these matters and these children will not be disadvantaged.

I would like to echo the remarks made by our Chair, Hon Adele Farina, in thanking Anne Turner for a wonderful job as the advisory officer on this inquiry—one thing that Anne can do is to be short, sharp and to the point when it comes to giving the committee advice while we are putting our reports together—and also the other members of the committee, who do a great job on that committee. I commend the bill and the report to the house.

HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary) [2.56 pm] — in reply: I thank honourable members for their contributions to the debate on this important, albeit slight, bill, and the opposition and Greens for their cross-party support for this legislation.

As has been pointed out, the scheme that Western Australia chose to adopt back in the time of the introduction of the commonwealth Family Law Act 1975 and the creation of commonwealth Family Court was one of adopting the commonwealth law relative to those areas of the Constitution that the commonwealth is responsible for, that being marriage, and the provision for divorce and for the children of marriages. Hence, Western Australia chose back in 1975 to create its own family law court as opposed to transferring powers to the commonwealth. A similar scheme has been adopted as a matter of philosophy and practice with child support laws that have been enacted by the commonwealth. There are significant advantages to that course, but there are also disadvantages to taking that course. An alternative may well have been, as is sometimes the case with legislation passed by the commonwealth, to use template legislation. Frequently that is legislation that is passed by, say, the Queensland Parliament, which has a unicameral legislature, and we simply take that legislation and adopt it in Western Australia. That would certainly shorten the process of picking up commonwealth legislative schemes. However, Western Australia has chosen to use this approach. It has the significant advantage of preserving state sovereignty and flexibility, but there is a price to be paid and that is that there is necessarily a delay in picking up what may be very worthy advancements in the commonwealth sphere. That is one issue that has been addressed by the committee report. I will turn to that in a moment.

I should say at this stage that the committee has, once again, done an exemplary job in analysing not only the scheme but also the legislation itself. There are a couple of things I feel bound to say, and I will deal with the committee's recommendation 1 in a moment. It has been suggested by Hon Alison Xamon that the committee found the drafting of the amendment bill convoluted. I am not sure that is what I read into the committee's report. I think the committee certainly had concerns about whether there was another way of going about this, and why it is that the legislation is framed in the manner that it is. It is an unusual amendment bill in as much as the amendment is only a reference in the substantive act to two dates, to bring the dates up to 1 July 2010. The rest of the amendment bill sets out a purpose behind that, and lists a variety of statutes. Those statutes are not incorporated in the substantive act. The purpose of that is that the substantive act makes references to two key statutes in the commonwealth child support scheme—one being the Child Support (Registration and Collection) Act 1988; the other being the Child Support (Assessment) Act 1989. That is easy enough. The amendment of the

dates does that and adopts changes in the commonwealth acts up until a particular date, bringing it up to July 2010.

The purpose of clause 4 of the amendment bill is to ensure that those other statutes that are relevant to the child support scheme, created by the commonwealth but not directly amending those two child support acts are, without doubt, incorporated into the Western Australian scheme; hence making it uniform across all children, whether nuptial or exnuptial, to have the same benefits. That is the philosophy behind the drafting. Another way may quite possibly have been to list a variety of statutes in the substantive act. Parliamentary Counsel has chosen to simply amend the dates and to ensure that the amendment act puts beyond doubt which other peripheral statutes relevant to the two key child support acts are taken into account. It is not a question of convoluted drafting; it is a legislative scheme to keep the act as clear and as simple as possible, and to remove any doubt that a variety of other pieces of legislation relevant to it are being kept in mind by the state Parliament when it adopts those laws.

I turn now to recommendation 2 of the committee's report. It quite simply accepts the drafting of the amendment bill but makes it subject to recommendation 1. Recommendation 1 is that I, representing the Attorney General, inform the house about how the government proposes to expedite future amendments to the Child Support (Adoption of Laws) Act 1990 through the Western Australian Parliament. Before I go into that, I considered with respect the making of recommendation 2 subject to recommendation 1 was a little unfortunate because it suggests that the committee would not support the legislation on its own merits unless recommendation 1 was also complied with. I discerned that that was not the spirit of it. I am grateful for that being clarified by the chairperson, Hon Adele Farina.

Hon Adele Farina: It was merely an effort to get a reply.

Hon MICHAEL MISCHIN: I will get to the reply in a minute.

There are no proposed amendments to the bill. As I understand the opposition and the Greens, there is no need for the bill to go into Committee of the Whole, it being relatively straightforward in its intent and how it is to operate.

Turning to recommendation 1, I entirely accept, and the government accepts, that the delay involved in getting this sort of legislation through is excessive and unfortunate. I note that the committee, in paragraph 8.3 of its report, quite helpfully went into the history of the substantive act, and also the bills that have amended that act. It points out that the Child Support (Adoption of Laws) Bill 1999 took three months to passage; the Child Support (Adoption of Laws) Bill 2001 took some 15 months to passage; it took five months for the Child Support (Adoption of Laws) Bill 2007; and 15 months so far for this bill. Fifteen months for this sort of legislation is excessive. It should not happen that way. One reason for at least three months' delay is that this bill was first read into this place in November last year and it is now being debated in February. There was three months' delay simply through the bill having been necessarily referred to committee. I am not saying that the committee did not do a job that was not expeditious and not completed as diligently as possible, but there is necessarily a delay by virtue of our standing orders and the practice of this place. Do we abandon that when we consider legislation? I think not. There would need to be a good reason why we would ever do that. It is a necessary part of the process. Unfortunately, or fortunately—depending on one's point of view—by virtue of the fact we have chosen an adoption of laws regime, it means there will be some sort of delay. The government accepts that there may very well be ways to expedite the passage of this sort of legislation. As I understand it, departmental officers have been authorised by the Attorney General to discuss the matter at a state–commonwealth level to work out ways the passage of this sort of legislation can be expedited and at least brought to this house far more quickly.

Hon Adele Farina: May I suggest that perhaps the Attorney General might refer the matter to the committee as soon as it passes through the commonwealth Parliament, and while the bill is being drafted, so we can have a look at the issue in substance at least?

Hon MICHAEL MISCHIN: I will take that suggestion on board, and I will refer that to the Attorney General. There are questions about whether we really take recognition of something that is in its bill stage at the commonwealth level and refer something —

Hon Adele Farina: I said once it is passed.

Hon MICHAEL MISCHIN: And before proclamation?

Hon Adele Farina: Once it has passed both houses.

Hon MICHAEL MISCHIN: Once it is passed—I understand that is more or less when the drafting process or the consideration process commences, anyway, at the state level. I will take those matters on board and I will convey them to the Attorney General.

There may be ways to expedite the process, to make it rather more efficient, but the fact is there will be some kind of a delay anyway. Another possibility is that introducing the bill into this house first, so that it gets to the committee almost immediately, the committee can make its recommendations and hopefully the other place will pick up on what this house determines—using its expertise and focus as a house of review, and using the expertise of the standing committee—as weight for the merits of the bill. That might expedite it in the other place; I do not know. There may be a variety of ways we can go about it. There are legislative issues and there are also parliamentary processes that need to be gone through. Nevertheless it is being looked at. I cannot give the answer that recommendation 1 seeks at this time, but I can assure the committee, and members of this place, that it is being considered. I will advise the house on what can be done when the study into that is completed. I cannot offer a time frame for that, but I will take it on board and ensure that some answer is delivered. Having said that, there is nothing more that should be said. I am pleased that, through circumstances, a matter at the bottom of the business paper has now reached this house and will be dealt with and disposed of today before we resume after the two-week recess. On that note, I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Hon Michael Mischin (Parliamentary Secretary)**, and passed.

BUSINESS OF THE HOUSE

Temporary Orders Suspension — Motion

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [3.10 pm] — without notice: I move —

> That temporary order 6(1) be suspended as would enable questions without notice to be taken at 3.45 pm.

By way of explanation, members will be aware that the business program for today has been concluded and I do not propose to bring on any business on the notice paper at this time without notice being given. I propose that in the event this motion is agreed to, you leave the chair, Mr Deputy President (Hon Jon Ford), until 3.45 and that the usual 30 minutes of question time be held from 3.45 to 4.15. I understand that at 4.15 there will be a special afternoon tea to farewell a staff member, so I think it is important we are here for that. At the conclusion of afternoon tea, I expect a bill from the other house will have arrived. I gather that it will have come by a very tortuous route! Following the reading in of that legislation, I intend to bring on members' statements.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [3.12 pm]: When I had a conversation behind the Chair with the Leader of the House he asked me whether, if we found ourselves in this position, we should have a break or go straight to question time. I suggested we go straight to question time. It seemed to me that, rather than sit around —

Hon Norman Moore: It's the afternoon tea that caused the issue.

Hon SUE ELLERY: I am sure members would have made themselves available to attend the afternoon tea for that special member of staff whom we all appreciate. Nevertheless, if this is the way the government wants to do it, this is the way we will do it. But we find ourselves in the extraordinary position of the government having no business for us to deal with, so we have to wander off for half an hour.

Hon Norman Moore: With respect, I could bring on order of the day 7 now, if you like.

Hon SUE ELLERY: If we do that, we will be dealing with a flawed piece of legislation that the government's responsible minister has recognised was not consulted on properly with the appropriate people. We can have that debate; that will be fine. We will now sit around, wasting taxpayers' money for half an hour because members opposite cannot organise the agenda properly.

Hon Norman Moore: Don't ever ask for a favour again.

Hon SUE ELLERY: What favours have I asked you, ever?

The DEPUTY PRESIDENT: Order!

HON LYNN MacLAREN (South Metropolitan) [3.13 pm]: The Greens are ready to proceed to question time now, or in half an hour at 3.45 pm. We support the Leader of the House's motion.

Question put and passed with an absolute majority.

Sitting suspended from 3.15 to 3.45 pm

QUESTIONS WITHOUT NOTICE

MENTAL HEALTH POLICY AND PLANNING — INCLUSION OF CARERS

91. Hon SUE ELLERY to the Minister for Mental Health:

(1) Is the minister aware that, according to the 2010 Carers Advisory Council report to Parliament, tabled in this place last week, North Metropolitan Area Health Services Mental Health scored itself the lowest possible assessment level on policy and planning to include carers?

(2) Will the minister make a commitment that next year's report will show a significant improvement in the way carers' needs are taken into account in policy and planning?

Hon HELEN MORTON replied:

I thank the honourable member for the question.

(1)–(2) The government has consistently indicated that the arrangements we are putting in place with the mental health advisory committee to inform the Mental Health Commission will have the strong support of carers. I am also interested in pursuing the issue of carers being considered part of the team, especially when a patient is in the process of being discharged. I anticipate that the new mental health legislation will be a significant improvement to involve carers more specifically in information sharing for patients for whom they are responsible after they leave the hospital. I actually believe that there is a significant improvement in the approach to the way carers are considered through mental health services, and the arrangements that we are putting in place.

DEPARTMENT FOR CHILD PROTECTION — CHILDREN IN CARE

92. Hon SUE ELLERY to the Minister for Child Protection:

(1) How many children in the care of the Department for Child Protection have been in contact with police for antisocial behaviour in the last three months to date?

(2) Of those children in care, how many have run away from a DCP placement?

Hon ROBYN McSWEENEY replied:

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

(1) Not applicable. As the former minister knows, details of children in the care of the Department for Child Protection that have been in contact with WA Police are recorded on individual case files on an incident basis, not as recordable statistics. Statistical data is therefore not available.

(2) Not applicable.

Hon Sue Ellery: You've changed the database!

Hon ROBYN McSWEENEY: Why don't you change the database?

Children in the care of the department have been neglected, abused and affected by trauma. Therefore, there are constantly small numbers of children in care who come into contact with the police or abscond from their placements for various reasons. The department works closely with these children and their carers, and the police, to resolve these issues as they occur.

I will just tell the story of one young man. I could never understand why he absconded from care; he said to me that it was only after he left care that he realised he should not have. He said that he had always thought that if he was naughty and ran away, the department would place him back in his natural home. Of course, that would never happen. Members have heard me talk about the government's residential care reform. The houses that we have bought are on acreages, and they are beautiful homes. If I were placed in one of these homes, I would never abscond; they are not old hostel-type homes, they are nice homes.

VARANUS ISLAND — INTERRUPTION OF GAS PRODUCTION

93. Hon KATE DOUST to the Minister for Energy:

I refer the minister to the media statement the minister released yesterday in which he advised of a temporary interruption to gas production at Varanus Island.

(1) When did the minister find out that the plant would be shut down?

(2) Has the minister been in communication with business and industry groups regarding this issue as yet; and, if so, with whom?

(3) Is the gas bulletin board being considered to manage gas demand during the shutdown period?

(4) Has the government assured itself that all industry players in cyclone-affected areas have made adequate provision for the occupational health and safety of their workforces?

Hon PETER COLLIER replied:

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

(1)–(4) I was informed about the problem with distribution of gas yesterday morning. There was an emergency management meeting about midway through yesterday afternoon. That was a very fluid situation. The interruption in distribution was caused by the cyclone. It was not due to any shutdown or problems, necessarily, with the actual infrastructure at either Apache or the North West Shelf. The initial advice I received was pretty parlous, I have to say. It appeared that there would be significant interruption at both a residential and business level.

Things improved as the day wore on. The North West Shelf is now up and fully operational. It has actually increased its capacity by an additional 60 terajoules to make up for Apache being offline. My latest information suggests that Apache is currently operating at about 50 terajoules and should be fully operational within the next few days. As a result, we have been able to get through what could have been a potentially much more significant event without much incident.

There has been an enormous amount of collaboration with industry; industry has been very supportive. Personally I have not been involved in the issue. That is the role of the new emergency management committee that was established as a result of the gas supply and emergency management review. It has operated very effectively. There have been some voluntary reductions in consumption of gas from industry, which has assisted the situation enormously. Verve Energy is meeting its community obligations and, if need be, will use diesel instead of gas to get us through the next few days. As I said, North West Shelf has upped the ante in the capacity of gas it is supplying through the pipeline.

The bulletin board and the statement of opportunities are both, dare I say, in the pipeline.

Hon Kate Doust: Have you given consideration to the bulletin board for this issue as they did during the last time there was a problem with Varanus?

Hon PETER COLLIER: Yes, we have given consideration, but it is not necessary. The situation is not as severe as it was on that occasion. Suffice to say, yet again we are finding with this incident that our reliance upon gas from a single gas pipeline—although it is tremendous in diversifying our fuel sources et cetera—in itself creates problems when there is a trip or problem with the supply of gas.

The gas supply and emergency management review made a number of recommendations. First of all, there was the establishment of a management committee to ensure much better coordination whenever there is a trip. That is what happened yesterday, and it has been terrific. Industry has responded accordingly. The state generator has responded accordingly, and the Office of Energy has been very good in coordinating that response—I take my hat off to it.

The dual fuelling has yet again been identified as definitely a way of helping to overcome those problems. A permanent statement of opportunity and gas bulletin board are on the drawing board and are being formulated as we speak. We are also expediting that whole notion of gas storage, again as we speak. I went to the Mondarra gas storage facility at the end of last year to have a look, and I was very impressed with what I saw.

I thank the honourable member for the question. Yes, it was; we were in a fairly precarious state, perhaps a little earlier than this time yesterday. The process continued for the next 12 hours, and we were able to come out of it in a reasonable position—a good position, I have to say. We are still not out of the woods; I have to be honest. Apache is still not at 100 per cent capacity. Ideally that will happen over the next few days. At this point, there has been no impact on residential consumers. I thank industry very much for the contribution that it has made in working with government to ensure the availability of supplies where they are needed in the short to medium term.

WEDGE AND GREY ISLANDS — RECREATIONAL LEASEHOLDERS

94. Hon SALLY TALBOT to the minister representing the Minister for Environment:

(1) How much money did the government receive from recreational leaseholders with shacks at Wedge and Grey islands between July 2008 and June 2010; and, which department collects this money and where does it go?

(2) Having disbanded the working group set up by the Labor government to resolve the medium to long-term planning issues that have beset the shack communities at Wedge and Grey islands, what consultation has the government undertaken in the past 12 months with shack lessees and with the Shire of Dandaragan?

Hon HELEN MORTON replied:

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

(1) The shack leases at Wedge and Grey are administered by the Department of Environment and Conservation. Moneys are placed into a trust fund and utilised for the management of the coastline affected by the shacks. The day-to-day running costs of shack management by DEC include the costs associated with staff, ranger services, project management, leasing, coastal planning and maintaining refuge sites. The rent collected from shack lessees for 2008–09 was $412 657.89 inclusive of outstanding debts, and for 2009–10 was $297 585.34.

(2) The member will be aware that the Legislative Council's Standing Committee on Environment and Public Affairs is undertaking an inquiry into shack sites in Western Australia, and consultation has occurred as part of that process. DEC continues to liaise with the Wedge Island Protection Association, the Grey Conservation and Community Association and the Shire of Dandaragan.

FARM FORESTRY DEVELOPMENT OFFICERS

95. Hon GIZ WATSON to the minister representing the Minister for Forestry:

(1) Are farm forestry development officers still operating in regional Western Australia?

(2) If yes to (1) —

(a) how many full-time equivalent FFDOs are there currently;

(b) where are they operating;

(c) how are they funded; and

(d) how much funding is allocated to them?

Hon ROBYN McSWEENEY replied:

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

(1) The Forest Products Commission currently has one farm forestry development officer, who is seconded to the Department of Agriculture and Food. The officer's core activity at DAFWA is forest science.

(2) (a) There is one full-time equivalent. The farm forestry development officer's duties are broken down to 80 per cent forest science and 20 per cent farm forestry development.

(b) The position is in the South West Region.

(c) The position is funded by the Forest Products Commission.

(d) The funding is 20 per cent of a level 5 year 4 position, or $15 481.

BOLD PARK AGREEMENT

96. Hon KEN TRAVERS to the parliamentary secretary representing the Minister for Lands:

I refer to the $11.5 million allocated in the 2010 *Government Mid-year Financial Projections Statement* for the "Bold Park Agreement — Town of Cambridge".

(1) How was the amount of this payment determined?

(2) Is this payment different from the amount determined by the former Court government; and, if yes, why has it been changed?

(3) Is the Bold Park agreement a formal written agreement; and, if yes, will the Treasurer and the Minister for Lands table it?

(4) What is the location of the land expected to be rezoned, developed and sold?

Hon WENDY DUNCAN replied:

I thank the member for some notice of this question.

(1) It was determined in accordance with the 1995 agreement formula.

(2) Yes. It is different because property values have changed. The formula is the same, but applied to different property values.

(3) The Bold Park agreement is being updated and when it is finalised, the Treasurer will take a decision on tabling.

(4) The location is a portion of what is known as area G at the corner of Stephenson Avenue and Montgomery Avenue, Mt Claremont.

GAP RIDGE ACCOMMODATION VILLAGE — WORKSAFE INVESTIGATION

97. Hon JON FORD to the Minister for Commerce:

I refer to the recent fatality at Karratha's Gap Ridge Accommodation Village, which was reported in *The West Australian* on 7 January.

(1) Has WorkSafe investigated the fatality?

(2) If yes to (1), what was the cause of death?

(3) If no to (1), why not?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question, which I will answer on behalf of the Minister for Commerce. First, the Minister for Commerce would like to pass on his sincere condolences to the deceased worker's family and friends.

(1)–(3) WorkSafe is currently investigating the fatality. As WorkSafe has not finalised its investigation, it is not appropriate to provide comment about the fatality at this time.

KEYSTART — INTEREST RATE

98. Hon LYNN MacLAREN to the minister representing the Minister for Housing:

(1) Can the minister confirm that at least 55 089 people are on the public housing waiting list?

(2) How will the decision to increase interest rates in the Keystart housing scheme to up to 7.78 per cent, which is in excess of what many banks in Western Australia charge, impact on the government's strategy to increase the availability of low-cost, affordable housing for first home buyers who are struggling to maintain stable accommodation for themselves and their dependents?

(3) What is the average income of people who have a Keystart loan?

(4) What is the average monthly repayment?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question, which I will answer on behalf of the Minister for Finance.

(1) As at 31 January 2011, there were 24 481 applicants on the public housing waiting list. A total of 54 666 people were associated with the public housing waiting list as at 31 January 2011.

(2) An interest rate of 7.78 per cent is the average of the four major banks' standard variable rate. This rate is in fact lower than that of the ANZ, Westpac and Commonwealth Banks, which do the majority of lending in Western Australia.

(3) Couples and families in the range of $80 000 to $90 000.

(4) Based on the portfolio's average loan balance of $270 000, the monthly repayment is $1 790.

MENTAL HEALTH — SUICIDES

99. Hon LJILJANNA RAVLICH to the Minister for Mental Health:

How many suicides have been recorded in the past three months for each of the following regions —

(a) Gascoyne;
(b) Goldfields–Esperance;
(c) Kimberley;
(d) Mid West;
(e) Peel;
(f) Pilbara;
(g) South West; and
(h) Wheatbelt?

Hon HELEN MORTON replied:

I thank the member for some notice of this question. As I have previously mentioned to Hon Ljiljanna Ravlich, information on cases of suicide is on the coroner's database. It is not possible to get information from the coroner on suicides that occurred as recently as three months ago. If Hon Ljiljanna Ravlich were to ask a question along the lines of the sort of information the Department of Health or the Mental Health Commission has about suspected suicides, it could be answered.

Hon Ljiljanna Ravlich: Then how come we know that 11 people passed away in the Kimberley?

The PRESIDENT: Order!

Hon HELEN MORTON: I am explaining to the member why her question cannot be answered. If the member were to define the question differently, it could be answered. In the meantime, if she wants me to answer this question, the answer is that it is not possible to provide the information requested in the time required. As such, I request that the member put the question on notice.

ABORIGINAL EDUCATION STRATEGY 2010–2014

100. Hon MATT BENSON-LIDHOLM to the minister representing the Minister for Education:

I refer to question without notice 1022 asked on 25 November 2010 and the minister's statement that Western Australia led the development of the national Aboriginal and Torres Strait Islander education action plan 2010–2014. I also note that on 15 April 2010 the plan was agreed to by all states and jurisdictions for implementation Australia-wide.

(1) Has the minister signed off on the Western Australian Aboriginal education strategy 2010–2014?

(2) If yes to (1), has the strategy been released; and, if not, when will it be released?

(3) If no to (1) —

  (a) why has this not happened;

  (b) when will the strategy be signed off; and

  (c) what is the expected release date?

Hon PETER COLLIER replied:

I thank the member for some notice of this question.

(1)–(3) Completion of the Western Australian strategy is dependent on approval of the national action plan by the Council of Australian Governments. The national Aboriginal and Torres Strait Islander action plan is currently under consideration by COAG for out-of-session endorsement.

COUNSELLING AND PSYCHOTHERAPY PROFESSIONS — REGULATION

101. Hon ALISON XAMON to the Minister for Mental Health:

I refer to the lack of regulation of the counselling and psychotherapy industry.

(1) Does the minister recognise the urgency of ensuring that people who are dealing with a mental illness are not subject to substandard treatment at the hands of unregulated counsellors and psychotherapists?

(2) If yes to (1), will the minister seek an urgent briefing on this issue from —

  (a) the Health and Disability Services Complaints Office; and

  (b) the Consumer Protection Division of the Department of Commerce?

(3) Will the minister give an undertaking that this issue will be taken up with the Minister for Health as a matter of urgency, and a system of state regulation pursued?

Hon HELEN MORTON replied:

I thank the member for some notice of this question.

As this matter falls under the responsibility of the Minister for Health, I suggest that the member refer the question accordingly. The guarantee I can give is that I will raise the issue with the Minister for Health, and I have raised it with him. However, the specific information that has been requested has to be provided by the Minister for Health.

KIMBERLEY — SUICIDE PREVENTION

102. Hon ED DERMER to the Minister for Mental Health:

I refer to the minister's statement on Tuesday regarding the deaths of 11 people in the Kimberley.

(1) How much of the new $13 million statewide suicide prevention strategy funding has been spent in the Kimberley since it was announced in May 2009?

(2) What programs, if any, have been funded in the Kimberley from the $13 million statewide suicide prevention strategy?

(3) How many appointments have been made to the Ministerial Council for Suicide Prevention and how many positions remain vacant?

Hon HELEN MORTON replied:

I thank the member for some notice of this question.

(1)–(2) This government has re-established the Ministerial Council for Suicide Prevention to implement the WA suicide prevention strategy. The council has been working in conjunction with the Kimberley Aboriginal Medical Services Council to develop a suite of community action plans across the state. Funding for the developmental work in the Kimberley cannot be differentiated from the overall statewide spend. In the next financial year it is projected that approximately $850 000 of funding will be specifically allocated to further develop and implement the community action plans for the Kimberley. Preliminary funding has been directed to support the development of the community action plans, with negotiations underway between the Ministerial Council for Suicide Prevention, the Mental Health Commission and the Kimberley Aboriginal Medical Services Council.

(3) Since it was established in September 2009, the Ministerial Council for Suicide Prevention has had 13 appointments. There are currently three vacancies, with recommendations for new members being considered.

Hon Ljiljanna Ravlich: You have spent none of the $22 million to prevent suicides.

Hon HELEN MORTON: I did not say that. That is not what I said.

The PRESIDENT: Order!

Hon Ljiljanna Ravlich: I apologise, Mr President.

The PRESIDENT: I will give the member the call again, if we get around to it.

BUSSELTON HOSPITAL

103. Hon ADELE FARINA to the minister representing the Minister for Health:

I refer to the proposed new Busselton Hospital.

(1) What is the status of this project?

(2) When will the master plan be finalised?

(3) When will the concept design be finalised?

Hon HELEN MORTON replied:

I thank the member for some notice of this question.

(1) The project is at the stage of project definition plan development. This includes agreement of a functional brief with user groups. The project definition plan establishes the basis for subsequent design and planning.

(2) It is anticipated that the master plan will be finalised in October 2011.

(3) It is anticipated that the concept design will be finalised in October 2011.

BURRUP PENINSULA — ROCK ART SITE VANDALISM

104. Hon ROBIN CHAPPLE to the Minister for Indigenous Affairs:

I refer to question without notice 67, which I asked on 22 February 2011, regarding the vandalism of rock art on the Burrup.

(1) In respect to the answer to question (4), did the department receive emails containing a number of photographs showing vandalism in deep gorge and the climbing man valley protected area this month?

(2) Will the minister table a list of these photographs and the vandalism incidents that they portray?

(3) In respect of the answer to (2), will the minister identify what technology the Department of Indigenous Affairs officers will use to repair the damage to the petroglyphs and when it was invented?

Hon PETER COLLIER replied:

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

(1) Yes.

(2) No. These photos were sent to the Department of Indigenous Affairs by a third party and the vandalism is subject to a current investigation.

(3) DIA officers will determine what technology can be used following an inspection of the damage.

CHILD DEVELOPMENT SERVICES — WAITING TIMES AND STAFFING

105. Hon LINDA SAVAGE to the minister representing the Minister for Health:

(1) What are the current—as at 1 February 2011—average waiting times for the following child development services, both in the country areas and in the metropolitan area —

(a) speech pathology;

(b) occupational therapy;

(c) physiotherapy;

(d) clinical psychology; and

(e) social work?

(2) What is the current—as at 1 February 2011—average waiting time for an appointment with a paediatrician at the child development service, both in the country areas and in the metropolitan area?

(3) What is the target waiting time to see a paediatrician at the child development service, both in the country areas and in the metropolitan area?

(4) Has the Department of Health employed any more community child health nurses in line with the recommendations made in the "Invest Now or Pay Later: Securing the Future of Western Australia's Children" report, since said report was tabled in Parliament?

(5) If yes to (4), how many more community child health nurses have been employed since 1 July 2010?

(6) What was the total number of full-time equivalent community child health nurses employed by the Department of Health as at —

(a) 1 July 2010; and

(b) 1 January 2011?

Hon HELEN MORTON replied:

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

(1) The metropolitan child development service average wait times are —

(a) Speech pathology, 13.4 months.

(b) Occupational therapy, 9.0 months.

(c) Physiotherapy, 8.0 months.

(d) Clinical psychology, 9.6 months.

(e) Social work, 6.8 months.

Note that the WA Country Health Service does not formally collect waiting time statistics for these services.

(2) The current average waiting times for the metropolitan child development service is 11.3 months. Note that the WA Country Health Service does not formally collect waiting time statistics for these services.

(3) The target waiting time for the metropolitan child development service is 5.9 months. Note that the WA Country Health Service does not formally collect waiting time statistics for these services.

(4) Yes.

(5) There have been 6.7 new full-time equivalent positions created under commonwealth–state funding arrangements under the Closing the Gap Indigenous health initiatives.

(6) (a) At 1 July 2010, 196.

(b) At 1 January 2011, 197.9.

Point-in-time full-time equivalent calculations will produce small variations in figures as managers at area health level readjust staffing according to community needs.

SOBERING-UP SHELTER, KALGOORLIE–BOULDER

106. Hon HELEN BULLOCK to the Minister for Mental Health:

I refer to the high levels of alcohol-related police callouts in Kalgoorlie–Boulder.

(1) Is the minister aware that there is an urgent need for an alcohol detox or sobering-up shelter in Kalgoorlie–Boulder, given that the unit at the local hospital cannot accept patients still under the influence of alcohol?

(2) What plans are there to fund such a detox or sobering-up shelter to ensure that there are options other than placing people under the influence of alcohol into police lockups?

Hon HELEN MORTON replied:

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

(1) There is a sobering-up service in Kalgoorlie provided by the Bega Garnbirringu Health Service. The shelter provides a safe and secure place for those affected by drugs and alcohol to sober up. In addition to this, support is provided, as requested, to repeat clients in need of more specialised care via referral to other health services.

Kalgoorlie Regional Hospital will accept people for inpatient alcohol detoxification if they are referred and managed by their general practitioner.

I also add that I am aware of the residential facility in Kalgoorlie called Prospect Lodge, which provides a service for people, once they have sobered up and detoxed, to undergo full-on rehabilitation if required.

(2) The funding for the sobering-up centre is recurrent and was initiated as a result of the Royal Commission into Aboriginal Deaths in Custody. The centres were specifically established to provide an alternative to keeping intoxicated people in police lockups.

"RECREATION ACTIVITIES WITHIN PUBLIC DRINKING WATER SOURCE AREAS", STANDING COMMITTEE ON PUBLIC ADMINISTRATION REPORT — GOVERNMENT RESPONSE

107. Hon ALISON XAMON to the minister representing the Minister for Water:

I refer to the government response to the eleventh report of the Standing Committee on Public Administration, "Recreation Activities within Public Drinking Water Source Areas", tabled on 22 February 2011.

(1) Noting the government's comments that, due to extended negotiations with the Departments of Environment and Conservation and Sport and Recreation, the Department of Water has not been able to finalise a whole-of-government response within the agreed time frame, is the Department of Health in any way also involved in these negotiations?

(2) If yes to (1), to what extent?

(3) If no to (2), why not?

Hon HELEN MORTON replied:

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

The Minister for Water has provided the following response —

(1) Yes.

(2) The Department of Health is a member of the collaborative working group that has developed a draft response for the government to the recommendations made in the eleventh report of the Standing Committee on Public Administration.

(3) Not applicable.

The PRESIDENT: Half an hour having elapsed, I now terminate question time and leave the chair until the ringing of the bells. I now invite all members to join me for tea this afternoon because we are farewelling Andrew Gardos, a long-serving staff member.

Sitting suspended from 4.15 to 4.30 pm

JURIES LEGISLATION AMENDMENT BILL 2010

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Michael Mischin (Parliamentary Secretary)**, read a first time.

Second Reading

HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary) [4.32 pm]: I move —

That the bill be now read a second time.

The jury has its origins in a time before the Norman conquest of England in 1066. The inquest as a means of settling a fact under Anglo–Saxon law used a jury of accusation to establish the strength of an accusation against a criminal suspect. Subsequently, in the eleventh and twelfth centuries the nature of the jury changed to become

less of a trier of fact and more a decider of property disputes. In 1215, following the withdrawal of the Catholic Church's support for trials by ordeal, the jury began to be used for determining guilt or innocence.

Juries were formally introduced into Western Australia in 1830 and the state has the distinction of having the first true civilian jury to sit in Australia. As the reforms being introduced today are largely concerned with eligibility, it is interesting to note that jury eligibility in 1830 was simply all males between 21 and 60 years who owned real estate to the value of at least £50. Court officials, civil servants, clergymen, legal practitioners, doctors, criminals and justices of the peace were excluded.

The first specific jury legislation was introduced through the Jury Act of 1898, which consolidated existing eligibility provisions. Minor amendments were made to this act in 1937 that further extended exempt occupations. All through this time, the property qualification effectively excluded most Indigenous persons from jury service. It was not until the current Juries Act was passed in 1957 that the property qualification was removed so that it was technically possible for Aboriginal people to sit on a jury. At this time, gender exclusion was also removed, although women were granted a right to be excused from jury service. Amendments in 1983 redefined the concepts of eligibility, qualification and excusal; introduced the concept of disqualification on the basis of penalty received rather than the nature of the offence itself; and formally made Aboriginal people—recognising the vote granted to them in 1962—liable to serve on juries.

In a nutshell, the jury system has remained fundamentally unchanged for many hundreds of years, and as a strong supporter of the system, the government hopes that remains the case for the next 100 years. Although no process involving human decision making can ever be flawless, it is worth noting that in 2009, for example, some 600 jury trials were held in Western Australia. In that same year, only three appeals resulted in a retrial—noting that appeals dealt with in one year do not necessarily relate to trials held in the same year. As with many other aspects of the way the media responds to public services, great emphasis is often placed on the isolated mistrial while little attention is placed on the over 600 trials a year in which the verdict is delivered by the jury and the offender dealt with accordingly.

As this brief history has shown, there have been, over time, a series of improvements to the way juries are selected and their composition, and the reforms that the government introduces today will continue this.

Part 2 of the Juries Legislation Amendment Bill amends the Criminal Procedure Act 2004 to provide the prosecution in a criminal trial with the same number of peremptory challenges as the accused. This will particularly apply in cases where there is more than one accused. In the Macleod trial in 2009, in which there were three accused, the accused potentially had 15 challenges, whereas the prosecution had only five. Clearly there is an inequity here. To cater for the increased number of challenges available to each side, and to keep the number of potential jurors required to a reasonable level, section 104 of the Criminal Procedure Act has been amended to reduce the number of challenges to three per accused. This will have the effect of requiring a modest increase in the size of the jury pool in trials with more than two accused, but this will be more than offset by initiatives to increase the availability of persons to jury duty, which I will outline in a moment.

Part 3 of the bill and its two schedules effectively distinguish the grounds on which a person is not eligible to be a juror and the grounds upon which a person can seek to be excused from jury service either temporarily or permanently. Ineligibility for jury duty is addressed in clause 10 and its reference to a completely revised schedule 1. Clause 10, which amends section 5 of the Juries Act 1957, adds a further restriction to serving on a jury for those persons previously convicted of criminal offences. Clause 10(2)(g) prescribes that a person convicted of two or more imprisonable offences or three or more offences under the Road Traffic Act 1974 in the five years before the summons is issued become unqualified to serve on a jury. The inadequacies of the current disqualification provisions for persons with criminal records have become apparent over the past two years. The provisions being introduced today make it clear that a pattern of offending, especially one that does not result in imprisonment, should disqualify a person from jury duty as it casts doubt on their ability to appropriately, objectively and without prejudice determine the guilt or innocence of another.

Schedule 1 implements the most significant aspects of the government's intent to increase community representation on juries. It removes entirely the current category of persons who are "excused as of right" from serving as jurors. This change alone is estimated to result in an increase of some 10 000 persons per annum to the jury pool. As a result, each and every person summoned who is not specifically ineligible will need to provide a reason for excusal, and this will be individually considered by a summonsing officer or the court. This will have the effect that persons engaged in emergency services, health and health-related fields, in occupations associated with religious practice, or persons who care for others and persons aged between 65 and 70 years will no longer be excused as of right. Rather, if any individual considers that they cannot or should not sit on a jury, they will be required to seek excusal on the grounds specified in part 3.

The revised schedule 1 also serves to implement the government's commitment to reduce the number of persons presently ineligible for jury service by virtue simply of their office or occupation. For example, under the

existing second schedule part I, judges, magistrates and other named statutory office holders are permanently exempted from jury service, yet it could be argued that once these people leave a particular office, they may be the very people who could add significant value to jury decision making. Existing part I of the second schedule also exempts for a period of five years a multitude of officers and occupations from members of Parliament to all employees of the department of government that administers the justice system.

The proposed revised schedule 1, divisions 1 and 2, significantly changes the present system of broad and various exclusions of a large number of professionals and exempts only statutory officeholders and members of Parliament from jury service whilst they hold the office or appointment. The rationale for this change is straightforward: why should we—I mean by this members sitting in this house and in the other chamber—not be able to provide this vital community service once we have left the Parliament? Clearly, if a member of this house or one of the other categories of person exempt whilst in office believes there may be continuing conflict of interest in their sitting on a jury for an accused even after they have left office, it will still be open for them to seek an excusal under proposed section 34I on the ground that they are not indifferent.

On the issue of the exemption or non-exemption of legal practitioners from service on juries, this is a matter of considerable continuing debate. For example, the WA Law Reform Commission's report entitled "Selection, Eligibility and Exemption of Jurors" recommended that the exemption of all Australian legal practitioners be retained. On the other hand, the New South Wales Parliament held a contrary view and, in passing the Jury Amendment Act in August 2010, created provision for lawyers to sit on juries.

This was an issue the government gave great consideration to. On the balance of the arguments both for and against, it was the position that the benefits of both expanding the pool of available jurors, including professionals previously exempted, may positively contribute to a jury's deliberations. However, after further consideration, and during the course of debate in the other place, the government decided to amend the bill so that legal practitioners will remain an exempt category in Western Australian juries. Further, and in the context of that, the government also decided to amend the bill to exempt judge's associates and also judicial support officers. Legal practitioners will continue to be exempt while they remain an Australian legal practitioner as defined in the Legal Profession Act 2008, while judge's associates and judicial support officers will be exempt only for the duration they hold those offices.

Divisions 4 and 5 exempt police officers and authorised officers of the Corruption and Crime Commission from jury service while they hold office. While some countries, such as the United Kingdom and areas of the United States, do not exempt police officers as a group, the experiences, particularly in the UK where a number of trials have been aborted due to a perceived conflict of interest, have persuaded the government that justice is perhaps best served by exempting them.

At this point it is necessary to note the important role that public perception and confidence play in achieving balanced reform in this area. This bill is motivated by the principle that public confidence is enhanced when juries are drawn from the broadest possible number of citizens as this inherently makes juries more representative of the community as a whole. However, the bill does not go as far as to include all lawyers, police or CCC officers. This is not because the government considers these persons would not contribute as quality and fair jurors. Rather, it acknowledges that for police, CCC officers and those few lawyers involved in criminal practice, there is at least enough risk of a public perception of possible inherent bias to arise in some circumstances to outweigh the benefits associated with the inclusion of these persons.

Finally, clause 10 also clarifies other disqualifications such as persons currently awaiting trial, persons who are involuntary patients under the Mental Health Act 1996, represented persons under the Guardianship and Administration Act 1990 and persons subject to the Criminal Law (Mentally Impaired Accused) Act 1996.

The balance of part 3 of the Juries Legislation Amendment Bill introduces a number of procedural reforms, many of which were proposals put forward by the WA Law Reform Commission in its discussion paper of September 2009. These include amendments to allow juror lists to be provided to the Sheriff's Office electronically as opposed to requiring printing.

However, proposed amendments to part VC of the Juries Act contained in part 3 of the bill deal with excusals, which, together with exemptions, provide the focus for another key government reform. Proposed sections 34G to 34J provide for, amongst other things, a clear process for reviewing a summoning officer's decision, an appropriate decision-making authority for officers who grant excusals, a process for seeking a deferral from jury duty, a process for seeking excusal on the grounds of not being indifferent toward the parties and a clearer definition of the grounds for seeking excusal from a particular jury summons on the basis of having previously completed jury duty.

A key reform amongst this group of amendments is the introduction of an ability to defer jury duty for up to six months—namely, proposed section 34H. It has been put to government on a number of occasions in the past two years that there are many people committed to serving on a jury, but who argue that for important and urgent

personal reasons they are unable to respond to a particular summons. Currently, these people seek an excusal and, if excused, do not have an opportunity to perform jury duty again unless they are randomly selected from the electoral roll in a subsequent year. Proposed section 34H allows deferral for up to six months or until the first panel of jurors is selected after this period, provided the reason is based on one prescribed in subsection (2) of proposed section 34H. Proposed section 34H also qualifies the grounds that could give rise to "hardship" as a reason for excusal. The proposed wording is designed to be more inclusive than the existing provision contained in the current third schedule.

Proposed section 34J is also a reform arising from community input, which allows a person who has completed jury duty in the past five years to apply for an excusal from another summons. This of course depends on whether there are sufficient numbers in that particular jury pool.

Part 4 of the bill covers miscellaneous amendments, the most significant of which, from the government's point of view, is reform of the way persons who fail to obey a summons for jury duty, and who are not excused, are prosecuted. Presently, there is a cumbersome and lengthy process involving summons, appearance in court and a fine of any amount the court thinks fit. This is to be replaced by a simple infringement notice, which can be issued by the summoning officer or the court. The modified penalty applicable will be a fine of $800, which reflects the government's view of the seriousness of ignoring this particular community obligation. Part 4 also ensures that employers, whether directly or through a contractual arrangement, who refuse to allow an employee to attend for jury duty or who terminate their employment because they attended for jury duty will face appropriately serious consequences—in this case, a fine of $10 000 for an individual or $50 000 for a body corporate.

On the ultimate analysis, these reforms maintain a commitment to continuous improvement of a most crucial part of our criminal justice system—the jury. Apart from being involved as either an accused or a witness, the jury offers members of the public, who might never have any other involvement in the criminal justice system, an opportunity to see it working firsthand and contribute to a system that is critical to the proper functioning of the civil society of which all jurors, as citizens, are a part. It is critical for the integrity of the criminal justice system and our democratic civil society that juries remain and their processes and functioning are improved at every opportunity and that the composition of the jury reflects the wider community as closely as possible. The bill I introduce today is aimed at achieving all three of these goals. I now commend the bill to the house.

Debate adjourned, pursuant to standing orders.

ADJOURNMENT OF THE HOUSE

Special

On motion without notice by **Hon N.F. Moore (Leader of the House)**, resolved —

That the house at its rising adjourn until Tuesday, 15 March 2011, at 3.00 pm.

REDRESS WA

Statement

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [4.49 pm]: I rise to comment on Redress WA; and, in so doing, I refer to an email sent to me yesterday afternoon. The same email was also sent to the Minister for Child Protection. It states —

> Dear Robyn and Sue,
>
> Have had some recent experiences with Redress that I wanted to share. With only four months now until the scheme is supposed to be finalised I have been patiently waiting for my own claim to be settled. I have never bothered to contact Redress and query the progress because I know, if lucky enough to speak to someone, that they would not be able to tell me anything.
>
> On the 10th of January I was contacted by 'Paul of Redress' who was calling me to say that my file was ready to be assessed and to discuss with me my very difficult years in the care of the state. At the conclusion of this call Paul informed me that an offer was likely to be made within a month. Prior to this I had simply told myself that it would not be over until June.
>
> Over the course of the next month my anxiety levels went through the roof. I have become convinced that Redress will become just another opportunity for the state to tell me that they don't really care about what happened to me in care. I'm doing my best to cling to hope that I am wrong, but it's hard.
>
> By the 14th Feb, more than a month after the call from Paul, I could not stand it anymore and resolved to call Redress to find out what was going on.
>
> The following is what happened next:

> I called Redress in the morning of the 14th Feb. Nobody answered so I left a message for someone to call me back.
>
> In the afternoon of the 15th a lady called me back. She tried for ten minutes to 'find my data.' She asked me no less that three times if I went by any other name, I do not. I found my reference number for her but she still could not locate any record of my claim! This was actually quite frightening. She had to end the call to sort out the problem and call me back a little while later after she had found me. I explained to her what happened with Paul and the timeframe he had given me and asked what was going on. She told me she could not tell me anything. That my claim was in process and she had no idea how much longer it was going to be. I explained that under the circumstances I was not happy with that response and she offered to put me through to her supervisor. I then explained to Josh what had happened and asked where my claim was at. Josh assured me he would look into it and call me back later that afternoon. Josh did not call me back.
>
> On the 16th Feb I again called Redress and someone actually answered the phone. I asked to speak to Josh. The receptionist came back and said that Josh needed 10 minutes before speaking to me and that he would call me back. I strongly suspect that Josh needed ten minutes before speaking to me because he had not done what he said he would. Josh called me back about half an hour later to say that my file was in another office and that it would take two days for him to have it transferred to see what was going on. I'm pretty sure Josh again offered to call me back when he found out what was happening. Josh told me that Paul should not have given me a timeframe. He also said I should call any time - even if I just wanted a chat!!!
>
> The 16th Feb was a Wednesday so I figured two days to get the file transferred should mean that Josh would have the file by Friday so I would give Josh until Monday, just to make sure.
>
> On Monday the 21st Feb I called Redress and left another message for Josh because nobody answered the phone. Josh did not call me back.
>
> On Tuesday 22nd Feb I called Redress and left another message for Josh because nobody answered the phone. Josh called me back a short time later and told me that my file had still not arrived from the other office. I got cross, and why wouldn't I? Josh told me he would look into it and that he would call me back that afternoon. Josh did not call me back that afternoon.
>
> And, Josh has not called me back today.

This was yesterday, Wednesday. The email continues —

> I have decided not to call Josh again.
>
> Could this scheme get any more disgraceful?
>
> All I want now is for this to be over. I want for an offer that is reasonable so I can leave WA and put this all behind me.
>
> Should asking for information be so very hard?
>
> Regards
>
> Michelle Stubbs

Michelle Stubbs will be very familiar to people in the chamber. For a long time, Michelle was the advocate and spokesperson for Adult Survivors of Child Abuse. Michelle is and was a political creature as well. She is a member of the Liberal Party and was preselected and stood for at least two state elections.

Hon Giz Watson: The seat of Bassendean.

Hon Ken Travers: She was a councillor at Bassendean.

Hon SUE ELLERY: She stood for the seat of Bassendean and was a councillor at Bassendean. I met Michelle when I was the Minister for Child Protection, to the surprise of at least one member of my staff, because Michelle had been quite critical of the Labor government in respect of child protection. But I rang Michelle, and asked to have coffee with her because we had announced a reform agenda and I wanted her views on whether she thought the things that we had announced were worthwhile or not. I found that Michelle is not an intemperate person; she is a thoughtful and quite deliberate person. Many Redress WA applicants are less able to manage their states of mind and emotions than Michelle Stubbs.

But Michelle is not the first person who has raised with me the issue of unanswered phone calls and mixed messages that she referred to, about whether or not she could expect an offer from Redress WA within a short time. I have also raised this matter before in this chamber. The decision that the Barnett government made to cut the maximum payment available to people under Redress WA broke the hearts of many people. Many of the

Redress WA applicants described it as a second act of betrayal by the state. That decision has now been made; it is still possible for the government to reconsider that decision, but I think that it is unlikely. Late last year even the Premier acknowledged, I think in an interview he gave around the time of the anniversary of the election, that the decision was, in his own words, "a bit too tough". I believe that it is possible for the government to reverse that decision. I suspect that it is not going to happen, but again I call on the government to do so. Even if the government does not reverse that decision, at the very least we owe these people the respect and courtesy of returning their phone calls—it would be good if Redress WA could at least try answering phone calls.

By the time these people get themselves in a position to be able to make the call, they would like to have a person on the other end. If that is not possible, their calls should at least be returned within a reasonable time. If they are told that someone will try and find an answer for them and get back to them at the end of the day, even if no answer is found, the courteous thing to do is to ring people and tell them, "I know that I said I would have the answer for you by the end of today, but I am ringing to tell you that I don't have the answer. Please don't think that I've forgotten your query; I'm working on it." These are already damaged and vulnerable people, and we can do better than the example that Michelle has given. As I said, this is not the first time that I have raised the issue of people getting a phone call from Redress WA to be told that it has their file and is ready to start work on assessments, and to expect an offer within four to six weeks. Others have also been told that. If it cannot be guaranteed that that offer can be made within that time frame, people should not be told that information, because it is simply raising their expectations. I replied to Michelle's email when I received it yesterday. I told her I could raise the issue with or without naming her, as I had done on behalf of other people before, including reasonably prominent members of the Liberal Party, I have to say, who asked me not to name them. I told Michelle that I could name her or not, that it was her call, but that I wanted to raise the issue again because it was not the first time that I had heard this story. Michelle was quite adamant in her response that I should name her. That is a sad reflection on how she is feeling about how she has been treated by what she would see as her government. I ask the Minister for Child Protection to please address the issues that Michelle has raised—she sent the same email to the minister—and to ensure that at the very least, if the government does not reverse the decision, that these people are treated with respect and courtesy.

REDRESS WA

Statement

HON ROBYN McSWEENEY (South West — Minister for Child Protection) [4.58 pm]: Through the Redress WA scheme this government certainly cares about people who were abused in the past. Today I had lunch with six women, whom I will not name, who were in care when they were younger. I have many letters from recipients of the approximately 2 600 assessments and payments that Redress WA has made, thanking me and the staff. I know that Redress WA staff do their very best. I was very upset when I received the email from Michelle Stubbs, and I can guarantee that it will be looked into. When this government came into office, it said that it would uphold the $114 million that was put aside for Redress WA. Ninety million dollars of that was for payments. I can now say that we have paid out approximately $54 million, and, as I said, many people have been helped. A lot of people call the Redress WA helpline just to have a chat, just so that they have someone on the end of the line to talk to. I know that the Redress WA staff do their very best. We have social workers and counsellors there and they really do a very good job. It upsets me that Michelle has had this experience, and I give the Leader of the Opposition my utmost guarantee that I will look into it.

BALLAJURA YOUTH AND COMMUNITY CENTRE

Statement

HON DONNA FARAGHER (East Metropolitan — Parliamentary Secretary) [4.59 pm]: I rise this afternoon to make mention of a significant milestone that occurred in my electorate earlier this week. On Tuesday I had the opportunity to attend, along with a number of other members, the turning-of-the-sod ceremony for the new Ballajura youth and community centre. For those members who might not be aware, Ballajura has a significant youth population. It is currently home to more than 5 000 children aged between five and 17 years, of whom more than 2 000 are between the ages of 10 and 14. It is also home to Ballajura Community College, or BCC as it is known. That school—I stand to be corrected on this, and I am sure that if I am wrong, the outstanding headmaster, Steffan Silcox, will correct me!—is the second largest in the state. Given all of this, it is important that we have positive activities and programs for the young people who live in Ballajura to participate in.

Since 1999 or 2000, or thereabouts, a youth centre fondly known as the Dungeon Youth Centre has been operating in the basement of the Mary MacKillop Catholic Community Church, which is adjacent to BCC. Over that period, it has provided a variety of free education and employment programs, as well as a range of other activities, for local youth, including cooking classes, computer classes and art workshops. Importantly, it has provided a safe place for these children to recreate both after school and during school holidays. It is fair to say,

though, that over the past 10 years the Dungeon has had its fair share of funding issues. As a local member, I do not know how many letters I have written or how many times I have spoken in this place in support of the Dungeon's funding requests, but it would have been many. It is true to say that there were times when the Dungeon had to reduce its opening hours from five days a week to just four hours a week because of a lack of funding. There were certainly times when it was thought that the doors would have to close indefinitely.

I am pleased to say that things have certainly turned around for this service. The Barnett government has been able to assist in funding some of the centre's activities. That was done with my strong support, as the former Minister for Youth, and certainly with the support of the Minister for Community Services, Hon Robyn McSweeney. Furthermore, thanks to vital grants that the centre has received from all levels of government—local, state and federal—including a $458 000 cheque from Lotterywest, which I was pleased to present to the City of Swan last year, and the partnership between the city and the Ballajura Youth and Community Venture, the new Ballajura youth and community centre is to be built next to the Ballajura Public Library. This will finally provide a permanent home for the Dungeon Youth Centre. It will provide an active space for a wide range of recreational activities. There will also be a place for study and computer learning, as well as counselling and administration space for youth services, and staff and meeting rooms. As I understand it, all these areas will be linked with a youth cafe. The Mayor of the City of Swan, Councillor Charlie Zannino, said at the ceremony that the new centre is deliberately being placed in the hub, if it can be called that, of the Ballajura community to ensure a seamless integration between the existing library and aquatic and sports facilities. The western entry will link with the skate park and the eastern entry will connect the facility to the shopping centre.

I believe that this is a great outcome for the Ballajura community, particularly its young people. It is also a tribute to all those people who have been strong supporters of the Dungeon Youth Centre for many years—the many youth workers at the centre; members of the local community and, in particular, Mrs Carol Findlay; the City of Swan; the federal member for Cowan, Mr Luke Simpkins; and the Malaga business community. I name just a few, because there are many. It was a turning point earlier this week. I look forward to seeing the final building, which I understand is expected to be completed well before the end of this year, and to attending its official opening. I am sure—I know that members across the East Metropolitan Region will agree with me—that that will be a day of celebration for all involved, particularly the young people who regularly access this valued service in Ballajura.

KIMBERLEY — SUICIDE PREVENTION

Statement

HON LJILJANNA RAVLICH (East Metropolitan) [5.04 pm]: I rise tonight to raise the matter of the unsatisfactory responses that I have received in this place to my questions to the Minister for Mental Health, Hon Helen Morton. Members will be aware that over the past two weeks since taking on this portfolio, I have asked questions virtually every day; I think there was only one day when I did not ask a mental health question. Thus far, I have not received one satisfactory response from the minister. I was amazed on Tuesday when I asked a simple question about the number of vacancies in the mental health sector across the state. We know that there were 198 vacancies as of July 2010. The minister could not answer the question. The minister could not provide an answer to my question about the number of vacancies in the Mental Health Commission, even though we know that there are only 44 positions in the Mental Health Commission and that there were 11 vacancies as at June 2010. I want to put on the public record that I cannot understand why the 2010 figures could be given to the Standing Committee on Estimates and Financial Operations but the February 2011 figures could not be provided to this place.

Yesterday I asked a question about the $13 million statewide suicide prevention strategy. It was a very important question, especially in the context of the 11 deaths in the Kimberley that we know about. Surely we would want to know how much of a problem this is across the whole state. My networks are telling me that this is not a problem that is confined to the Kimberley; it is a major problem in the Wheatbelt and in the South West. I asked a question of the minister because I wanted to know how much of the $13 million for the statewide suicide prevention strategy has been expended. That strategy was first referred to in a press release on 14 May 2009 by the then Minister for Mental Health, Hon Graham Jacobs. It was a simple question. I would have thought that if the government has been rolling out this strategy over the past nearly two and a half years, it would have drawn down on that money. I got a half-baked answer today that indicated that there has been no draw down of that money—the money has not been expended. I also found out that the first lot of expenditure of that $13 million will occur next financial year. There is no point in the minister sitting on the money when people around the state are committing suicide and desperately need the support and services that this money was supposed to buy. I am absolutely gobsmacked by what I have heard.

Today I also asked a simple question to try to ascertain how much of an issue we have with suicide across the state. The question was simple: in the past three months how many suicides were recorded in each of the regions across the state? It was simple, simple, simple. The minister advised me and this house that information in

relation to cases of suicide is subject to coronial investigation. I ask the minister: How is it that we know that since October last year there have been 11 suicides in the Kimberley region, seven of which happened in the past month? How is it that we know that information—it is on the public record—yet in her response at question time she said that we might have to get the information from the Department of Health? I ask the minister why she could not have gone to the health department, or to any other source that she knew would have that information, to get that information. I do not understand how we can get information on suicide numbers in the Kimberley but we cannot get any information for the remainder of the state. It is not good enough. Just between me and the Minister for Mental Health, I am sick of being fobbed off by her and asked to put my questions on notice. I go to an enormous amount of time and trouble to personally research and prepare these questions; they are not prepared by anybody else. I know exactly what I am asking, and I know exactly what I am looking for. I am working, in this case, on behalf of the Western Australian taxpayer but also, more importantly, on behalf of those thousands of individuals who are affected by this, irrespective of where they live. I am driven by trying to do the right thing by them and their families.

I am putting the minister on notice tonight: she needs to lift her game.

KIMBERLEY — SUICIDE PREVENTION

Statement

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [5.10 pm]: I would like to reiterate some things that I mentioned earlier on. Hon Ljiljanna Ravlich has to deal with a very difficult history in respect of people with mental illness, and her participation in some very significant damage that was done to people through her ignorance and her unwillingness to try to find out information before —

Hon Ljiljanna Ravlich: You've got the wrong person there, so you'd better be very careful about what you say.

Hon HELEN MORTON: No, I have not. The member was there and she was part of it. She knows that.

Hon Ljiljanna Ravlich: Just put it on the public record; put it out on the table. What have you got to say? Put it out there, I am ready to listen! You are pathetic.

Hon HELEN MORTON: In every adjournment statement she has made, the expression I have heard Hon Ljiljanna Ravlich use more often than any other is, "I just don't understand". She does not understand why this or that is happening. I can assure Hon Ljiljanna Ravlich that she is absolutely correct: she just does not understand. I have offered to help her understand, but she does not want to understand.

Hon Ljiljanna Ravlich: I don't want any lessons from you. You're incompetent.

Hon HELEN MORTON: She does not want to understand, just as she did not want to understand when she did very bad things a number of years ago to a number of people.

Hon Ljiljanna Ravlich: You've got the wrong person.

Hon HELEN MORTON: I have not got the wrong person, and the member knows I have not.

Hon Ljiljanna Ravlich: Then just put it on the public record!

Hon HELEN MORTON: These adjournment statements are all very similar. They are mostly inaccurate, not at all well-informed and sometimes quite damaging. She raises issues as if she knows what she is talking about, but she does not. I am going to just sit here and listen to her politely, day after day, and I will respond to her once a sitting. I am not going to stand and respond every time, because it would be a waste of time to do that. However, I am respectful enough to assure the member that I will sit here and listen to whatever she has to say, and I will respond once a sitting.

Similarly, Hon Ljiljanna Ravlich somehow thought it was fantastic that she had asked 30 questions on notice in one day. I cannot believe that she thinks that that is a good performance indicator. I have indicated to my staff that they are not to assign a person full-time to the Hon Ljiljanna Ravlich questions on notice and questions without notice projects. She will get answers later than she expects; I am not apologising for that in advance, I am just telling her that that is how it is. An example of the sort of questions —

Hon Ljiljanna Ravlich: They're not my questions, they're questions on behalf of the people.

Several members interjected.

The PRESIDENT: Order! It has been a very respectful debate so far; members have had their say, and others have listened. Let us continue it that way.

Hon HELEN MORTON: If only the public knew what their public resources were being wasted on. I had to sign off on a question recently that I regarded as a misuse of public resources. The questions related to a series of time frames. It was asked: how many cars does the department operate, and by whom are they washed? The question was not asked by Hon Ljiljanna Ravlich, it was asked by her esteemed leader, the man who wants to be

the new Premier of Western Australia. He wants to know how many cars are washed by the Disability Services Commission, by whom they are washed, how much it costs for each car to be washed, and whether any of these cars has been detailed as well. Lo and behold, having got that part of the question answered, he then asked exactly the same question for another three months! It is unbelievable that the Leader of the Opposition, the man who wants to be involved in the future development of this state, is focusing on something such as how many cars are washed by the Disability Services Commission.

Several members interjected.

The PRESIDENT: Order!

Hon HELEN MORTON: I can absolutely assure Hon Ljiljanna Ravlich that those sorts of questions will not be given a high priority by my department.

Several members interjected.

The PRESIDENT: Order!

Hon Ljiljanna Ravlich: You will answer them.

Hon HELEN MORTON: I am happy to answer them, but it will not be within the time frame that Hon Ljiljanna Ravlich expects.

Hon Ljiljanna Ravlich: We'll all go to the Auditor General; so, you can do what you like.

Hon HELEN MORTON: The other issue I want to raise is about questions on notice. Once again, Hon Ljiljanna Ravlich's concern is that she is not getting the answers she is looking for. I say to her that I again make an offer to help her write the question.

Hon Ljiljanna Ravlich: Oh, get a life!

Hon HELEN MORTON: If Hon Ljiljanna Ravlich wants answers, she might think about how ill-defined her questions are. I will give an example of one. She asked a question about when I met these people on the Ministerial Council for Suicide Prevention, and when the funds were rolled out for it and for the emergency response et cetera. I asked her whether she wanted to know whether the funds were rolled out in one hit or rolled out after the first or second death. Five full-time equivalent staff members eventually got involved and she asked whether they were all deployed in one hit or whether they were part of a gradual and growing thing. Before she asks the question, Hon Ljiljanna Ravlich might consider that I have had very many meetings, multi-agency telephone calls and correspondence from key government community agencies on this matter in the months that I have been involved. For instance, I have had more than seven meetings with the Mental Health Commissioner. Hon Ljiljanna Ravlich actually got upset because I could not tell her the precise date on which the strategy was discussed. I can tell her that in these seven meetings, it was discussed every time. If she wants to know the dates, they are: 23 December 2010, 25 January, 31 January, 8 February, 9 February, 14 February and 21 February. However, she got upset because I could not tell her the precise date on which it was discussed. I can tell her that it was all of them.

I can also tell Hon Ljiljanna Ravlich that I met with the chairman of the Ministerial Council for Suicide Prevention on 17 January to talk about fast-tracking the strategy. I can also tell her that on 3 February, I attended the regular meeting of the Ministerial Council for Suicide Prevention in which I clearly outlined my expectations regarding the fast-track rollout of the suicide prevention strategy in the Kimberley. In relation to this, the Mental Health Commissioner has spoken with representatives from the Kimberley Aboriginal Medical Services Council and the Western Australian Country Health Service, and I have personally met with representatives from the commonwealth and people I know and have worked with previously from the Billard Aboriginal Community. The Kimberley Mental Health and Drug Service is working closely with the locals. All of this culminated in a big meeting—if I can call it that—in my office on 21 February, at which were present not only me and my staff, but also the state manager for the federal Department of Health and Ageing; the state manager for the federal Department of Families, Housing, Community Services and Indigenous Affairs Services; and the Mental Health Commissioner.

Now Hon Ljiljanna Ravlich has asked me a question and has complained that I will not give her definitive information around when I first got involved, how the strategy evolved and when the backfilling of resources started to flow out. There is no particular date. It is as it emerged. Like every other emergency or crisis situation, these things are not so neat that I can say, "On this date all of this happened." These things happened over a period of time.

I am therefore saying to Hon Ljiljanna Ravlich that if she wants her questions answered, she will have to put a bit more thought into them. I am happy to help her with the questions. If she stands in this place and makes a statement during members' statements every day that we sit, we will have 60 minutes of this from her. It would be refreshing to hear Hon Ljiljanna Ravlich stand during members' statements and not say, "I don't understand".

If she made the effort to get out there and talk to people and if she did some work, instead of relying on her laptop, and tried to find out the extent of the issue she is dealing with, she might be able to come into this place just once and say something other than "I just don't understand."

DONATELIFE WEEK

Statement

HON LYNN MacLAREN (South Metropolitan) [5.20 pm]: I rise also to discuss a life-and-death issue, which was also the subject of a question that was delayed this week; however, I have some information that the minister provided subsequent to the question being placed on notice and I wanted the house to be aware of that. This week is national DonateLife Week, and it is to do with organ donation. It started off with a great debate between the media and our parliamentarians at the Fremantle Town Hall on Sunday. Hon Adele Farina joined the member for Jandakot and they were successful and won the debate. I like to think that I held the balance of power, because the vote was very close and my friend and I voted for the parliamentarians. They were ably assisted by some excellent debaters from the University of Western Australia. On the passionate side against the parliamentarians was our own 6PR journalist Howard Sattler.

It is worth noting that currently 690 000 Western Australians are registered donors; however, as I mentioned in my question earlier this week, that is significantly below the average throughout Australia. We are having some difficulty getting people on the organ donor register. It is very important that weeks like this are drawn to the attention of people in our electorates, and I draw it to members' attention now. I guess there are two things that people need to be aware of. The first is that it is really easy to get on the register; people can go to the Medicare website or to donatelife.gov.au. But once people are on the register, they must talk about it. They need to tell their loved ones that they are on the register and want to be an organ donor, because if the situation arises that a person is in a position to donate, their loved ones actually make that decision. I am not advocating that members should or should not go on the register, but they should really give it some consideration this week. I asked the minister how much money had been spent on public awareness to date. There is a national reform strategy, and $134 million was given to this program in 2009. I hope that the minister will be able to come forward with a figure; he was unable to provide a figure earlier this week. I think public awareness is paramount.

Subsequent to that question being asked, the minister provided me with some information to the effect that the government is considering legislation for an opt-out scheme. I do not know anything about that yet; the government has not advised the Greens of that. However, I understand that the government and the opposition are looking at legislation. I think that is really good news. As members, we need to encourage them to do that sooner rather than later. I urge the government to work more quickly on this issue because lives can be saved by people who want to donate organs. In fact, in 2010 Western Australia had 22 organ donors who saved the lives of 69 people. I think that is a very special contribution that we should note.

The PRESIDENT: I give the call to Hon Liz Behjat. I have tried to be fair to everybody on all sides and I am sorry that I cannot fit everybody in.

COMMUNITY MEETING — CITY OF STIRLING CIVIC CENTRE

Statement

HON LIZ BEHJAT (North Metropolitan) [5.24 pm]: I am pleased to see that four of us from the North Metropolitan Region are left in the chamber this evening.

Hon Ken Travers: We're always the hardworking ones!

Hon LIZ BEHJAT: Always the hardworking people of north metro! I am pleased that those members are in the chamber because I want to talk about a community meeting that took place last night in our electorate at the City of Stirling Civic Centre. Unfortunately, I was unable to be there due to my parliamentary duties here. It is important that I put on the record what was discussed at that meeting, which was about the coastal aquatic facility that was promised some years ago. Members may recall that Scarborough Senior High School, which I attended for one year and Hon Michael Mischin attended for five years, was closed in 1999 by the then Court coalition government. Prior to the closure, the then Minister for Education, the current Premier, wrote a letter indicating that the school's swimming pool and gymnasium facilities would be handed to the community as part of the public open space component of the development. Unfortunately that did not occur and the gymnasium and pool were demolished, leaving the land to be developed for housing. In 2003, during the concluding stages of the sale of the land, the Minister for Planning and Infrastructure reserved eight lots of the land to contribute to the capital cost of a new coastal aquatic facility. Last night at a meeting —

Hon Ken Travers: You should mention that the Labor government also built a sports hall to honour the agreement that the current Premier did not honour.

Hon LIZ BEHJAT: A number of things happened. I am sure plenty of things did not happen during the eight years when Labor was in government. Where was the coastal aquatic facility then?

Hon Ken Travers: I am surprised Liza is raising this issue.

Hon LIZ BEHJAT: Since the member for Scarborough was elected, she has taken this issue on board. It is within the domain of the City of Stirling to construct the aquatic facility but it has kept the land to one side. Those funds are available and have been available the entire time. Last night 491 people attended the meeting that was organised by Lynley Papineau and Brian Ducie. The large group that turned up to the special electors' meeting during the middle of the week shows the level of interest in what is happening. The City of Stirling is trying to fob people off by saying that it is not the council's responsibility, yet the council is happy to run the Terry Tyzack Aquatic Centre and the aquatic centre in Balga. The people in the area concerned do not have an aquatic facility between Challenge Stadium to the south and Arena Joondalup to the north. The Terry Tyzack, Balga and Carine aquatic facilities are located inland. The City of Stirling has told residents that they live close enough to the beach and therefore they do not need a swimming pool, but Challenge Stadium is only one kilometre from the beach. The City of Stirling also says that it does not have the money to build it, but it certainly does. It managed its funds quite well throughout the global financial crisis. It has a AAA credit rating, annual revenue of $164 million, $68 million in cash reserves, a net cash flow before investment of $30 million and is forecast to earn $6 million in interest this year, yet it says it cannot afford the swimming pool. The council also says that if the swimming pool were built, each ratepayer would have to be levied $55 a year for the next 10 years. That is absolute rubbish. It is not true. The people of Stirling deserve an aquatic centre at the Hamersley Golf Course. The residents are asking for a 50-metre pool, and the City of Stirling can afford that. It is about time the City of Stirling stopped passing the buck and blaming previous Liberal or Labor state governments by saying it was their responsibility. It was not. It is the local government's responsibility and it should get on with building the pool.

Hon Ken Travers: Stop picking on the council. Make Colin Barnett honour his commitment.

The PRESIDENT: Order!

Hon LIZ BEHJAT: It is not the state government's responsibility; it is the council's responsibility. I urge the council to listen to the ratepayers and build the swimming pool before there is a further cost blow-out. If it had been built when it was supposed to be built, it would have cost about $5 million, but it will now cost about $41 million to build. I urge the council to listen to Lynley Papineau, Brian Ducie and the other ratepayers and build these facilities.

House adjourned at 5.29 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

YELAKITJ MOORT NYUNGAR ASSOCIATION INC — ENGAGEMENT BY GOVERNMENT DEPARTMENTS

3191. Hon Matt Benson-Lidholm to the Minister for Indigenous Affairs

(1) Has any agency in your portfolios engaged Yelakitj Moort Nyungar Association Inc to provide any services or to supply any goods since 1 January 2007?

(2) If yes to (1) —

(a) what were the goods or services supplied;

(b) what was the cost of those goods or services; and

(c) on what date were they supplied?

Hon PETER COLLIER replied:

(1) No.

(2) Not applicable.

MINISTERIAL OFFICES — STAFF LEAVE

3202. Hon Linda Savage to the Minister for Indigenous Affairs

(1) Were any officers in your Ministerial office on leave of any kind, including TOIL, at any time from the 21 June 2010 to 16 July 2010?

(2) Who were these officers, what was the purpose of their leave and what was the time and dates of the leave?

Hon PETER COLLIER replied:

Due to changes made to the make-up of Cabinet in December, and the resulting rearrangements, this question cannot be answered. I would encourage the Honourable Member to once again place this question on notice.

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